



California Regional Water Quality Control Board Lahontan Region



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RESPONSE TO DESIGN PLAN – REDESIGN OF BERM ADDITIONAL INFORMATION, NURSERY PRODUCTS HAWES COMPOSTING FACILITY, SAN BERNARDINO COUNTY

On November 22, 2010, the California Regional Water Quality Control Board, Lahontan Region (Water Board) staff received via e-mail the above referenced letter. This letter was in response to a series of submittals providing additional information and Water Board staff comments provided both orally and via email, which has occurred between May and November of 2010.

This latest submittal represents the fourth addendum to the original design plan submitted in May of 2010. Each addendum provided new information without clear reference to the section or diagram in the original design plan. As a result, the Water Board now has five submittals with conflicting information. Additionally, certain critical comments on the original design plan have yet to be addressed. For these reasons, I am requesting that Nursery Products submit on plan that replaces the original design plan and the four addendums such that the Water Board staff and the public have a clear understanding of what Nursery Products intends to construct.

Based on the conflicting material that have been submitted to date and review of the Water Board initial comments on the original design plan, Water Board staff have the following comments. However, once we receive and review the requested complete re-submittal of the design plan, Water Board staff may have additional comments.

1. Section 3.2 – Surface Impoundment Design

This section includes the following statement: "The 1,000 year berm will be constructed to compacted soil and contain eight openings that are each 30 feet wide. The berm openings will be closed immediately should the surface impoundments reach the Title 27 capacity (There will always be 2 feet of freeboard in the surface impoundments). Effort will be taken through the implementation of the approved Storm Water Contingency Plan to avoid the surface impoundments from filling to capacity (capacity is

the calculated volume plus 2 feet of freeboard). The berm openings will be closed using sand bags or onsite soil that is moved in to place with onsite front end loaders.”

Water Board staff comments on this statement are as follows:

- A. This statement is internally inconsistent in that on one hand it indicates that “there will always be 2 feet of freeboard in the surface impoundments” yet it goes on to state that “Effort will be taken ... to avoid the surface impoundments from filling to capacity” with capacity defined as “the calculated volume plus 2 feet of freeboard.”
 - B. The Design Plan does not include specifications for compaction of this berm including the sections of the exterior site berm that will provide containment of the 1,000 year storm event and diversion of off-site storm flows.
 - C. The Design Plan indicates that Nursery Products will “immediately” close 240 feet of berm opening with compacted material or sandbags. This does not seem possible as in a peak event stormwater will likely be flowing at a high rate into the surface impoundments that will increase as areas of the berm are sealed, if this is even possible. Any soil placed will likely be washed into the surface impoundment thereby decreasing their volume. It is unlikely that the minimal staff at the site during operational hours will be able to fill and place sandbags along eight openings totally 240 feet (almost 25 percent of the length of the berm) to provide for “immediate” closure of these openings as contemplated by the plan. It is even more unlikely that this can be accomplished during non-operational periods. Water Board staff are highly suspect of this plan as being capable to maintaining two feet of freeboard in the surface impoundments while isolating and containing storm flows in excess of the 100 year event but less than the 1,000 year event. We acknowledge that this concern has not been raised in previous comments. However, the inconsistency of Nursery Product’s submittals can be partially attributed to this as while the narrative generally described these eight openings, all of the figures and cross sections depict this as a continuous berm.
2. The Water Board’s July 2, 2010 letter providing comments on the original Design Plan requested that Nursery Products provide drawings to scale. None of the four submitted addendums include cross sections that are readable or to scale.
 3. The site plan must include cross sections for any area where a driveway or other access crosses a berm or where a berm is interrupted by an opening that reduces the berm height.
 4. Based on the cross sections submitted it is unclear how the liner will be secured and how storm flows will be directed into the surface impoundments without eroding the soils at the edge of the surface impoundments and possibly destabilizing the liner.

Until the requested information is submitted and accepted, the Design Plan is not considered complete. Given other Water Board staff priorities, please be aware that it

may take 30 days to fully review any new submittal. I understand that Nursery Products would like to begin construction of the facility shortly; however, any construction activities implementing the Design Plan prior to final approval are at the risk that the work may need to be modified to be consistent with the approved final design plan.

We look forward to working with you in a manner that protects water quality. If you have any questions, please contact Brianna Bergen at (760) 241-7305 (bbergen@waterboards.ca.gov).



Harold Singer
Executive Officer

cc: Mailing List