



# California Regional Water Quality Control Board Lahontan Region



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## COMMENTS ON REVISED CORRECTIVE ACTION COST ESTIMATE, KNOWN OR REASONABLY FORESEEABLE RELEASES (FEBRUARY 2011), NURSERY PRODUCTS HAWES COMPOSTING FACILITY, SAN BERNARDINO COUNTY

On February 1, 2011, California Regional Water Quality Control Board, Lahontan Region (Water Board) staff received a revised Corrective Action Cost Estimate, Known or Reasonably Foreseeable Releases (Plan), which was prepared by Geosyntec for the Nursery Products Hawes Composting Facility (Facility). The Plan was submitted to satisfy Board Order No. R6V-2010-0010, and was submitted in response to Water Board staff comments provided on December 8, 2010, on the Plan submitted to the Water Board on August 13, 2010.

The purpose of this plan is to demonstrate a reasonable release scenario from each Waste Management Unit, and to provide cost estimates for a third party to perform corrective actions in the event Nursery Products is otherwise unable or unwilling to perform this work. Water Board staff acknowledge the approach that was used to develop the scenarios, responding to annual monitoring results, may be valid at some waste management sites. However, given the site characteristics and monitoring requirements of this site, it is more reasonable to consider a release scenario that would be detected upon closure of the facility. We believe this position is supported by the following:

### Surface Impoundment

Section 3.3.2, Impacted Material Removal and Replacement, third paragraph, assumes impacts are detected only at the 2.5 foot sample and limits an excavation depth to no more than 5 feet because the lysimeter will intercept the release. However, Nursery Products has yet to submit a design plan for the lysimeter network for this site. Without these plans, Water Board staff is unable to assess whether or not lysimeters will be installed such that they will intercept these leaks. However, Appendix F, Unsaturated Flow Modeling, of your Report of Waste Discharge indicates an anticipated infiltration depth of 1.5 to 7.5 feet over a 30-year operational life of the Facility. Therefore, rather than assuming that all leaks will be detected and intercepted by lysimeters, it is more reasonable to assume that a leak will only be detected at closure of units and that it will travel vertically at least 7.5 feet with a commensurate lateral spread.

*California Environmental Protection Agency*

### Compost Pad

Section 4.2, Extent of Impacts, first paragraph, indicates that a six-inch depth of infiltration is reasonable based on a one-year sampling interval and the unsaturated flow modeling presented in the Report of Waste Discharge. However, pursuant to the Monitoring and Reporting Plan & Sampling and Analysis Plan (MRP&SAP), Nursery Products will not sample the same location of the Waste Pile during annual sampling events over the life of the facility. Therefore, assuming a one-year infiltration time (based on annual sampling at the same location) to justify a six-inch contamination depth is not technically justified or acceptable. Also, over the thirty year life of the facility, only four samples will be taken per acre of the composting pad. Therefore, a more reasonable scenario would be that releases would be detected at closure of the facility at multiple locations.

Based on the above, I am not willing to accept the Plan as submitted. Instead, I suggest that Nursery Products revise the Plan to account for more reasonably possible release scenarios as described above and the following specific comments:

### Surface Impoundment

Section 3.3.2, Impacted Material Removal and Replacement, second paragraph, assumes only one documented leak at one Surface Impoundment. No justification for such an assumption was provided. The Plan should be revised to include provisions for removal and disposal of affected soils and subsequent monitoring based on at least one release from each Surface Impoundment. This comment was made in previous comment letters.

### Compost Pad

At closure, it will be necessary to sample the entire 80-acre pad on a grid, along with any areas that visually indicate a likely release. Depth-specific and lateral sampling should be addressed, either as part of the grid sampling or on an iterative basis if initial near-surface samples indicate a release. This work is needed to determine the area of soil, both laterally and vertically, that must be remediated. A rationale for a sampling and remediation scenario must be provided as the previous justification relying on depth of travel over only one year between sampling events has been rejected as described above.

### General

As mentioned above, this Plan is intended to be initiated if Nursery Products is unable or unwilling to perform needed remedial measures. As such, the Water Board would not use any posted funds to rebuild or return units to a functioning condition. It is more likely that the Water Board would clean close the facility and perform any remedial measures as part of the same effort. Based on this, it is not necessary for Nursery Products to estimate costs for rebuilding containment units or for including these activities in the Plan. Many of the tasks and costs in the recently submitted Plan can be omitted.

The Plan assumes that the excavated soils will be transported and disposed offsite at a local landfill, either the Barstow or Victorville Class III Landfills, which implies that the excavated material is not designated waste. The materials accepted at the Hawes Site, green waste and sewage sludge, can typically be accepted at Class III landfills. However, contaminated soils resulting from migration and concentration of leachate from these materials may exhibit different characteristics. In the revised plan, please address this concern. In your response to this, Nursery Products may consider the leachate concentrations submitted in its Report of Waste Discharge in determining the effect on soils as it moves through the soil column. Lacking any technical justification to the contrary, it would seem logical to conclude that some of the affected soils should be handled as a designated waste similar to the surface impoundment liners at closure as described in Nursery Products Closure Plan (hauling and disposal at the South Yuma County Class II Landfill in AZ). The basis for this position is that these soils, similar to the surface impoundment liners, have been in contact with leachate / stormwater from composting operations. Nursery Products must also validate that the analysis conducted to delineate the area of soils affected by a release is sufficient to also characterize those soils that may be suitable for Class III disposal.

Even if it is demonstrated that contaminated soils may be disposed of at a local Class III landfill, it appears that the cost estimates for disposal of this material is based on finished compost. As described in our letter regarding your Revised Preliminary Closure & Post-Closure Maintenance Plan, dated December 8, 2010, Nursery Products must validate the disposal costs estimates for this contaminated soil.

Please revise and resubmit the Cost Estimate and Plan prior to the beginning of operations at your Facility.

If you have any questions, please contact Brianna Bergen, Engineering Geologist, at (760) 241-7305 ([bbergen@waterboards.ca.gov](mailto:bbergen@waterboards.ca.gov)) or Patrice Copeland, Senior Engineering Geologist, at (760) 241-7404 ([pcopeland@waterboards.ca.gov](mailto:pcopeland@waterboards.ca.gov)).



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