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**Notice**  
**Submittal of Written Material for Regional Board Consideration**

In order to ensure that the State of California Lahontan Regional Water Quality Control Board has the opportunity to fully study and consider written material, it is necessary to submit it at least ten (10) days before the Regional Board Meeting. Pursuant to Title 23 of the California Code of Regulations, Section 648.2, the Regional Board may refuse to admit written testimony into evidence unless the proponent can demonstrate why he or she was unable to submit the material on time or that compliance with the deadline would otherwise create a hardship. If any other party demonstrates prejudice resulting from admission of the written testimony, the Regional Board may refuse to admit it.

COMPLETE FORM AND RETURN

To: CA Regional Water Quality Control Board, Lahontan Region  
 14440 Civic Drive, Suite 200  
 Victorville, CA 92392  
 ATTN: Brianna Bergen

**Comments TENTATIVE WASTE DISCHARGE REQUIREMENTS  
 FOR NURSERY PRODUCTS HAWES COMPOSTING FACILITY, SAN BERNARDINO  
 COUNTY**

We concur with proposed requirements

We concur; comments attached

We do not concur; comments attached

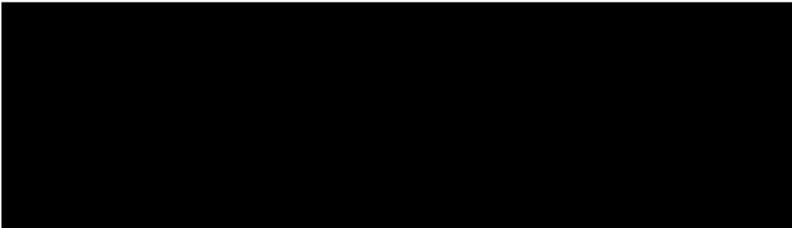
Mark Orr (Sign)

Mark Orr (Type or print name)

(Organization)



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ATTN: California Regional Water Quality Control Board,  
Lahontan Region.

RE: Nursery Products LLC sludge composting site at Hawes,  
West of Hinkley and Barstow, California.

Concerning the California Regional Water Quality Control Board, Lahontan Region, Tentative Waste Discharge Requirements for Nursery Products Hawes Site Composting Facility, San Bernardino County, OCT. 28, 2009.

The requirements repeatedly throughout refer to monitoring and actions taken in event of leakage or surface and/or groundwater contamination being detected at or because of activities at the Hawes site. What I and other citizens ask is that no such risk of leakage or contamination of water be allowed to exist to begin with. Because of the massive size of the Hawes facility (80-160 acres), and its unenclosed mode of operation, I believe the only predictable outcome will be surface or groundwater contamination spreading via water, wind, person, vehicle or vector.

The Hawes site is located upon a region of interconnected groundwater basins and sub-basins whose waters communicate with each other and are internally draining with no outlet to a sea or ocean. Contaminants will accumulate with no path to flush or dilute them, which will allow contaminants to accumulate and

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impact all basins and sub-basins, including the Mojave River system. (Please consult my past letters sent to CRWQCB Lahontan on this subject.)

I and other citizens are also concerned of the threat of overdraft of water sources serving existing business and homes in the regions surrounding the Nursery Products LLC Hawes site, especially in respect to continuing drought conditions. This concerns both overdraft of Mojave River basin waters and waters derived from diversion of Panamint and Sierra sources.

I do not believe that tentative requirements that still allow massive amounts of water use and evaporation will protect us from overdraft or promote water conservation.

I do not agree with the tentative requirements for Hawes as described on Page 3, Section 7, and repeated on Page 22. These state the surface impoundments must contain the maximum volume of water anticipated to run-off from the facility for a 100 year 24 hour event, in addition to the volume anticipated for the surface impoundments areas in a 1000- year, 24-hour storm event, while retaining two feet of freeboard.

On Sept. 17, 2009 the Calif. Regional Water Quality Control Board, Lahontan Region, originally required containment for run-off from an 80 acre facility over a period of 30 days storm. The 100 year and 1000 year 24 hour events might suffice for containment of some flashflood events, or even week long rain, but fail to anticipate the on-off rain sequences that by my past

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experience ( I have lived in Hinkley for over 36 years) would justify the 30 day rain or storm event. Without anticipating longer rain events the Hawes tentative requirements fail to make ~~proper~~ allowance for complete saturation of the piles and windrows of sludge and composting materials, or the complete saturation of all roads, impoundments, and all other surface areas. After complete saturation the concern is that the piles or windrows themselves will come apart and flow in such a way as to completely fill the impoundment ponds and allow following rains to overflow water and contaminants from the impoundments. The windrows or piles could also come apart after complete saturation followed by continued rain, and move or flow in such a way as to create their own channels that will allow water and contaminants to flow within and outside the Hawes site, ignoring the original impoundment and/or drainage purpose and design.

Because of the existence of faults in the Hawes region, and because of the interconnected water basins and sub-basins existing in the lands surrounding the Hawes site as an internally draining system subject to accumulative contamination risk, it would be logical to require monthly tests and inspections rather than the annual or quarterly tests and inspections mentioned throughout the tentative requirements for the Hawes site.

The tentative Hawes site requirements still allow unenclosed impoundments and ponds that will still allow contamination of wildlife by exposing visiting migratory or indigenous birds and other animals. Insects exposed to contaminants and vector control pesticides will be consumed by animals visiting the site

or when the insects travel off-site. Both insects and wildlife will serve to transport contaminants (bacteria or virus in some cases) to surface water in regions surrounding Hawes, or even out of County or State in respect to migratory birds.

Covering the piles or windrows might provide protection in light or medium rain events. During longer or flashflood rain events absorption of water and escape of contaminants may still occur at base of piles or windrows, which could absorb water at base like sponge until saturation occurs. Erosion of entire piles or windrows could occur at their base, especially during flashflood event, which could strip away any covering, and tend to move large amounts of material by sheer weight and inertia, possessing the ability to drive water and material up and over impoundment embankments and erode impoundment embankments away. Absorption of water at base of piles or windrows could cause liquification that due to height of windrows or piles could cause entire windrow or pile to collapse by gravity, exposing materials to further water transportation. Covering of piles or windrows is also still subject to removal by 30-60plus mph winds common to site at Hawes, contaminants then being removed by water or leaving site as fugitive dust to impact surface and groundwater of surrounding region. Complete enclosure of facility will go a long way to prevent above mentioned problems. Not building or operating such a massive composting site at Hawes, in such an ill chosen location, would be even smarter in my opinion.

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The list of persons the Tentative Requirements for the Nursery Products LLC Hawes site was sent to was insultingly limited given the enormous amount of opposition the site has generated. This entire process should have become a very public process, since it is the public/people of the Mojave Desert it will impact, and not just the Business involved and permitting boards. I received no notification of the Tentative Requirements, and would not have known if not informed by my friend Joan Bird. I wrote Lahontan about the Hawes issue in the past, did you round file my letters? I demand better representation by my state boards, and because I live in a desert in a drought stricken State I especially want better representation by my Water Board. We of the Mojave Desert have the same rights and need for health and quality of life as the people in other parts of this State. It's insulting enough that we are being forced to take other peoples sludge and garbage in our own backyard. Chromium 6 ruined a large portion of Hinkley, and Barstow now has the SoupMine Road contamination. Does Lahontan intend to allow my entire Desert home to be contaminated. When will we stop shipping other peoples problems around, rather than solving the problems at their source.

*Mark Orr*  
*Nov. 18, 2009*