



California Regional Water Quality Control Board
Lahontan Region



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WDID: 6B360903006

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ADDENDUM TO CORRECTIVE ACTION COST ESTIMATE, KNOWN OR REASONABLY FORESEEABLE RELEASE, NURSERY PRODUCTS HAWES COMPOSTING FACILITY, SAN BERNARDINO COUNTY

On August 13, 2010, the California Regional Water Quality Control Board, Lahontan Region (Water Board) staff received your Addendum to Corrective Action Cost Estimate, Known or Reasonably Foreseeable Release Plan (Plan), which was prepared by Nursery Products for the Nursery Products Hawes Composting Facility (Facility). The Plan was submitted to satisfy Board Order No. R6V-2010-0010. Water Board staff reviewed the Plan and determined that the documents, as submitted are inadequate and need to be revised. Water Board staff provide the following general and specific comments.

General Comments

This plan is required such that the State would have adequate resources to address a reasonable foreseeable release should Nursery Products be unable or unwilling to implement remedial measures. As such, this plan must evaluate possible release scenarios from each regulated facility and describe likely response actions that would be needed to address the release in compliance with the various provisions of CA Code of Regulations, Title 27 and applicable State Water Board and Lahontan Water Board policies. The Plan submitted by Nursery Products focuses on repair of the waste management units containment structures while ignoring any potential adverse effect or threatened effect on water quality that would need to be addressed by this analysis and funding guarantee. Further, the Plan does not include any rationale to support the contention that any foreseeable release would be limited in extent as depicted in the three scenarios presented.

Specific Comments

1. Board Order No. R6V-2010-0010 requires that Nursery Products provide a Cost Estimate and Plan in accordance with the requirements of the California Code of Regulations (CCR), title 27, section 20380, subdivision (b) and sections 22220

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through 22222 and 22225 *et seq.* As such, Nursery Products is required to provide a **detailed written estimate**, in current dollars, of the **cost of hiring a third party** to perform the corrective actions. It is impossible to determine, based on the information submitted if the cost estimates are reasonable. This is due to the fact that Nursery Products has lumped significant actions and provided no basis for the cost estimates provided.

2. As presented, the Plan list assumptions without any clear rationale for how such assumptions were determined. Corresponding rationales for each assumption that explains how these assumptions are protective of water quality now and into the future must be stated. As submitted, Water Board staff cannot determine if these assumptions are acceptable for this Facility.
3. The pages of the Plan should be numbered and the Table of Contents should reflect the page numbers.

Specific Comments

Section 6.0

4. We are not commenting on the release scenarios at this time based on the general comment above that the scenarios focus on repair and not on addressing to remediate a release that either affects or threatens ground or surface waters.

Section 7.0 Cost Estimate

5. The last paragraph states that you will prepare and submit "a type of funding mechanism (financial instrument) to cover the corrective action" and total cost estimate. However, the Cost Estimate and Plan must specifically name which funding mechanism you have chosen. Please revise the document to provide this information.

Section 8.0 Closure

6. The Cost Estimate and Plan must be prepared by, or under the supervision of, a California registered professional geologist or a California registered professional engineer. Although the Cost Estimate and Plan includes such a statement, the document neglects to include the proper registered professional's stamp and signature. Please ensure that the revised Cost Estimate and Plan includes this.

Summary

Please revise and resubmit the Cost Estimate and Plan **at least 120 days** prior to the beginning of operations at your Facility.

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) or Patrice Copeland at (760) 241-7404 (pcopeland@waterboards.ca.gov).

Sincerely,



Harold J. Singer
Executive Officer

cc: Mailing List

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