## COMMENTS C1

OCT. 1, 2006

RECEIVED
OCT 04 2006
LAND USE SERVICES DEPT.
ADVANCE PLANNING DIVISION

CARRIE HYKE
SAN BERNADINO COUNTY
LAND USE SERVICES DEPT.
ADVANCE PLANNING DIVISION —

RE: "NURSURY PRODUCTS HAWES COMPOSTING FACILITY PROJECT."

I AM AN ABSENTEE LAND OWNER IN THE HAWES AND HINKLEY AREAS. SINCE I HAVE OWNED ACREAGE IN BOTH AREAS, AND HAVING PAID SAN BERNADINO PROPERTY TAXES FROM 1970 TO THE PRESENT, I AM VERY CONCERNED REGARDING THE PROPOSED BIO-SOLID NURSURY PRODUCTS FACILITY PLANNED IN THE HAWES AREA. C1-1

THEREFORE, I AM REQUESTING FROM YOU COPIES OF ALL RELATED DOCUMENTS, INCLUDING THE "DRAFT ENVIRONMENT IMPACT REPORT FOR THE COMPOSTING FACILITY". MY ATTORNEY IS MOST INTERESTED IN REVIEWING SAID DOCUMENTS.

THANK YOU FOR YOUR COOPERATION —
YOURS TRULY,
JOHN L. CUSTER
John L. Custer
37240 N. 50TH ST. EAST
PALMDALE, CALIF. 93552

SBC-1

## RESPONSE TO COMMENT LETTER C1

C1-1 Comment noted.

## COMMENTS C2

September 29, 2006

From: David Pham
11181 Faye Ave.
Garden Grove, CA 92840

RECEIVED
OCT 04 2006
LAND USE SERVICES DEPT.
ADVANCE PLANNING DIVISION

To: Carrie Hyke
San Bernardino County Land Use Services Department
Advance Planning Division
385 N. Arrowhead Ave, First floor
San Bernardino, CA 92415-0182

Re: Nursery Products Composting Facility

Dear Carrie Hyke,

My name is David Pham, the land owner of APN 0493-011-58. My parcel is closed to the proposed nursery facility.

After reading the DEIR, I'm strongly opposed to the nursery proposal. Establish the proposed composting facility would bring destroy the natural dessert beauty for that area. At the same time, it would also bring many natural impacts including but not limited to water quality, smog, smell, unknown bio-hazards, noise, and traffics. Therefore, I OPPOSE to the proposal. C2-1

I really hope that you would take those factors into your considerations when making to the planning division.

Sincerely,

David Pham

SBC-2

## RESPONSE TO COMMENT LETTER C2

C2-1 Comment noted.

## COMMENTS C3

Silver Valley Realty
44244 NATIONAL TRAILS HIGHWAY
NEWBERRY SPRINGS, CA 92365
Fred Stearn, Broker
(760) 257-3560

RECEIVED
OCT 07 2006
LAND USE SERVICES DEPT.
ADVANCE PLANNING DIVISION

October 4, 2006

Ms. Carrie Hyke, Supervising Planner
Advance Planning Division
385 North Arrowhead Ave, First Floor
San Bernardino, CA 92415-0182

SUBJECT: NURSERY PRODUCTS HAWES COMPOSTING FACILITY PROJECT/DRAFT EIR

Dear Ms. Hyke:

Below are my comments on the Nursery Products sewage sludge composting facility proposal south of Harper Dry Lake, in vicinity of Hawes:

1--In light of the very poor compliance record for this applicant at the sewage sludge composting facility in Adelanto, California, wouldn't it be prudent to require the applicant to post a bond, to cover the costs of implementing permit approval conditions, by the County, in the event that the applicant repeats their non-compliance behavior at the proposed Hawes site, as they were guilty of at the Adelanto site, from which they were ejected by a Court order, sought by the city government of Adelanto? C3-1

If their track record is any indicator of the future, Nursery Products likely will not willingly comply with some of the permit's conditions of approval. If they are required to post a bond, the County could quickly step in and initiate compliance of the permit conditions, to be paid for by the bonding company, and that way the County would be safeguarding the health, safety and welfare of the public.

2--If it is true that only one alternative site (Newberry Springs) was considered in the EIR, then in my estimation, the EIR was or is inadequate. Sites closer the the sewage treatment plants should be considered, in order to cut down on hauling distances, traffic congestion and fuel useage and resulting air pollution.

Only one alternative site review is clearly inadequate. Multiple sites within close truck haul distances of the various sewage treatment plants need to be examined. C3-2

Each sewage treatment plant vicinity needs to be studied, including the areas near the out-of-county sewage treatment plants that are or can be expected to haul to the Hawes facility. Why this has not been done is a mystery to me and until it is done, this EIR is inadequate.

3--Is there any particular reason why this project is not being required to site their facility indoors, other than money donated to various county officials, who have targeted the 1st Supervisoral District as a dumping ground? C3-3

SBC-3

October 4, 2006
Ms. Carrie Hyke, Supervising Planner
Page 2

4--If this facility is built in any area subject to wind, it clearly needs to be built indoors, to prevent windborne pathogens from contaminating and infecting surrounding populations. Perhaps this could be funded by the applicant reducing its expenditures to politicians and public relations flaks and increasing its expenditures for public safety measures at the facility. C3-4

5--Has anyone established how far the site pathogens may blow in a 55 MPH windstorm that endures for 8 hours, or more, when the wind is from the east, west, north or south? Isn't this something that the public should be informed about beforehand? C3-5

6--What is the workmen's compensation data on Nursery Products employees at their other facilities, past and present? Could this be some indicator of their interest in public health and safety issues? C3-6

7--Can you provide an accounting of the litigation that Nursery Products or any sister company or subsidiary or parent company has been involved in? Wouldn't that history be an indicator of how good a citizen we can expect this applicant company to be in the future? C3-7

8--Inre the County Health & Sanitation Code laws titled Landspreading of Sludge, beginning at Section 33.08170, et seq, in Title 3, is there any discussion in the EIR as to how the applicant contemplates compliance with this ordinance, now incorporated in the County Code? C3-8

If this issue of compliance with said Health & Sanitation Code is not fully discussed, inre how the applicant intends to get rid of his sewage sludge compost, while staying in compliance with said very specific regulations designed to protect the public health, safety and welfare, then it needs to be done in a revised EIR.

The past and present spreading of sewage sludge compost in Newberry Springs on field crops and fallow land apparently not intended for planting to field crops, needs to be stopped by the County officials responsible for enforcement of said law. Why is this lawlessness being allowed to continue?

9--If Platinum Advisors, a lobbying firm, is representing San Bernardino County while representing an applicant seeking a permit from San Bernardino County, such as Nursery Products, would that be a violation of the County Ethics Code? C3-9

Does Platinum Advisors still represent the County as a lobbyist? Do they also represent Nursery Products, or any sister, parent or otherwise related entity?

10--If there is no discussion in the EIR for daily washing of the haul trucks, isn't that a critical omission? Aren't unwashed haul trucks going to present an odor and safety problem that needs to be addressed in the EIR, if it has not already been addressed? C3-10

SBC-4

2

October 4, 2006
Ms. Carrie Hyke, Supervising Planner
Page 3

11--My understanding of CEQA is that each haul route from each sewage treatment plant to the proposed Hawes sewage sludge composting facility must be treated as a project, or at least as part of this project. Have you completed an EIR on each of the proposed haul routes and if so, where is it in the Draft EIR? Don't we need to know the environmental impacts of the haul routes as well as the environmental impacts of the processing facility? Of course we do.

If you haven't completed this environmental study, I suggest that you notify all concerned jurisdictions along the haul route, seeking comments on said haul routes and when you have those results, do a revised EIR with those findings.

12--Can you kindly send me a copy of the EIR and put me on the project mailing list?

Sincerely,

Fred Stearn

CC: D. NORMAN DIAZ
CC: NEWBERRY SPRINGS COMMUNITY SERVICES DISTRICT

P.S. Inre rumors that the County intends to slap together a quick revision of the Landspreading of Sludge ordinance incorporated in the Health & Sanitation Code, in order to accomodate this applicant, and to hell with the citizens of the high desert, in my view any such revision would be a "project" as defined in the California Environmental Quality Act (CEQA). Therefore you would have to go through the CEQA process before any such watering down of that environmental protection language is done. Right? Can you please hold your scoping hearings on any such revision contemplated in Newberry Springs? Perhaps Supervisor Bill Postmus can appear personally in Newberry Springs and explain in detail what he intends re this matter.

SBC-5

3

## RESPONSE TO COMMENT LETTER C3

C3-1 Comment noted.

C3-2 See response comments to B3-5 and COB-2.

C3-3 See response comments to CDHS-1, B-3, and B-5.

C3-4 See response comments to CDHS-1, B-3, and B-5.

C3-5 The concentration and quantity of pathogens that would leave the site during that type of windstorm is not known.

C3-6 See response comment to COB-8.

C3-7 See response comment to COB-8.

C3-8 The project does not include landspreading of sludge. Therefore, the ordinance is not applicable.

C3-9 Comment noted.

C3-10 See response comment to RWQCB.

## COMMENTS C4

Robert D. Conaway
22562 Aquarius Road
Hinkley CA 92347
Phone (760) 256-0603 - Fax: (760) 256-0660
Post Office Box 865
Barstow, CA 92312-0865

RECEIVED
OCT 12 2006
LAND USE SERVICES DEPT.
ADVANCE PLANNING DIVISION

October 10, 2006

Carrie Hyke
LUSD EIR Project Manager
County of San Bernardino
Land Use Service Department
Advance & Current Planning Division
385 North Arrowhead Avenue
San Bernardino, CA 92415-0182 (909) 387-3223

Re: WRITTEN PUBLIC COMMENT ON DRAFT ENVIRONMENTAL IMPACT REPORT NURSERY PRODUCTS HAWES COMPOSTING FACILITY

Dear Ms. Hyke:

First, I am disappointed that I have contacted your office twice and have asked to be sent a copy of the Draft EIR on the Nursery Products facility and I was not sent one, nor notified of its availability on line. As a Hinkley resident, I am shocked that you would not include me on the County's mailing list. After an initial review of the report, I can see why you would try and keep it away from the only lawyer that resides in the community.

Second, the report is deficient in a number of respects:

(1) The proposed open air operation is probably illegal under the California Air Resources Board rules [See SCAQMD Rule 1133.2 entitled "EMISSION REDUCTIONS FROM CO-COMPOSTING OPERATIONS as adopted 1/10/2003]" C4-1

Co-composting operations are defined in the Air Quality Management rule(s) as "composting where biosolids ...are mixed with bulking agents to produce compost" [Rule 1133.2(c)(6)];

Under the "Requirements" section of Rule 1133.2 it states:
"(d)(1) Operators of new co-composting operations SHALL:
(A) Conduct all active co-composting within the confines of an enclosure which meets the following conditions:
(I) The inward face velocity of air through each

SBC-16

*Oct 10, 2006 written public comment on Nursery Products-p 2*

*opening in which air can enter the enclosure shall be a minimum of 100 feet per minute, unless the opening is equipped with a closure device that seals the opening in the event that the air flow direction changes.*

*(ii) The area of all openings in the enclosure through which air can enter the enclosure shall not exceed 2% of the surface area of the enclosure's four walls, floor and ceiling.*

*(iii) The enclosure may be opened for brief periods, not to exceed a total of 30 minutes per day for purposes of access or maintenance. These time periods do not need to be included in the face velocity determination or as an opening for the two percent criteria*

*ETC, ETC [read it as it includes requirements for outside the building monitoring, measurements, the method of aeration, venting - to accept any lesser standard of protection is a not only an environmental Justice issue (e.g. discriminating against the poorer Rural communities) but a statutory standard for nuisance that can form the basis of potential liability for the County and Nursery Products*

*(2)* the summaries describing the proposed project are inadequate as it does not either summarize the proposed project's CONSEQUENCES in clear, simple, practical language as is required under Public Res C § 21061 & 14 CCR §15123; **C4-2**

*NOTE: (a) The word "consequences" is not even mentioned under ES-3 on page ES-1; (b)while at 2.7.1 certain mitigation steps are alluded to, it is never stated what the likely consequences will be, the frequency and or severity of conditions that may require mitigation and how the adequacy of the mitigation steps can be determined in vacuo without Presentation of the "consequences";*

*(3)* a list of the agencies consulted during the EIR's Preparation is not provided as required by 14 CCR § 15129; **C4-3**

*Under 1.6, potential agencies that may be contacted is listed and under Section 8, while it is stated in The caption "Agencies and Persons Consulted", it is*

SBC-17

2

Oct 10, 2006 written public comment on Nursery Products-p 3

not stated that each of the agencies were consulted During the EIR's preparation; it is not sufficient to Touch bases with an agency, rather they must be consulted DURING THE PREPARATION PROCESS.

The Desert Tortoise Preserve Committee wrote to you on June 5, 2006 (actually you were faxed the letter as well) indicating that the draft EIR was defective in that it did not discuss NEPA's requirements (National Environmental Quality Act), how the project will impact the Fish & Wildlife Service's 1994 Desert Tortoise Recovery Plan to name a few. You have the letter. It needs to be addressed as to not only the Tortoise, but also the Mohave ground squirrel; in the EIR, desert tortoise burrows are identified as being in the composting site, as well as kitfox dens;

(4) The environmental setting description does not discuss the project's setting from a regional perspective as required by 14 CCR §15125.

To discuss the location of homes is local and reveals a glaring deficiency in the draft report;

The description under 2.1.1 is noted as colorably applying although failing to mention the proximity of a school which uses swamp coolers that could draw up the contaminated dust into the filter pads and into the air that the children breathe, when the initial scoping meeting was held at that school is clearly more of the same approach of ignoring the impacted/potentially impacted areas; BUT EVEN THE SCHOOL AS AN ASIDE, THE PROJECT's ENVIRONMENTAL SETTING DISCUSSION VIOLATES THE REQUIREMENT THAT THE REGIONAL PERSPECTIVE BE DISCUSSED; in this regard, petitions were filled out by hundreds of people in the impacted "region" which by virtue of the wind velocities and headings, could spread air-borne contaminants well into the Ft. Irwin Heights and Barstow areas;in the Desert, regions are defined by not just population patterns in a radius analysis, but by virtue of the winds, what is be broadcasted or spread by the winds and specific technologies used by those people in the wind splay area; in a letter from the California State Department of Health Services to Mr. Doug Olson (in Adelanto-where Nursery Products was before) dated May 5, 2005 (a copy of which you already have) under the heading of "General Concerns about

C4-4

S8C-18

3

Oct 10, 2006 written public comment on Nursery Products-p 4

Biosolid Composting and Land Application" revealed that the so-called liquid waste (of the type that would be delivered to the Hinkley site)had high levels of total coliforms, fecal coliforms and escherichia also known of as "e-coli". The NRC 2002, Herr 2002 studies showed that communities adjacent to Nursery Product type operations reported elevated levels of respiratory infections, skin rashes, burning eyes, burning lungs, breathing difficulty and gastrointestinal effects. A good example of regional potential regional impact is found under the brief (and inadequate) discussion of ozone levels it is clear that the ozone levels are ALREADY in violation of federal maximums in the Barstow area (See Sec. 4) & now with roughly 200 trucks a day, the diesel generator, tub grinders, turners and prevailing winds, the ozone levels will worsen -that is a regional impact that is NOT discussed @ p. 4-7.

Regionally, we are adjacent to the San Joaquin Valley Air Pollution District and remarkably, New Draft Rule 4565 (Concerning "Composting/Biosolid Facilities" dated October 2, 2006) has banned the business recognizing the substantial public health and safety.

(5) The EIR does not analyze the "significant environmental effects" nor "why possible significant impacts were found to be insignificant" as is required under Public Res Code §21100(b)(1), 14 CCR §15126(a); while the report at Section 4 entitled "Environmental Impact Analysis" lists under 4.3 "Air Quality, under 4.4 "Biological Resources" and under 4.5 "Cultural Resources", under 4.6 "Hazardous Materials", under 4.7 "Hydrology and Water Quality", it admits that the closest Ambient pollutant monitoring station is in Barstow, over 20 Miles away and at that location, the ozone standards have exceeded allowable federal ambient air quality standards for years. C4-5

To what extent will the combined truck & vehicle traffic, generator waste gases, waste gases from the piles make the air quality worse? Will it tip the area's air quality to being an area of "severe nonattainment"-that is NOT DISCUSSED (instead the report jumps into a discussion of "particulate matter" and does not discuss mitigation); the US Department Of Health & Human Services in their treatise OCCUPATIONAL RESPIRATORY DISEASES (NIOSH) 86-102 [April 1987] reports that

4

SBC-19

Oct 10, 2006 written public comment on Nursery Products-p 5

"ozone appears to increase the reactivity of the airways to provocative aerosols...and exposure to concentrations of 2 ppm or higher cause clinical symptoms and signs indicative of pulmonary edema and concentrations of about 10 ppm may be extremely debilitating. Elevated levels of oxidents of which ozone is considered the most important component have been associated with increased frequency of headache, cough, eye and chest discomfort." Id at 595. The draft EIR ignores the potential increase of adding to what is already unhealthy ozone levels in Barstow and does not even attempt to quantify the emission increases; C4-6

"Particulates", are not discussed in the context of what the site will uniquely do; in the same NIOSH publication fungal infections are identified as transmittable by air and fungi are byproducts of waste water uses like the Nursery Product facility presents & while it is recognized that viral aerosols need to be sampled from facilities where human waste is processed or a by product of processing, no collection of microbial particles is proposed, much less a protocol for monitoring even though some particles are are effective in the parts per billion range (1/10 to the Ninth power). The NIOSH treatise points out that one tubercle bacillis which is smaller than a part per billion, can initiate an active tuberculosis lesion." Id at 83 C4-7

(6) The project description is inconsistent in violation of 14 CCR §15125(b);

The plan is described in one section as a 160 acre facility and then in another section, it is described as an 80 acre facility (in conjunction with the Tortoise); the potential use of a 160 acre facility might potentially double harmful output. C4-8

(7) The project is not discussed in the context of growth-reducing impacts in violation of Pub Resource Code §21100(b)(5) & 14 CCR §15126(f);

Aside from the fact that available land to develop because of the establishment of the Mojave National Preserve and the activism of the BLM is reduced (leaving areas like Hinkley and Newberry Springs/Harvard Road as the next probable growth areas), the use of air credits in the Mojave C4-9

5

SBC-20

Oct 10, 2006 written public comment on Nursery Products-p 6

AQMD, will reduce the air credits available for start-up industry in the area, which will depress the job growth potential in the area; it makes no sense that San Bernardino County's High Desert should lose its ability to grow communities and employment to subsidize the shoddy and inadequate waste management plans and handling of waste by Los Angeles and Orange Counties. C4-9 CONT'D

(8) Mitigation measures are not adequately discussed as is required Public Resource Code §21100(b)(3) & 14 CCR §15126(b)(3);

Aside from the fact that an enclosed facility be required, it should be used; there is no reason for its not being used expressed apart from the extent of particulate matter and gases is something that can be handled by the area; the obvious reason, which an honest discussion would include would cost considerations; that should be a part of the dialogue/discussion; enclosed facilities would mitigate the gas, the particulate matters and odor; the technology is feasible; material from ABT-HASKELL has developed a proprietary approach to biosolid management called the Airlance(TM) Process; the process is proven & cost effective. C4-10

Had I the time, my review would have been more thorough-but I guess that's why I didn't get the report I requested twice verbally (and actually once in writing) and why Supervisor Postmus has refused to meet with me on something that impacts my family.

I want this letter to be included in the public comments section of any subsequent EIR and each issue raised herein responded to.

Very truly yours,

ROBERT D. CONAWAY

cc: Desert Dispatch Attn: Howard Decker (760) 256-0685
Sun Newspaper Attn: Environmental Reporter (909) 885-8741

SBC-21

6

## RESPONSE TO COMMENT LETTER C4

C4-1 The cited Rule 1133.2 was adopted by the South Coast Air Quality Management District (SCAQMD), and is not part of any statewide regulatory program of the California Air Resources Board. The project site is located in the Mojave Desert Air Quality Management District (MDAQMD), which does not have a similar rule, or any rule, that applies to composting operations. See pages 4-3 and 4-12 for additional discussion of the MDAQMD.

C4-2 The Executive Summary of the EIR contains a brief summary of the Project and background information, and includes a tabulated summary that identifies for each environmental topic the "Potentially Significant Impact," "Mitigation Measures," and "Level of Significance After Mitigation." In addition, the text of the Executive Summary (on page ES-1) clearly explains that the Project will have a significant and not mitigable impact on air quality (related to the release of ozone precursor compounds), and identifies those issues for which remaining impacts can be mitigated or were not considered significant. These are the consequences of the project. The word "consequences" is not mentioned in PRC 21061. The CEQA Guidelines (14 CCR 15123) state, "An EIR shall contain a brief summary of the proposed actions and its consequences." The remaining language in the Guidelines describes how a Summary should be prepared, and was followed for this EIR.

C4-3 The cited CEQA Guidelines section (14 CCR 15129) states, "The EIR shall identify all federal, state, or local agencies, other organizations, and private individuals consulted in preparing the draft EIR, and the persons, firm, or agency preparing the draft EIR, by contract or other authorization." This information is provided in Sections 8 and 9 of the EIR. Section 1.6 lists agencies with approval or review authority over the Project. The referenced letter from the Desert Tortoise Protective Committee was prepared prior to the release of the Draft EIR for this Project. The EIR and its Biology Appendix include a thorough discussion of desert tortoise issues.

C4-4 The general environmental setting is discussed in Section 2 dealing with the Project Description (see section 2.1.1). As stated at the beginning of Section 4, the discussion of each environmental topic also includes additional information regarding the setting and existing conditions applicable to that topic. For example, Section 4.3.1 describes the broader environmental setting for air quality. Section 4.3.3.4 reviews potential health effects using accepted procedures, and concludes that they would not be significant at the location of the nearest residence, much nearer to the project that the school or other residences in Hinkley. The referenced San Joaquin Valley Air Pollution Control District rule was adopted after release of the Draft EIR for this Project, and does not apply in the geographic area of the MDAQMD. The referenced report by the National Research Council (2002) deals with the land application of biosolids, not composting as proposed by the Project. See the following response (C4-5) for identification of where the EIR discusses various air quality issues.

C4-5 The EIR projects air emissions from the Project, and compares them to adopted thresholds in Section 4.3 Specifically, Table 4.3-6 identifies construction effects, Table 4.3-7 deals with equipment operations, Table 4.3-8 identifies emissions from composting reactions, Table 4.3-9 summarizes transportation emissions, Table 4.3-11 identifies odor effects, and Table 4.3-12 deals with ammonia (for health effects). Furthermore, the EIR identifies a significant and not mitigable air quality impact related to the production of ozone precursors that would be released from the composting process.

C4-6 The EIR identifies a significant impact in air quality from the generation of precursor compounds that will add to regional ozone levels. This impact is stated in the text on page ES-1, in the summary Table E-1 on page ES-4, in the Air Quality section on page 4-18, in the statement of cumulative effects on page 6-3 and in the statement of significant effects that cannot be avoided on page 6-4.

C4-7 The presence of and potential for transmittal of fungal material or other human pathogens is discussed on pages 4-48 and 4-49 of the EIR. The discussion includes reference to the federal requirements related to controlling pathogen levels in biosolids, which may be used in composting. In addition, state regulations (14 CCR 17868.3) specify pathogen limitations and treatment standards related directly to composting operations.

C4-8 The referenced CEQA Guidelines section (14CCR 15125(b)) relates to the determination of baseline conditions for projects involving reuse of a military base. 14CCR 15124 relates to an EIR Project Description, and was followed in the composition of this EIR. The Project size is 160 acres, but it will be phased as discussed in section 2.3, with the first phase somewhat smaller than 80 acres. A reduced scope or reduced capacity alternative is also discussed in the EIR, in part as a way of reducing potential effects on tortoise habitat. It is in this context that the 80 acre figure is mentioned.

C4-9 PRC 21100(b)(5) requires that EIRs identify the growth inducing impact of a project (not growth reducing). The relevant section in the CEQA Guidelines is 14 CCR 15126(d). The EIR discussion of growth inducement is in Section 6.2, which explains that the project will not have a significant effect on increasing growth in the region. Although not a CEQA related issue, the County also does not anticipate that the project would retard or diminish growth in the region.

C4-10 Mitigation measures are identified throughout Section 4 in each environmental topic section, and summarized in the Executive Summary (Table E-1 starting on page E-4). As noted above in response C4-1, there is no requirement in the MDAQMD that composting facilities be enclosed. The AirLance technology referenced in the comment is typical of in-vessel operations, which were discussed in the EIR Alternatives Section 3.2.3. AirLance uses a series of long needles to inject air into a homogeneous mixture of biosolids and wood chips, moved through the composting vessel on a screw mechanism. Existing AirLance facilities are relatively small, processing less than 50,000 tons per year. The Los Angeles Department of Water and Power evaluated the AirLance technology, along with dozens of other waste conversion technologies, considering a facility capable

of handling up to 100,000 tons per year. Their lower through-put and much higher unit costs make in-vessel composting alternatives much less capable of meeting the Nursery Products Project objectives, so they were not analyzed throughout the EIR.

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## COMMENTS C5

RECEIVED
OCT 19 2006
LAND USE SERVICES DEPT
ADVANCE PLANNING DIVISION

**Draft Environmental Impact Report**
**PUBLIC COMMENT CARD**

If you would rather write your comments, you may turn this in to inform us of your comments regarding this Draft. The California Environmental Quality Act (CEQA) Draft Environmental Impact Report reviews several environmental issues as listed below.

Environmental Issues
1. Air Quality
2. Biological Resources
3. Cultural Resources
4. Hazards/Hazardous Materials
5. Hydrology/Water Quality
6. Transportation/Circulation

**Topic #** **Comment**

We, My wife & I understand why you don't want huge piles of human
Iudge in your towns, but we don't understand why you insist that
t has to be by anybodys town much Less up-wind of it when
here are millions of town free acres in California, obviously
your lawyers are bored right now & want thousands of new
Lawsuits.
We're writing this note in response to this Last meeting
n 10-11-06 at The Hinkley school, I'm expecting this note to go
n your trash can (The same place you said our Last Letters
went) & even at the meeting when it came time for public
omments you started by saying that you were ready to
ntertain questions which in our minds meut that you or
your representatives were just going to Let it go in one ear
out the other.
Just because other towns didn't want your human sludge
n their towns does not mean that we do because the fact
s we don't, once you succeed in harming thousands of people
ow can you make it right? we want our health - not
your money.

C5-1

Use additional pages if needed. Please turn in your comments at this meeting. ***or:*** Mail **on or before November 9, 2006** to: Carrie Hyke, Land Use Services Dept., San Bernardino County, 385 North Arrowhead Ave., San Bernardino 92415-0182 ***or:***
● Fax: (909) 387- 3223 ● Tel. 909-387-4147 ● E-mail: chyke@lusd.sbcounty.gov

Name: Gene Simmons — Mary Simmons

Mailing Address: P.O. Box 144 Hinkley Ca. 92347

Tel. /e-mail: _____ / _____

SBC-22

## RESPONSE TO COMMENT LETTER C5

C5-1 Comment noted.

## COMMENTS C6

RECEIVED
OCT 19 2006
LAND USE SERVICES DEPT.
ADVANCE PLANNING DIVISION

**Draft Environmental Impact Report**
**PUBLIC COMMENT CARD**

If you would rather write your comments, you may turn this in to inform us of your comments regarding this Draft. The California Environmental Quality Act (CEQA) Draft Environmental Impact Report reviews several environmental issues as listed below.

Environmental Issues
1. Air Quality
2. Biological Resources
3. Cultural Resources
4. Hazards/Hazardous Materials
5. Hydrology/Water Quality
6. Transportation/Circulation

Asthma

**Topic #** All **Comment**

We do not need the Nursery Products in Hinkley. The report said the smell would only be 1/4 of a mile. Don't think so, it is going to be all the way into Barstow, when the 40 or 70 mile an hour winds hit or blow. I don't want to smell LA's [redacted]. The stuff is going to hurt the turdles and other wildlife plus my pets. Fly's are going to be a big problem, who knows what [redacted] or desieses they will carry to some one else. So it was said at the meeting a posion would have to be use to control them. Well that's smart spray or posion them so birds from the Wildlife Refuge across the street can eat them and die from the poison. Transpectation will be a big problem since 58 is a main highway from Barstow to Bakersfield and other places, you can count up to 100 trucks in an hour on weekends or week days. Depends where the accident is if traciff can be rerouted around it, if not the road is closed. We do not need more trucks on this road, we have enough. I love the smell of the air now it is fresh and clean, I don't need to smell the air with [redacted] or any other smell. I have Asthma I don't need to be run out of my home, by people who have already been run out of a town. This company didn't do right in Adellanto they sure aren't going to do right here. Let the people smell it in LA or where it comes from. Don't need stuff in the air landing on me, clothes, animals.

C6-1

Use additional pages if needed. Please turn in your comments at this meeting, ***or:*** Mail **on or before November 9, 2006** to: Carrie Hyke, Land Use Services Dept., San Bernardino County, 385 North Arrowhead Ave., San Bernardino 92415-0182 ***or:***
● Fax: (909) 387- 3223 ● Tel. 909-387-4147 ● E-mail: chyke@lusd.sbcounty.gov

Name: Patricia A. Adair

Mailing Address: P.O.B. 414 Hinkley, Ca. 92347

Tel. ~~/e-mail:~~ 760-253-5477 /

SBC-23

## RESPONSE TO COMMENT LETTER C6

C6-1 Comment noted.

## COMMENTS C7

RECEIVED
OCT 19 2006
LAND USE SERVICES DEPT
PLANNING DIVISION

If you would rather write your comments, you may turn this in to inform us of your comments regarding this Draft. The California Environmental Quality Act (CEQA) Draft Environmental Impact Report reviews several environmental issues as listed below.

Environmental Issues
1. Air Quality
2. Biological Resources
3. Cultural Resources
4. Hazards/Hazardous Materials
5. Hydrology/Water Quality
6. Transportation/Circulation

**Topic #** **Comment** I Millie Cloyd, was born and raised here in Hinkley, California. We people that have been here all our lives, have fought to keep our community pollution free.

Now I hear you are wanting to put your crap here and not where it belongs. (That is right where it ever came from.)

So I maybe just an unedicated Hinkley town Hick, that don't know much. But I do know enough to know, if your crap was truly unharmful, you would not be lying through your teeth and intending to harm my babies and others. C7-1

I pray to God you will do the right thing or someday you'll be face to face with God and all your wrong doings!

It's never to late to do the right thing. Find a location that has nothing around it in any direction for a hundred miles or more and put your crap there. And may God bless you truly for this! Sincerely, Millie Cloyd

Use additional pages if needed. Please turn in your comments at this meeting, ***or:*** Mail **on or before November 9, 2006** to: Carrie Hyke, Land Use Services Dept., San Bernardino County, 385 North Arrowhead Ave., San Bernardino 92415-0182 ***or:***
● Fax: (909) 387- 3223 ● Tel. 909-387-4147 ● E-mail: chyke@lusd.sbcounty.gov

Name: Millie Cloyd

Mailing Address: P.O. Box 4, Hinkley, California 92347-0004

Tel. /e-mail: _____/_____

SBC-24

## RESPONSE TO COMMENT LETTER C7

C7-1 Comment noted.

## COMMENTS C8

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ADVANCE PLANNING DIVISION

**Draft Environmental Impact Report**
**PUBLIC COMMENT CARD**

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Environmental Issues
1. Air Quality
2. Biological Resources
3. Cultural Resources
4. Hazards/Hazardous Materials
5. Hydrology/Water Quality
6. Transportation/Circulation

**Topic #** **Comment**

I Would Not Put My S[redacted] In My Neighbors Yard, I Would like to Believe He Would Not Do So In Mine! Why Should We Allow You To Put Yourre Carpet Sweepings On Us. I Know You Were Paid To Properly Dispose Of Yourre Stuff. You Misused those Funds. Now Who Should this Problem Belong To! I Myself Feel This Is A Bad Abuse. Like Petafiles Kill Children, No One Likes Persons Like This. ~~Also~~ "I'm Sorry You Are Planing To Kill Children Of the Future & Present. It Doesn't Cost Any-More To Handle Human Waste & Compost "Right" There Just Isn't Enough Money Left Over To Fatten Yourre Pockets

C8-1

- It Is Wrong To Build A Compost In a Alaki Containment Especially With the Water Within 200'

If Nursery Products (Jeff Meberg) Plans The Same Operation As He Has Done, He Has Done "Improper Composting" This Is A Sure Case Of Lunacy'

I Cannot Believe An Enviromental Report Can Be Done Or Even Be Considered Until The Material Is Composted!

I Have Done My Investigation on Meberg And His Past History this County Nor Its People Is Not Even In His Consideration. I Have Tested His Material, At His Facility In Adlanto And AT Two Of Farmers Fields. After Wetting this Material It Teams With Too Much Human [redacted] Bugs

Use additional pages if needed. Please turn in your comments at this meeting, ***or:*** Mail **on or before November 9, 2006** to: Carrie Hyke, Land Use Services Dept., San Bernardino County, 385 North Arrowhead Ave., San Bernardino 92415-0182 ***or:***
● Fax: (909) 387- 3223 ● Tel. 909-387-4147 ● E-mail: chyke@lusd.sbcounty.gov

Name: _____

Mailing Address: CHARLIE
33049 Condor Road
N.B.S., CA 92365

Tel. /e-mail: 760-257-3109 /

SBC- 25

## RESPONSE TO COMMENT LETTER C8

C8-1 Comment noted.

## COMMENTS C9

**Draft Environmental Impact Report**
**PUBLIC COMMENT CARD**

If you would rather write your comments, you may turn this in to inform us of your comments regarding this Draft. The California Environmental Quality Act (CEQA) Draft Environmental Impact Report reviews several environmental issues as listed below.

Environmental Issues
1. Air Quality
2. Biological Resources
3. Cultural Resources
4. Hazards/Hazardous Materials
5. Hydrology/Water Quality
6. Transportation/Circulation

C9-1

**Topic #** **Comment**

ALL OF THE 6 ABOVE

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● Fax: (909) 387- 3223 ● Tel. 909-387-4147 ● E-mail: chyke@lusd.sbcounty.gov

Name: Gene Triepke

Mailing Address: 32088 Jiggs Rd.
Barstow, CA 92311
(760) 253-5457

Tel. /e-mail: _____/_____

SBC- 26

## RESPONSE TO COMMENT LETTER C9

C9-1 Comment noted.

## COMMENTS C10

RECEIVED
OCT 19 2006
LAND USE SERVICES DEPT.
ADVANCE PLANNING DIVISION

10-17-06

DEAR MS. HYRE

HOPE ALL IS WELL WITH YOU. THIS LETTER IS ABOUT NURSERY PRODUCTS IN HINKLEY AS WELL AS ANY OTHER POSSIBLE LOCATION. WITH THE SORRY CONDITION OF OUR WATER & AIR SOURCES BUSINESS THAT POLLUTE SHOULDN'T BE ALLOWED NEAR RIVERS OR POPULATION CENTERS.

WHEN THE WEATHER HERE IN BARSTOW COOLS INTO FALL AIR FLOW CARRIES THE SMELL OF THE DAIRIES INTO TOWN, MIXED WITH THE SMELL OF THE RAILROAD YARD IT ISN'T PLEASANT.

TO ADD NURSERY PRODUCTS WOULD ADD TO THE PROBLEM.

SINCERELY

DAVID ALCANTARA
112 W. WHITE ST.
BARSTOW, CA.
92311

C10-1

SBC- 27

## RESPONSE TO COMMENT LETTER C10

C10-1 Comment noted.

## COMMENTS C11

RECEIVED
OCT 24 2006
LAND USE SERVICES DEPT.
ADVANCE PLANNING DIVISION

Lucille Riddle

10/16/06

Ms. Conie Kyle

First of all Please remember, That when I say "you" I am not Talking To you personally.

I am sending this letter, because in the meeting of 10/11/06 you requested that all our comments be sent in writing, mine is not a comment as much as it is an opposition To what Bill Postmus is going to or wants To approve for the money involved C11-1

SBC-35

is I said in the meeting I am not a engineer or Architect, doctor Scientist. One thing is for sure I have tons of common sense and I know that dumping Orange County's and L.A County's sludge in my back yard literally is not going to be good for my health.

At this Time I have invested more than $250,000.00 Two Hundred Fifty Thousand dollars, I know that [redacted] does not mean any thing To you who handle so much of Tax payers money

2

SBC- 36

and spend at your leisure.

I dont have that privelage I am spending money that I saved by working 28 years, I bought this property of 2 1/2 acres with a store that I remodeled, added a commercial kitchen and sell homemade food that is very good. with that you are trying to approve you will kill my business completely.

Also the Real Estate market will be greatly affected by this mess you are approving to be installed.

3

SBC - 37

This will be the last of my letters, To you Bill Postmus.

Copies of this letter, will go to the Governor's office and from now on I will be directing my correspondence once a week to the Governor's office on this matter.

Lucille Riddle

Lucille Riddle
19970 W. Hwy 58
Kimberly, Ca. 92347

4

SBC- 38

## RESPONSE TO COMMENT LETTER C11

C11-1 The land surrounding the site is vacant for at least a mile in all directions. An evaluation of impacts to property value from the project would be speculative and is not included in the EIR.

[This page intentionally left blank]

## COMMENTS C12

**Draft Environmental Impact Report**
**PUBLIC COMMENT CARD**

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2. Biological Resources
3. Cultural Resources
4. Hazards/Hazardous Materials
5. Hydrology/Water Quality
6. Transportation/Circulation

**Topic #** **Comment**

THE AIR QUALITY ISSUE IS NOT GOING TO BE FIXABLE! WE DONT WANT TO BREATHE THAT STUFF. IT WILL CAUSE DISEASE WITH ALL THE FLYS THAT BREED IN IT. C12-1

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ADVANCE PLANNING DIVISION

Use additional pages if needed. Please turn in your comments at this meeting, *or:* Mail **on or before November 9, 2006** to: Carrie Hyke, Land Use Services Dept., San Bernardino County, 385 North Arrowhead Ave., San Bernardino 92415-0182 *or:*
● Fax: (909) 387- 3223 ● Tel. 909-387-4147 ● E-mail: chyke@lusd.sbcounty.gov

Name: Henry Weick

Mailing Address: 600 Flora St Barstow CA 92311

Tel. /e-mail: /

SBC- 39

## RESPONSE TO COMMENT LETTER C12

C12-1 Comment noted.

## COMMENTS C13

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OCT 2 2006
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ADVANCE PLANNING DIVISION

**Draft Environmental Impact Report**
**PUBLIC COMMENT CARD**

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1. Air Quality
2. Biological Resources
3. Cultural Resources
4. Hazards/Hazardous Materials
5. Hydrology/Water Quality
6. Transportation/Circulation

| Topic # | Comment |
|---|---|
| 1-6 | All I can say is "THIS SUCKS!" Keep your waste in your own town, we don't truck ours anywhere. If you are set on this go see the people who are suffering from PGE, see what happens when you do this. I say NO WAY TO YOU. Katie Hayes |

C13-1

Use additional pages if needed. Please turn in your comments at this meeting, ***or:*** Mail **on or before November 9, 2006** to: Carrie Hyke, Land Use Services Dept., San Bernardino County, 385 North Arrowhead Ave., San Bernardino 92415-0182 ***or:***
● Fax: (909) 387- 3223 ● Tel. 909-387-4147 ● E-mail: chyke@lusd.sbcounty.gov

Name: _____

Mailing Address: _____

Tel. /e-mail: _____ / _____

SBC- 32

## RESPONSE TO COMMENT LETTER C13

C13-1 Comment noted.

## COMMENTS C14

October 22, 2006
Carrie Hyke
San Bernardino County Land Use Services Department
Advanced Planning Division
385 North Arrowhead Avenue, First Floor
San Bernardino , CA 92415-0182

RECEIVED
OCT 27 2006
LAND USE SERVICES DEPT.
ADVANCE PLANNING DIVISION

Dear Ms. Hyke,
My name is Daniel Dutcher. My wife, Gay and I live at 32788 Sylvan Ave., in Lenwood, CA.
The concern of this letter is the proposed Nursery Products Hawes Composting Facility Project, and it's location.
We understand that the facility will be located just a few miles to the *north west* of our home and neighborhood. We have heard and read much information on the facility and have come to the conclusion that for us, this is an unacceptable location for the facility.
We sincerely hope and trust, another location will be considered. **C14-1**

Thank you,

Daniel and Gay Dutcher
32788 Sylvan Ave.
Lenwood, CA 92311

SBC - 34

## RESPONSE TO COMMENT LETTER C14

C14-1 Comment noted.

## COMMENTS C15

Silver Valley Realty
Fred Stearn, Broker
44244 NATIONAL TRAILS HIGHWAY
NEWBERRY SPRINGS, CA 92365
(760) 257-3560

RECEIVED
OCT 27 2006
LAND USE SERVICES DEPT.
ADVANCE PLANNING DIVISION

October 25, 2006

Ms. Carrie Hyke, Supervising Planner
Advance Planning Division
385 North Arrowhead Ave, First Floor
San Bernardino, CA 92415-0182

SUBJECT: NURSERY PRODUCTS HAWES COMPOSTING FACILITY PROJECT/DRAFT EIR
SECOND SET OF COMMENTS

Dear Ms. Hyke:

Below are some additional comments on the Nursery Products sewage sludge composting facility proposal south of Harper Dry Lake, in vicinity of Hawes. Based on my quick look through the Draft EIR, it would appear that the County Advance Planning Division may be under immense political pressure from Supervisor Bill Postmus and others to allow this applicant an easy trip though the CEQA process, at the expense of the health,safety and welfare of the general public. The Draft EIR is sloppy and incomplete. It needs a major revision before it will be adequate.

1--We the public and you the lead agency need to have more information on the briefly alluded to alternative site in the general region north of Fremont Peak, referenced on page 3-6. Please have the applicant tell us more about this site, and why it's less suitable than the Hawes site. Where exactly is this "secret" alternative site. C15-1

2--"CEQA places the burden of environmental investigation on government rather than the public," an agency "should not be allowed to hide behind its own failure to gather relevant data," Sundstrom v. County of Mendocino (1st Dist. 1988) 202 Cal. App. 3d 296). Will you kindly accept your legal burden to require that the Draft EIR's needed revision examine the issues raised in my first set of comments, dated October 4, 2006, and other pertinent comments into the Draft EIR, not addressed or fully addressed in the first Draft EIR?

3--If you don't mind my saying so, the Fort Cady Road alternative site briefly referenced on page 3-6, is, at this stage, not truly an alternative prospect at all. It's inside a County designated flood zone, has a water table of about 25 feet and the site is covered with the best looking stand of "protected" mesquite trees that I have ever seen--hundred's of protected mesquite trees. It is also in very close proximity to a Caltrans freeway rest area and adjacent to the Interstate 40, which might have to be closed down for weeks if the sewage sludge composting area at that location ever caught fire. It also has protected scenic resources issues and some development of protected playa issues. So, it really isn't an alternative site at this point in time. Right? We need to hear about some possible alternative sites closer to locations where the sewage is being generated and the Fremont Peak location. C15-2

Also there are some compelling native american cultural issues at the Fort Cady Road alternative site which were not explored with native american tribes because, as far as I could gather, they were never notified by the County Current Planning Division. C15-3

SBC- 43

October 25, 2006
Ms. Carrie Hyke, Supervising Planner
Page 2

4--To follow-up on comment #8 in my October 4, 2006 commentary on this Draft EIR, what happens to the sewage sludge compost after it leaves the composting facility proposed must be addressed in the Draft EIR and I don't yet find any reference to that issue in the Draft. C15-4

5--While recently travelling in San Luis Obispo County I saw on the local news a city council meeting, for either Atascadero or Paso Robles, whereat the discussion concerned the reputed fact that unwanted sewage sludge compost could be used for needed covering material (instead of dirt) at the local landfill and it would not count as material accepted or dumped at the landfill. C15-5

Can you address this issue in the revised Draft EIR, in that there is a major problem for the contemplated Hawes project composting facility and that problem is getting rid of the compost?

6--The City of Adelanto, before they booted Nursery Products out of town, had quite extensive fire protection requirements for the composting facility thereat, including close placement of fire hydrants and lots of water flow capacity. On page 5-7, under the heading of utilities and service systems, I don't see anything about fire protection. Is this issue addressed on some other page? If the compost facility catches on fire, does the County intend to just let it burn itself out? How, if that be the case, will that likely impact the air quality in Barstow and Hinkley and other nearby towns? C15-6

7--Do we know for sure that the applicant has no intention of later on using rail transportation to expand utilization of the proposed facility? C15-7

8--Has anyone yet determined how far away the odors from this facility may cause people to gag or throw up, get sick, etc.? Did I miss that section in the Draft EIR? C15-8

9--How much of the sewage sludge likely or possibly directed to this composting facility will come from outside San Bernardino County? What is the rationale, if any, for this county accepting environmental problems such as sewage sludge, from other counties? How about other countries? Any problem with that? C15-9

10--Has any thought been given to downsizing this project to a capacity that would be in line with expected sewage sludge volumes from only the High Desert area inside this County? If not, why not? It needs to be discussed, perhaps under the No Project alternative. C15-10

10--Public agencies have a duty "to avoid or minimize environmental damage where feasible."(CEQA Guidelines, section 15021, subd (a); section 15002, subd. (a) (3); section 21002.) C15-11

Some serious attention needs to be given to the above dictate.

SBC-44

2

October 25, 2006
Ms. Carrie Hyke, Supervising Planner
Page 3

11--Inre the alternative sites that haven't yet been considered, in violation of CEQA, we will need a closer look at this issue in a revised EIR. The off-hand reference to some unknown site north of Fremont Peak does not comply with the level of examination required by CEQA, for alternative sites. C15-12

Citizens of Goleta valley v. Board of Supervisors (2d Dist. 1988) 197 Cal. App. 3d 1167) (finding on infeasibility of alternatives must be supported by "comparative data and analysis"; evidence must show not merely that alternative would be more expensive or less profitable, but "that the additional costs or lost profitability would be sufficiently severe as to render it impractical to proceed with the project").)

12--If there is any reasonable prospect that this project will be expanded after initial approval, then that expansion prospect needs to be addressed in the Draft EIR. Please see Laurel Heights Improvement Association of San Francisco v. Regents of the University of California (1988) 47 Cal. 3d 376, 393-399. And City of Santee v. County of San Diego (4th Dist. 1989) 214 Cal. App. 3d 1438. C15-13

13--A Draft EIR must also discuss any significant "cumulative impacts" (CEQA Guidelines, section 15130). Where the document concludes that cumulative impacts are not significant, it should explain the basis for that conclusion. Citizens to Preserve Ojai v. County of Ventura (2d Dist. 1985) 176 Cal. App. 3d 421. C15-14

Dumping or spreading the sewage sludge compost on land in High Desert communities is certainly either a part of the initial project or a cululative impact and that action needs to be addressed in the revised Draft EIR, which then needs to be recirculated.

On this point, the posted agenda for the Newberry Springs Community Services District meeting for October 24, 2006 contained a closed session agenda item concerning possible litigation to stop the illegal spreading of sewage sludge and/or sewage sludge compost in Newberry Springs. I presume that the potential defendant in any such action would be or include the County of San Bernardino. I have no knowledge as to the outcome of that closed session, but you may be hearing from them soon if the County doesn't clean up it's CEQA compliance policies.

14--The city erred by failing to grasp that CEQA requires the lead agency to examine the whole project, which in this case included truck and train traffic resulting in sizeable secondary emissions of various pollutants. Kings County Farm Bureau et al. v. City of Hanford (5th Dist. 1990) 221 Cal. App. 3d 692. C15-15

Not only don't I find any data on secondary air pollution, from wind blows, land spreading or truck or train emissions, don't we also need an EIR review of the transportation routes as part of this project?

SBC- 45

3

October 25, 2006
Ms. Carrie Hyke, Supervising Planner
Page 4

15--Did the County actually notify individual Native American organizations or did they merely notify the usual central clearing address, which as you know, is not overly exact about notifying individual organizations that might be interested in this project? C15-16

15--One more word on alternative sites, if I may: the court emphasized that "the range of alternatives considered must be sufficient to permit a reasoned choice." Methow (833 F.2d at 815). Ergo, we need more investigation of alternative sites in the revised Draft EIR. C15-17

16--Another case requiring a reasonable analysis of all of the relevant projects' cumulative impacts, with an examination of reasonable options for mitigating or avoiding such impacts is Terminal Plaza Corp. v. City and County of San Francisco (1st Dist. 1986) 177 Cal. App. 3d 892. To remind you: the disposal of the compost after it leaves the facility is a cumulative impact and it needs to be examined in all its enviromental implications, within the Draft EIR. Or it is a part of the project itself. You can't ignore it. C15-18

17--Clearly the Draft EIR is not in compliance with CEQA, CEQA Guidelines or pertinent case law. It needs to be revised and recirculated.

Sincerely,

Fred Stearn

CC: D. NORMAN DIAZ
CC: NEWBERRY SPRINGS COMMUNITY SERVICES DISTRICT
CC: CEQA-NOW

4

SBC- 46

## RESPONSE TO COMMENT LETTER C15

C15-1 See response to comments COB-2 and B3-5.

C15-2 See response to comments COB-2 and B3-5.

C15-3 The NAHC was consulted during the preparation of the EIR.

C15-4 See response to comment CIWMB-5.

C15-5 See response to comment B5-6.

C15-6 Please refer to Section 5.8 Public Services of the EIR.

C15-7 There is no existing railroad in the vicinity of the site.

C15-8 The potential for odor from the facility was evaluated in Section 4.3.3.3. However, odors at the nearest house (1.5 miles away) would be well below the thresholds established by the Air Quality Management District. In addition, see comment for B6-4.

C15-9 See response to comment RWQCB-8.

C15-10 See response to comment RWQCB-8.

C15-11 Comment noted.

C15-12 See response to comments COB-2, B3-3, and B3-5.

C15-13 Comment noted.

C15-14 Please refer to Section 6.1 Cumulative Impact Assessment of the EIR.

C15-15 Please refer to Section 6.1.1. (Air Quality) of the EIR.

C15-16 Comment noted.

C15-17 See response to comments COB-2, B3-3, and B3-5.

C15-18 The compost that is being produced is a Class A compost and is safe for all applications. Cumulative Impacts were discussed in Section 6.1 of the EIR.

[This page intentionally left blank]

## COMMENTS C16

CARRIE Hyde

RECEIVED
OCT 27 2006
LAND USE SERVICES DEPT.
ADVANCE PLANNING DIVISION

OCTOBER 26, 2006

THE RESIDENTS OF HINKLEY HAVE ENOUGH TO CONTEND WITH BECAUSE OF PG&E. WE DO NOT NEED ANOTHER COMPANY THAT WILL HARM OUR ENVIRONMENT.

NURSERY PRODUCTS WILL USE A SIGNIFICANT AMOUNT OF GROUND WATER AND CONTAMINATE THE AIR. C16-1

WE DO NOT WANT THE COMPOST COMPANY ANYWHERE NEAR HINKLEY.

PAT Stallard
Jacqueline A. Wh
Jack M. Wh

21079 Hwy 58
HINKLEY, CA 92347

SBC- 40

## RESPONSE TO COMMENT LETTER C16

C16-1 Groundwater, see response to comments COB-22 and RWQCB-7.

Air quality, see response to comments CDAS-4, B6-4 and Section 4.3 of the EIR.

## COMMENTS C17

**Draft Environmental Impact Report**
**PUBLIC COMMENT CARD**

RECEIVED OCT 2 2006 LAND USE SERVICES DEPT. ADVANCE PLANNING DIVISION

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Environmental Issues
1. Air Quality
2. Biological Resources
3. Cultural Resources
4. Hazards/Hazardous Materials
5. Hydrology/Water Quality
6. Transportation/Circulation

**Topic #** **Comment**

TO WHOM IT MAY CONCERN
WE ARE DEFINITELY AGAINST HAVING THE BIOWASTE HERE. IT IS BAD FOR PEOPLE LIKE US AND OTHERS THAT HAVE ASTMA AND BREATHING PROBLEMS. WE DONOT NEED ANYMORE PROBLEMS LIKE WE HAD WITH THE WATER. SMELLING IT WOULD BE HARMFUL FOR OUR HEATH AND ANIMALS
IT DIDN'T PASS IN NEW BERRY SPRINGS WHY SHOULD IT PASS HERE? WE WANT OUR COMMUNITY TO GROW WITHOUT THIS HAZARDOUS WASTE. WE DON'T WANT TO DRIVE PEOPLE AWAY. KEEP IT OUT OF OUR TOWN. WE LIKE TO SMELL FRESH AIR WHEN THE WIND BLOWS. KEEP OUR TOWN CLEAN AND SAFE.

C17-1

Use additional pages if needed. Please turn in your comments at this meeting, *or:* Mail **on or before November 9, 2006** to: Carrie Hyke, Land Use Services Dept., San Bernardino County, 385 North Arrowhead Ave., San Bernardino 92415-0182 *or:*
● Fax: (909) 387- 3223 ● Tel. 909-387-4147 ● E-mail: chyke@lusd.sbcounty.gov

Name: ERNEST S & ROSIE G. RIVERA

Mailing Address: 21284 W. ACACIA RD. HINKLEY CA. 92347

Tel. /e-mail: _____ / _____

SBC- 41

## RESPONSE TO COMMENT LETTER C17

C17-1 See response to comments CDHS-4 and B6-4.

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OCT 27 2006
LAND USE SERVICES DEPT.
ADVANCE PLANNING DIVISION

**COMMENTS C18**

TO: CARRIE Hyke, Supervising Planner

FM: Virginia FABILA

SUBJ: Nursery Products Hawes Composting Facility Project

I'am submitting this comment regarding SUBJ above.

1. I believe this facility will do harm to our air quality, our environment, especially our health, and to our children in the surrounding community of Hinkley nearby, also Barstow and Yermo, also to mention Newberry Springs.

2. We won't be able to smell fresh air if this facility is approved. We depend on tourism, they will no longer make stops on account of the "stench". BARSTOW will stop here growing, people do NOT want to live on account of this facility on what it will do.

4. Our water supply on the Mojave River will be destroyed if leaks occur.

5. I just strongly believe this will destroy our communities, and I'm strongly against this facility.

Regards
Virginia Fabila

SBC- 42

C18-1

## RESPONSE TO COMMENT LETTER C18

C18-1 Air quality; see comments to CDFG-4, CDHS-4, and B6-4. The potential for odor from the facility was evaluated in Section 4.3.3.3. As shown on Table 4.3.11, odors at the site boundary would be significant. However, odors at the nearest house (1.5 miles away) would be well below the thresholds established by the Air Quality Management District.

Water quality; see response to comments MWA-2 and RWQCB-9.

## COMMENTS C19

Oct. 20, 2006

To: Carrie Hyke, Supervising Planner
and all other persons concerning
Nursery Products L.L.C. for Co-
Composting Bio-Solids and Greenwaste
in Hinkley.

FROM: Robert D. Millar
36791 Hidden Road
Hinkley, Ca. 92347

I believe Hinkley has suffered enough at the hands of others, and we don't need an Erin Brockovitch II in Hinkley. I am strongly opposed to co-Composting of any sort in this area. The air quality will be vastly effected and hazardous to everyone health, not to mention the smell that will permeate the entire town and surrounding areas. C19-1

As a voter I will not condone this project or vote for anyone who backs it.

Sincerely, Robert D. Millar

RD Millar
36791 Hidden River Rd.
Hinkley, Ca. 92347

RECEIVED
OCT 23 2006
LAND USE SERVICES DEPT.
ADVANCE PLANNING DIVISION

SBC - 33

## RESPONSE TO COMMENT LETTER C19

C19-1 Comment noted.

## COMMENTS C20

RECEIVED
OCT 30 2006
LAND USE SERVICES DEPT.
ADVANCE PLANNING DIVISION

**Draft Environmental Impact Report**
**PUBLIC COMMENT CARD**

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1. Air Quality
2. Biological Resources
3. Cultural Resources
4. Hazards/Hazardous Materials
5. Hydrology/Water Quality
6. Transportation/Circulation

**Topic #** **Comment**

1. air quality Our air quality is not as good as it could be. I oppose the proposed plant since it will only make the air worse.

5. water quality Hinkley already has a problem with hazardous water. This plant can only add to the problem

6. Transportation I don't like the idea of hauling someones waste products hundreds of miles to dump it on someone else. Put the plant close to where the product is being produced.

C20-1

Use additional pages if needed. Please turn in your comments at this meeting. *or:* Mail **on or before November 9, 2006** to: Carrie Hyke, Land Use Services Dept., San Bernardino County, 385 North Arrowhead Ave., San Bernardino 92415-0182 *or:*
● Fax: (909) 387- 3223 ● Tel. 909-387-4147 ● E-mail: chyke@lusd.sbcounty.gov

Name: Maxine Weick

Mailing Address: 600 Flora Barstow, CA 92311

Tel. /e-mail: /

SBC- 47

## RESPONSE TO COMMENT LETTER C20

C20-1 Comment noted.

## COMMENTS C21

RECEIVED
OCT 30 2006
LAND USE SERVICES DEPT.
ADVANCE PLANNING DIVISION

**Draft Environmental Impact Report**
**PUBLIC COMMENT CARD**

If you would rather write your comments, you may turn this in to inform us of your comments regarding this Draft. The California Environmental Quality Act (CEQA) Draft Environmental Impact Report reviews several environmental issues as listed below.

Environmental Issues
1. Air Quality
2. Biological Resources
3. Cultural Resources
4. Hazards/Hazardous Materials
5. Hydrology/Water Quality
6. Transportation/Circulation

**Topic #** **Comment**

Use additional pages if needed. Please turn in your comments at this meeting, *or:* Mail **on or before November 9, 2006** to: Carrie Hyke, Land Use Services Dept., San Bernardino County, 385 North Arrowhead Ave., San Bernardino 92415-0182 ***or:***
● Fax: (909) 387- 3223 ● Tel. 909-387-4147 ● E-mail: chyke@lusd.sbcounty.gov

Name: James A. Diehl

Mailing Address: 27740 Waterman Rd

Tel. /e-mail: 760-256-6360 /

SBC- 48

## RESPONSE TO COMMENT LETTER C21

C21 Comment noted.

## COMMENTS C22

**Draft Environmental Impact Report**
**PUBLIC COMMENT CARD**

If you would rather write your comments, you may turn this in to inform us of your comments regarding this Draft. The California Environmental Quality Act (CEQA) Draft Environmental Impact Report reviews several environmental issues as listed below.

RECEIVED
OCT 31 2006
LAND USE SERVICES DEPT.
ADVANCE PLANNING DIVISION

Environmental Issues
1. Air Quality
2. Biological Resources
3. Cultural Resources
4. Hazards/Hazardous Materials
5. Hydrology/Water Quality
6. Transportation/Circulation

**Topic #** **Comment**

Use additional pages if needed. Please turn in your comments at this meeting, *or:* Mail on or before **November 9, 2006** to: Carrie Hyke, Land Use Services Dept., San Bernardino County, 385 North Arrowhead Ave., San Bernardino 92415-0182 *or:*
● Fax: (909) 387- 3223 ● Tel. 909-387-4147 ● E-mail: chyke@lusd.sbcounty.gov

Name: Mary Diehl

Mailing Address: 27740 Waterman Rd

Tel. /e-mail: 760 - 256 - 6360 , mdiehl2435@Aol.com

SBC- 49

## RESPONSE TO COMMENT LETTER C22

C22 Comment noted.

## COMMENTS C23

Silver Valley Realty

44244 NATIONAL TRAILS HIGHWAY
NEWBERRY SPRINGS, CA 92365

Fred Stearn, Broker

(760) 257-3560

RECEIVED
OCT 31 2006
LAND USE SERVICES DEPT.
ADVANCE PLANNING DIVISION

October 28, 2006

Ms. Carrie Hyke, Supervising Planner
Advance Planning Division
385 North Arrowhead Ave, irst Floor
San Bernardino, CA 92415-0182

SUBJECT: NURSERY PRODUCTS HAWES COMPOSTING FACILITY PROJECT/DRAFT EIR
THIRD SET OF COMMENTS

Dear Ms. Hyke:

This is my third set of comments on the Nursery Products sludge composting facility project/ Draft EIR in the vicinity of Hawes and Hinkley. Earlier comments to you were dated October 4 and October 25, 2006.

As you know, this applicant, Nursery Products, has been kicked out of Adelanto for being a bad neighbor and failing to comply with a large number of conditions of approval for their sewage sludge and green waste composting facility in the city limits of Adelanto. With the track record Nursery Products has established at Adelanto, it is a very good reason to require them to post a large performance bond for any possible project approval of a composting facility that they may receive from the County of San Bernardino. In support of a performance bond requirement and for very tightly drawn permit conditions, backed up by a serious County inspection regimen, for any permit approvals for Nursery Products, are the following records and history and statute law for your consideration: C23-1

1--NOTICE OF VIOLATION dated November 14, 2003, issued by the City of Adelanto to Nursery Products. This is a three-page document and is signed by Kevin Murphy, Sr. Code Enforcement Officer. This record of non-compliance is shocking.

2--Letter of November 7, 2003 from City Attorney for City of Adelanto, Marguerite P. Battersby,to Daniel J. Avera, REHS, Director of Environmental Health Services, San Bernardino County, which alleges that Nursery Products incorrectly or falsely described their project there to the city planning commission. This is a three-page document. This is another shocking condemnation of Nursery Products which perhaps Daniel Avera has forgotten all about. Is he on the record inre the Nursery Products application in Newberry Springs as saying that his agency had been unable to substantiate any complaints about the Nursery Products facility in Adelanto? In the interest of public safety and common decency, it is my suggestion that Daniel Avera be recused from participation in the review of the Nursery Products application at Hawes/Hinkley. C23-2

3--Letter of November 12, 2003 from Daniel J. Avera to Linda Moulton-Patterson and Mark Leary. This is a one-page document, concerning Nursery Products.

4--Not enclosed, but to be adopted by reference, is San Bernardino County Health and Sanitation Code chapter titled PUBLIC NUISANCE ABATEMENT, beginning at Section 33.031. Section 33.032(5) says in part, under the heading of definations of what constitutes a public nuisance: "Infectious and related wastes and odors therefrom including from:...sewers, cesspools, septic tanks, seepage pits,... manure accumulations...."

SBC- 50

Ms. Carrie Hyke, Supervising Planner
October 28, 2006
Page 2

And Section 33.032(12) adopts by reference any public nuisance as described in Civil Code Section 3479 and Penal Code Section 370. Please take a look at those two statutes and then explain, if you can, how the proposed, unenclosed composting facility would not likely be in violation of said State laws, in addition to the County ordinance, inre surrounding private property owners and neighborhhods?

It is my request that Civil Code Section 3479 and Penal Code Section 370 be adopted by reference into this administrative record.

5--Settlement Agreement executed by the City of Adelanto and Nursery Products. This document consists of 14 pages, but only the first three pages are enclosed, in the interest of brevity. Please disregard the after-made notes in the margins, which are not part of the original agreement.

In conclusion, it is my suggestion that you revisit your legal responsibilities to the citizens of this County and State while reviewing the Nursery Products application.

Sincerely,

Fred Stearn

ENCLOSURES: NOTICE OF VIOLATION ISSUED NOVEMBER 14, 2003
MARGUERITE P. BATTERSBY LETTER OF NOVEMBER 7, 2003
DANIEL J. AVERA LETTER OF NOVEMBER 12, 2003
SETTLEMENT AGREEMENT (PAGES 1,2 AND 3 ONLY)

CC: D. NORMAN DIAZ w/enclosures
CC: NEWBERRY SPRINGS COMMUNITY SERVICES DISTRICT
CC: CEQA-NOW

SBC- 51

2

City of Adelanto

DEPARTMENT OF BUILDING AND SAFETY
CODE ENFORCEMENT DIVISION
(760) 246-2300 EXT. 3005

**NOTICE OF VIOLATION**

**Date Issued: November 14, 2003**

LOCATION OF PROPERTY: 16284 Aster Road, Adelanto, California 92301
ASSESSOR'S PARCEL NO: 3128-081-02

NAME(S) AND ADDRESSES OF PROPERTY OWNER(S) AND/OR INTERESTED PARTIES:
1. Hibiscus Development Company, LLC 2916 Carta Taza, San Clamente, CA 92673
2. Nursery Products 16284 Aster Road, Adelanto, CA 92301
3. Jeff Meburg 12328 Hibiscus Avenue, Adelanto, CA 92301
4. Jeff Meburg 647 Camine de los Mares, San Clemente, CA 92673

During a recent inspection of the property referenced above, violations of the Adelanto Municipal Code, the Uniform Building Code and the conditions of approval of the Conditional Use Permit and Location and Development Plan No. 01-03 were observed. The following items were noted as being in violation and are required to be corrected within the time specified below to avoid further code enforcement action:

1. Fire hydrants have not been installed around the perimeter of the property, 300 feet or less apart, with water pressure not less than 1500 gpm, as required by Planning Commission Condition No. 10 and by the San Bernardino County Fire Department, the City's contract Fire Department. Blue dot identification on final pavement is also required for each hydrant installed. This is an immediate fire-safety issue, which was required to be completed prior to commencement of operation on the property. Compliance with this requirement must be commenced within 72 hours of this notice, or immediate measures must be taken to eliminate any fire safety hazard on the property, including, but not limited to, cessation of operations on the property, and compliance with any other requirements of the Fire Department.

2. Construction of road improvements required by Planning Commission Condition No. 7, must be complete, including, particularly, pavement of Astor Road and curb and gutter. While this condition may allow the paving width requirement to be adjusted by the City Engineer, the paving and construction requirement has not been waived and must be commenced within ten (10) days of this notice.

SBC- 52

Notice of Violation
Page 2

3. Street lighting must be constructed in accordance with City standards on all property perimeters which have adjacent streets, as required by Planning Commission Condition No. 12. Compliance must be commenced for installation of street lighting on Pansy Road within ten (10) days of this notice. All other required street lighting shall be installed concurrently with the completion of road improvements as set forth above.

4. Final inspection and occupancy permit must be obtained for the office/trailer on the property, as required by Planning Commission Condition No. 11 and the Uniform Building Code. You must immediately call for an inspection, and compliance with this requirement must be completed within ten (10) days of this notice, or the office/trailer must be vacated until occupancy has been permitted by the City.

5. Earthen berm required by the project mitigation measures is not at least 6 feet high in all locations. The berm must be reconstructed in accordance with the Planning Commission Mitigation Measure requiring the construction of a 6-8 foot earthen berm, which is a condition of project approval. The project is being operated in a manner which allows runoff from the site onto the public right of way and neighboring properties, and which constitutes a public nuisance. The earthen berm must be constructed to prevent all runoff from the composting operation and from the property. Compliance with this requirement must be commenced within ten (10) days of this notice.

6. Landscaping, including particularly oleander bushes, 6 feet in height, are required to be planted on top of the earthen berm, pursuant to the Planning Commission Mitigation Measure, which is a condition of project approval. This landscaping has not been planted. Compliance with this requirement must be commenced within ten (10) days of this notice.

7. The project approval does not allow treated wood products to be brought onto the property or to be introduced into the composting operation. The composting project approval only allows untreated, clean wood products and bio-solids to be brought onto the property. All treated wood products (including painted wood, laminated, and glued wood products must be removed from the property and from the composting windrows, within ten (10) days of this notice. No treated wood products may be brought onto the project site.

8. The project approval does not allow trash, junk, debris and other garbage to be brought onto the property or to be introduced into the composting operation. All trash (including, but not limited to, plastic bags, plastic products and materials, paper, junk and garbage) must be removed from the property, and from the composting windrows, within ten (10) days of this notice. No trash may be brought onto the project site.

9. The project is required to utilize a process which creates a hard crust over all of the compost windrows, which prevents odors from escaping, and prevents wind-borne dust and debris from leaving the property. The project is not being operated in accordance with the project description, and generates offensive odors, vectors (predominantly flies) and wind-borne dust and debris on surrounding properties and in the public right-of-way. The project must either be brought into compliance with the project description, within thirty (30) days of this notice, or operations must be terminated until such time as the

2

SBC- 53

Notice of Violation
Page 3

project can be operated without creating offensive odors, flies and wind-borne dust and debris.

The above-referenced conditions on the property, and the failure of the project to comply with essential fire-safety and other environmental mitigation conditions constitutes a public nuisance on the property which will be abated by the City.

Prior to correcting the above-referenced deficiencies, you must obtain appropriate permit(s) from the City. The City must also be advised at all times of the measures being taken to achieve compliance.

This letter sets forth several deadlines by which compliance must be achieved or commenced. Failure to comply with any of the above-referenced requirements will result in abatement of the violations by the Code Enforcement Department, or the City Attorney, or their designee(s). Any costs, including administrative costs, attorneys' fees, court costs, and any other expenses borne by the City related to such abatement shall be a personal obligation of the property owner and/or tenant, and may be placed as a lien against the property.

We have reason to believe other violations may exist on the property, and hereby request that you authorize the representatives of the City's Code Enforcement Division, the Fire Department, Department of Building and Safety, and other appropriate City personnel to conduct an inspection of the property within a week following this notice. If we do not receive your permission to conduct the inspection, the City will obtain an administrative inspection warrant, the expense of which will be a charge against the property owner and/or tenant, and may be placed as a lien on the property.

The City has further been informed that the project is being operated outside authorized hours. Hours of operation (including truck traffic delivering and removing composting material to and from the property) are strictly limited by a project mitigation measure to weekdays between the hours of 7:00 a.m. and 8:00 p.m. The operator has agreed to provide truck logs to confirm delivery times. We are requesting that all truck logs for the project be provided to the City within the next ten (10) days. The City will review those logs, and determine whether further action is required.

If you have any questions, you may contact this office at (760) 246-2300, extension 3005. All correspondence should be directed to the undersigned at the City of Adelanto Code Enforcement Division, 11600 Air Expressway, Adelanto, CA 92301.

We would appreciate your immediate attention to the matters set forth herein.

Yours sincerely,

Kevin Murphy, Sr. Code Enforcement Officer

cc: City Attorney
Building Official
City Manager
File

SBC- 54

3

BRUNICK, BATTERSBY, McELHANEY & BECKETT
PROFESSIONAL LAW CORPORATION
1839 COMMERCENTER WEST
POST OFFICE BOX 6425
SAN BERNARDINO, CALIFORNIA 92412
TELEPHONE: (909) 889-8301
FAX: (909) 388-1889
E-MAIL: bralba@aee.org

RENE S. ABRAHAM
MARGUERITE P. BATTERSBY
STEVEN K. BECKETT
WILLIAM J. BRUNICK
HARRY C. CARPELAN
RAYMOND F. DOLEN
STEVEN M. KENNEDY
LELAND P. McELHANEY
STEPHEN MILLER

OF COUNSEL
CHARLES A. PECKHAM

215 CAJON STREET
P. O. BOX 1320
REDLANDS, CALIFORNIA 92373
TELEPHONE (909) 793-0818

PLEASE REFER TO

November 7, 2003

BY FACSIMILE TO (909) 387-4323 AND HAND DELIVERY

Daniel J. Avera, REHS
Director of Environmental Health Services
San Bernardino County
385 North Arrowhead Avenue
San Bernardino, CA 92415-0160

Nursery Products Composting Facility, City of Adelanto

Dear Mr. Avera:

This letter will confirm the actions taken unanimously by the Adelanto City Council on November 5, 2003, following a public hearing. The meeting as called for the purpose of hearing from members of the public and the owner/operator of the Nursery Products Composting Facility (the "Project"), and so that the City Council could make certain preliminary determinations and give direction to City staff regarding the Project and Project approvals, as well as a proposed expanded/intensified project under a Solid Waste Facility Full Permit issued by Environmental Health Services ("EHS") as the LEA. Following the public hearing, the City Council acted and directed staff as follows:

1. The City Council determined that evidence had been presented that the Project was incorrectly or falsely described to the Planning Commission at the time the Conditional Use Permit (the "CUP") and the Location and Development Plan ("LDP") were approved; that the Project is being operated in violation of the conditions of approval and mitigation measures; and that it is being operated in a manner that creates a public nuisance. The City Council directed staff to re-evaluate the land use entitlements for the Project and to initiate appropriate land use revocation proceedings, pursuant to Adelanto Municipal Code sections 17.130.080 and 17.100.180.

2. The City Council determined that evidence had been presented that the Project is operating in violation of the conditions of approval, and directed staff to initiate nuisance abatement proceedings in accordance with the Adelanto Municipal Code.

3. The City Council determined that the Environmental Impact Report (SCH 2001081117) (the "EIR"), approved by the Planning Commission on December 4, 2001, and the Project approvals given by the Planning Commission on that date do not support the design and

SBC - 55

Avera: EHS Solid Waste Permit/Nursery Products
November 7, 2003
Page Two

operation described in the draft Solid Waste Facility Full Permit (EHS Facility No. 36-AA-0-420), and that supplemental environmental review and project approvals would be required before the expanded/intensified project would be permitted by the City.

4. The City Council directed the Mayor, the Mayor Pro Tem, the City Manager and the City Attorney to participate fully in the Nursery Products permitting process with the California Integrated Waste Management Board and EHS, and, if necessary, to attend the Board meeting on November 18 to request that further consideration of the permit be terminated or delayed until the revised project has received appropriate City review and approval, and until the status of the Project entitlements has been resolved by the City.

The above determinations were made by the City Council based on testimony received at the public hearing, from City staff, members of the public, and the City's Fire personnel (San Bernardino County Fire). Based in part on the City's November 3, 2003 inspection of the Project site by the Building Official and Code Enforcement Officer, the position of City staff is as follows:

1. The Project has not complied with conditions of approval and mitigation measures related to fire safety, construction permitting, road improvements, street lighting, conditions on the Project site (berm construction, landscaping, scope of operations), and hours of operation.

2. The Project is not being operated as described in the permit approvals, in that the windrows are not covered by a crust and non-conforming materials are being introduced into the compost windrows on the site (trash, garbage, plastics, treated and coated wood products, and wood products with glue or other non-wood components) in large quantities, and the site operations are creating persistent offensive odors, flies, dust and air-borne litter;

3. The Project was inaccurately described to the City and to the Planning Commission such that the Project approvals and environmental review may be inadequate. The Project was described as a composting facility which would implement a unique system (the Harvest Quest system), with a hard crust formed over the windrows which would eliminate all odor, vectors and wind-borne dust and debris. The crusted windrows would be infrequently turned with specialized machinery which would not expose the compost until it was ready for removal. The Planning Commission did not review or consider a project with the potential to create offensive odors, vectors or wind-borne dust and debris, and the Project approvals did not take into consideration the possibility of those effects. We

SBC - 56

2

Avera: EHS Solid Waste Permit/Nursery Products
November 7, 2003
Page Four

We therefore request that EHS determine that the project application is incomplete, and terminate or indefinitely postpone proceedings related to the proposed project and the Solid Waste Facility Full Permit application now pending with the California Integrated Waste Management Board, and that EHS not proceed with approval of a Solid Waste Facility Full Permit for the Project until such time as the City has completed its permit review process described above.

We are further requesting timely notice from EHS of any future applications, permits, meetings, or proposed actions by EHS related to the Nursery Products operation in the City of Adelanto. Such notice should be provided to the attention of the Adelanto City Manager.

We would like your written response indicating the action you have taken or intend to take on the pending application and permit, as we would like to avoid any unnecessary expense of traveling to the Integrated Waste Management Board meeting on November 18, if at all possible. Thank you for your consideration and assistance in the City's consideration of this matter.

Yours sincerely,

Peg Battersby

Marguerite P. Battersby, City Attorney for the City of Adelanto

cc: Mayor and City Council
Rick Oakley, City Manager
Mark de Bie, Permitting and Inspections
California Integrated Waste Management Board (916) 319-7242

SBC- 57

3

11/12/2003 01:29 909 S.B. CO. ENV. HEALTH PAGE 06

# DEPARTMENT OF PUBLIC HEALTH

ENVIRONMENTAL HEALTH SERVICES
☒ 385 North Arrowhead Avenue • San Bernardino, CA 92415-0160 • (909) 884-4056
☐ 1647 East Holt Boulevard • Ontario, CA 91761 • (909) 458-9873
☐ 13911 Park Avenue • Victorville, CA 92392 • (760) 243-3773
☐ San Bernardino County Vector Control Program
2355 East Fifth Street • San Bernardino, CA 92415-0064 • (909) 388-4600

COUNTY OF SAN BERNARDI
HUMAN SERVICES SYSTEM

JAMES A. FELTEN, MPA
Public Health Programs Administr

THOMAS J. PRENDERGAST, JR., MI
Director of Public Health

DANIEL J. AVERA, REHS
Chief of Environmental Health

Also serving the cities of:

| | |
|---|---|
| Adelanto | Montclair |
| Apple Valley | Needles |
| Barstow | Ontario |
| Big Bear Lake | Rancho Cucamon |
| Chino | Redlands |
| Chino Hills | Rialto |
| Colton | San Bernardino |
| Fontana | Twentynine Palms |
| Grand Terrace | Upland |
| Hesperia | Victorville |
| Highland | Yucaipa |
| Loma Linda | Yucca Valley |

November 12, 2003

Ms. Linda Moulton-Patterson, Chair
California Integrated Waste Management Board
P.O. Box 4025/ 1001 "I" Street Mail Stop #2
Sacramento, CA 95812-4025

Mr. Mark Leary, Executive Director
California Integrated Waste Management Board
P.O. Box 4025/ 1001 "I" Street Mail Stop #2
Sacramento, CA 95812-4025

**Subject: Nursery Products, LLC, Solid Waste Facility Permit 36-AA-0420**

On November 7, 2003 our office received a letter from the City Attorney for the City of Adelanto (see attached). Based on this letter the LEA finds the Nursery Product application incomplete and requests the permit be taken off calendar at this time.

If you have any questions, please call me at (909) 387-4688.

Sincerely,

DANIEL J. AVERA, R.E.H.S.
Chief of Environmental Health Services

DJA:aop
Attachment

cc: CIWMB Boardmembers
Howard Levenson, Deputy Director-CIWMB
Mark De Bie, Branch Manager-CIWMB
Rick Oakley, Adelanto City Manager
Jim Nehmans, Mayor of Adelanto
Jeff Meberg, Nursery Products

WALLY HILL
County Administrative Officer
CAROL L. ASSELMI
Assistant County Administrator

Board of Supervisors
BILL POSTMUS ..... First District
PAUL BIANE ..... Second District
DENNIS HANSBERGER ..... Third Distr
FRED AGUIAR ..... Fourth Distr
Fifth District

SBC- 58

dated 11-1-04

ORIGINAL

# SETTLEMENT AGREEMENT

## I. PARTIES

The parties to this agreement are Nursery Products, LLC, a California limited liability company ("Nursery Products"), Jeff Meberg ("Meberg"), and the City of Adelanto ("City").

## II. RECITALS

### A. The Composting Facility

Nursery Products owns and operates a composting facility ("Composting Facility") located at 16284 Aster Road, in the City of Adelanto. This Composting Facility consists of approximately 40 acres of graded land, a trailer with offices, and various pieces of equipment. The Composting Facility receives and processes both "green waste" (grass clippings, wood chips, and similar materials) and bio-solids (treated sewage). After approximately 60 days of processing at the Composting Facility, the finished material is sold as agricultural fertilizer.

### B. The Existing Bio-Solids Agreement

VALUE PAYME

NURSERY PRODUCTS PAYMENT TO CITY FOR PERMIT TO OPERATE

Prior to commencing operations of the Composting Facility, Nursery Products and the City entered into an agreement under which Nursery Products agreed to accept for processing, process, and dispose of up to five thousand (5,000) tons per year of Class "B" bio-solids generated at the City's wastewater treatment plant, without cost to the City or its residents, for a period of fifty (50) years. Under the agreement the City is responsible for transporting bio-solids to the Composting Facility, and for paying the costs of transport.

### C. The Application for an Expanded Permit

In 2003, Nursery Products applied to the California Integrated Waste Management Board ("CIWMB") for an expanded solid waste facilities permit that



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I, HEREBY CERTIFY that this docume is a full, true, and correct copy of t original record maintained in the files the City of Adela. o.

Cindy Herrera
City Clerk
City of Adelanto

SBC- 59

would allow it to increase the amount of material composed annually by nearly 700%. The City expressed concerns to the CIWMB about expanding the capacity of the Composting Facility. The CIWMB has taken no action on the application for the expanded permit.

**D. The Lawsuit**

On November 17, 2003, Nursery Products and Meberg filed a lawsuit against the City in the United States District Court, Central District of California (Docket number SACV 03-1622-GLT (ANx)). The lawsuit alleged, in substance, that the City had violated the plaintiffs' due process rights, had impermissibly interfered with Nursery Products' business, and had caused harm to Nursery Products' and Meberg's reputations. Summary judgment in favor of the City was entered by the Court on October 8, 2004.

**E. Attorney's Fees Motion**

The City has advised Nursery Products and Meberg of the City's intention to bring a motion for an award of its reasonable attorney's fees incurred in defending the lawsuit, pursuant to 42 U.S.C. §1988. Nursery Products and Meberg dispute the City's entitlement to recover its attorney's fees. Additionally, the City on October 21, 2004, filed an application for an order taxing costs against Nursery Products and Meberg. ? ?

**F. Settlement**

The parties desire to avoid the risk and expense of further litigation and appeals, and desire fully and finally to resolve any and all claims by the City against Nursery Products and Meberg for the recovery of attorney's fees and costs, and to achieve certainty regarding the future operation of the Composting Facility and the disposal of sewage sludge generated at the City's wastewater treatment plant.



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SBC- 60

## III. AGREEMENT

The parties agree as follows:

### A. Cessation of Operations at and Relocation of the Composting Facility

1. Nursery Products and Meberg shall, on or before July 1, 2005, cease and desist from receiving and processing green waste, bio-solids, or any other organic material for composting at the Composting Facility located at 16284 Aster Road in the City of Adelanto.

2. Nursery Products and Meberg shall, on or before September 1, 2005, permanently cease and desist from conducting composting activities at 16284 Aster Road in the City of Adelanto.

3. Nursery Products and Meberg shall, on or before September 1, 2005, remove all green waste, bio-solids, or other composting material, including all finished compost material and related equipment, from the Composting Facility and shall clean and clear the site, *provided, however*, that finished compost material and fertilizer may be retained on the site in connection with the operation of a wholesale/retail commercial nursery business, subject to such conditions as may be imposed by the City.

4. Nursery Products and Meberg shall, use their best efforts to relocate the Composting Facility to a new site, located within or outside the City limits of the City of Adelanto, and to obtain all necessary permits therefor, on or before September 1, 2005.

### B. Abandonment of Conditional Use Permit

The parties agree that the Conditional Use Permit approved by the Planning Commission on December 4, 2001 shall be deemed abandoned and shall have no further force and effect as of September 1, 2005, or upon such earlier date as composting activities cease at the Composting Facility site.



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3

SBC-61

## RESPONSE TO COMMENT LETTER C23

C23-1 See response to comments B3-2 and COB-8.

C23-2 Comment noted.

[This page intentionally left blank]

## COMMENTS C24

Copy of Letter to Editor: Now to Carrie Hyde
San Bernardino County Land Use Services Department
Advance Planning Division
385 N. Arrowhead Ave. First Floor
San Bernardino, CA 92415-0182

RECEIVED
OCT 31 2006
LAND USE SERVICES DEPT.
ADVANCE PLANNING DIVISION

~~July 2, 2006~~
Oct. 30th, 2006

Letter to the Editor: + Carrie Hyde:

When John Crapper invented the toilet, I do not think he knew land developers were going to over-develop certain high priced areas for lots of money, so they could spread "poo-poo" on others.

I am calling this article *Illegal Dumping of Human Waste*, from Orange and Los Angeles Counties to Hinkley, in San Bernardino County. Since when do Orange and L.A. Counties get to do what they want in San Bernardino County? I do not remember voting on anything this important. I have lived here since 1962 and I do remember an article in the paper some time ago about a company in L.A. that wanted to spread human waste on the High Desert and they were told a big NO! What has happened since then? It should still be NO! How can it be cheaper to truck human waste to us? These questions raise some major concerns. Like Global Warming! C24-1

First of all, Orange and L.A. Counties are very over-crowded and do have a waste problem. Have they tried sending engineers to Europe to study their problems? Germany had a plant built for some sort of waste that produces energy. One of the Arab countries re-cycles waste water through a system that works well. We can learn from others now. We cannot afford to wait until a disaster strikes like Katrina.

Second, San Bernardino County is growing; especially on the High Desert, where you can still purchase a home at a reasonable price. However, the High Desert is fragile and water is scarce. We also are known for our endangered species in the desert. For example, the Desert Tortoise has survived centuries, but I do not think human waste is in their best interest. Also, the Mojave River, the river that does not run to the sea, runs backwards through our area. According to the Golden State Water Co., water delivered to the Barstow system is groundwater pumped from the Mojave River Basin Center, "It is in the center of the Mojave basin extending northwesterly and southwesterly from the Mojave River."

SBC- 62

Third, if Lenwood, Grandview, Barstow, Daggett, Yermo, etc..., think this is only Hinkley's problem, you are wrong! The High Desert is famous for winds and it never blows just one way. If there is a low pressure system, it is West and /or South. If there is a high pressure system, it is North and /or East. So, the pollution from the waste and trucks, is in the air you breathe, the water you drink and the earth you live on. Also, most important, human waste does cause disease. Just ask Third World Countries! C24-2

Orange and L.A. Counties must find another way. They can send a man to the moon, so why can this problem not be solved. I do not think the Pacific Ocean needs any more additional sewage either.

If you watch or listen to the news, the town of Gorman was shut down last week due to human waste in their water supply.

Do you want to be in the news? Does anyone have Erin Brockovich's number?

Maria J. Gregg

Maria Gregg
1624 Forane Street
Barstow, Ca 92311
760-252-3832

P.S. Nursery Products is going to do "illegal dumping" of human waste in Hinkley and they know it, so how can anyone approve of a project like this! It may be time to follow the "money trail."

SBC-63

2

## RESPONSE TO COMMENT LETTER C24

C24-1 Comment noted.

C24-2 Comment noted.

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## COMMENTS C25

RECEIVED
NOV 01 2006
LAND USE SERVICES DEPT.
ADVANCE PLANNING DIVISION

**Response to Nursery Products Composting Facility Project**
**Letter received on 9/28/06. Re comment period ending 11/9/2006**

The following comments are from Lloyd and Barbara Hill. Home address 21250 Frontier Rd. Hinkley, Ca. 92347 — **DATED 10/20/2006**

I was at the meeting held on 10/11/2006 at the Hinkley Elementary School. At that meeting we were advised that we should submit yet another response to the above mentioned project. We were told that the previous responses were of little use and were not even taken into consideration. We were advised that this response would be the most important response to submit. With that in mind we would like you to read our response that was submitted on 6/4/2006, which will follow starting at **Environmental Issue Number 2.**

Our additional comments on the project will be stated after **Environmental Issue Number 8**.

**Environmental Issue Number 2.**

We are very concerned about the air quality in the area of the Nursery Products proposed composting facility. We live approximately 8.3 miles downwind from the proposed location. It is our belief that toxic particulates will be spread throughout Hinkley and on into Barstow due to the extremely high winds that are fact in the High Desert. This will contaminate the air and put the residents in the surrounding areas at an acutely high risk for respiratory and other related diseases.

C25-1

The high desert winds blow smog from the Cajon Pass as far as Hinkley and Barstow. The Cajon Pass is 46 miles from Hinkley ( in a straight line ). If the wind blows the smog in this far, can anyone not know that it will do the same with the pollutants from the Bio Waste facility? Further, a few years ago during the Santa Clarita, California fires, Hinkley and Barstow residents woke up to ash in the air, and on the their property (cars, house roofs, clothing, etc.) Santa Clarita is 92 miles from the Hinkley-Barstow area. During the Big Bear/Oak Knolls fires the Barstow School District closed their schools (including Hinkley Elementary/Middle School) because of the particulates contaminating the air, and overwhelming smell of smoke. If Hinkley residents could smell the smoke that was carried by the winds from Santa Clarita and Big Bear/Oak Knolls fires, how much more will residents smell the stink from the sludge that is proposed to be dumped a mere 8 or so miles away. Please do not allow this facility near Hinkley, or any community.

We are sure you know the story about Hinkley PG&E. We have had our share of big companies negligently and knowingly dumping waste that causes debilitating diseases to Hinkley's citizens.

1

SBC- 64

**Environmental Issue Number 7.**

Water Quality is of great concern to us. A copy of the report submitted by the Land Use Services Department was passed out at the meeting of June 2, 2006, at the Hinkley Fire Department. In that report, on page 11, item c, it states "The site is within a 500-year flood plain, which suggests that only rare flood flow passes through the site." In the same paragraph it states that the apparent flood flow paths likely flow eventually into the Mojave River. My question is who, on this earth, can guarantee that the next winter will not be that rare occasion when there is a flood that would carry the sludge into the Mojave River contaminating drinking water for literally thousands of people, and bringing about disease. C25-2

**Environmental Issue Number 8.**

We are concerned about the preservation of the wildlife in the proposed area. There is a wildlife preserve on Harper Lake Road to the north of the proposed site. Harper Lake and the wildlife preserve are both approximately 8 miles to the north of this site. Our concern is that the birds will eventually migrate to the site and become diseased, and that many will die from eating the sludge. C25-3

Another concern is that of the desert tortoise. What will be the result of 500 trucks daily driving down a dirt road used by the desert tortoise? How many desert tortoises will be run over, or even worse, a truck turned over and the driver injured, or killed. We are concerned that the desert tortoise and other wildlife in the area, will eat the sludge or move through the sludge, become diseased, and die. That the wildlife in the area will be destroyed. C25-4

I (Lloyd Hill) can tell you first-hand what it is like to be near one of Nursery Products sludge composting sites. The Adelanto branch of Pro Flame Gas Company (my employer) was located near the Adelanto composting site that was shut down in 2005. When it was in operation we had to keep all of our windows and doors closed all of the time due to the flies and the odor. The smell was nauseating. The air conditioning couldn't even remove the stink from the air inside of the building. C25-5

**ADDITIONAL COMMENTS FROM THE 10/11/2006 MEETING:**

After reading the "Environmental Impact Report for Nursery Products LLC, dated May 5, 2006, I had the following comment:

In the study there are thirteen (13) items that have a response of **"POTENTIALLY SIGNIFICANT IMPACT".** I would think that any project that had two or more issues that fall within the category of a **"POTENTIALLY SIGNIFICANT IMPACT,"** would be stopped. However, after hearing what was said at the 10/11/2006 meeting I was appalled to find out that each of the issues that had a **"POTENTIALLY SIGNIFICANT IMPACT,"** were being

2

SBC - 65

handled with a BAND-AID. Instead of requiring them to put in a concrete-dome style installation like they have throughout the state.

In closing, we ask why nearly all of the counties in California have addressed the issue of sludge spreading sites (such as the one proposed that place their citizens in harms way,) and have stopped them from coming into their counties....except for San Bernardino County.

Thank you for the taking the time to read these comments.

Dated: October 30, 2006

Lloyd Hill

Barbara Hill

Mr. Lloyd Hill
21250 Frontier Rd.
Hinkley, CA 92347-9552

**MAILED TO**

**CARRIE HYKE**
**LAND USE SERVICES DEPT. S.B. COUNTY**
**385 NORTH ARROWHEAD AVE.**
**SAN BERNARDINO, CALIF. 92415-0182**

**ON JUNE 5, 2006**

3

SBC- 66

## RESPONSE TO COMMENT LETTER C25

C25-1 See response to comments B6-4 and CDHS-4. The potential for odor from the facility was evaluated in Section 4.3.3.3. As shown on Table 4.3.11, odors at the site boundary would be significant. However, odors at the nearest house (1.5 miles away) would be well below the thresholds established by the Air Quality Management District.

C25-2 See response to comments MWA-2, CIWMB-3, and B4-28.

C25-3 As indicated in Appendix C, the agency databases were reviewed to identify special status species that are present in the project area. The species known to occur in the area are included in the EIR analysis.

In addition, see comment to USFWS-8.

C25-4 See response to comments USFWS-3, USFWS-6, USFWS-9, USFWS-12. In addition, see comments CDFG-4 and USFWS-8.

C25-5 Comment noted.

## COMMENTS C26

RECEIVED
NOV 01 2006
LAND USE SERVICES DEPT.
ADVANCE PLANNING DIVISION

**Draft Environmental Impact Report**
**PUBLIC COMMENT CARD**

If you would rather write your comments, you may turn this in to inform us of your comments regarding this Draft. The California Environmental Quality Act (CEQA) Draft Environmental Impact Report reviews several environmental issues as listed below.

Environmental Issues
1. Air Quality
2. Biological Resources
3. Cultural Resources
4. Hazards/Hazardous Materials
5. Hydrology/Water Quality
6. Transportation/Circulation

**Topic #** **Comment**

III - I think if this is approved we will have poor air Quality this is one of the reasons I live out here I needed good dry air to be able to breath well. (a, b, c)

IV our wild life would be hampered by this our turtles - snakes - kangaroo rats - birds - (a, d)

VII The highway 58 would be more dangerous to all local traffic. the release of hazardous material from accident bad (a, b)

IX - our water would be contaminated & use of it to clean trucks & area would really affect our good water PG&E already ~~[illegible]~~ has done a number on us health wise we need to let nature heal our water supply (C, D, E)

XVII A B I already can't get a reliable phone service

C26-1

Use additional pages if needed. Please turn in your comments at this meeting, ***or:*** Mail **on or before November 9, 2006** to: Carrie Hyke, Land Use Services Dept., San Bernardino County, 385 North Arrowhead Ave., San Bernardino 92415-0182 ***or:***
● Fax: (909) 387- 3223 ● Tel. 909-387-4147 ● E-mail: chyke@lusd.sbcounty.gov

Name: Erika H Schneider

Mailing Address: 20220 Halstead Rd. Hesperia Ca

Tel. ~~/e-mail~~: 760-253-9157

SBC-67

## RESPONSE TO COMMENT LETTER C26

C26-1 Comment noted.

## COMMENTS C27

ATTN: CARRIE HYKE.



**Charles Moore**

**From:** "Charles Moore" <moorebarstow@peoplepc.com>
**To:** "Scott Shackford" <scott_shackford@link.freedom.com>
**Cc:** "Senator Roy Ashburn" <senator.ashburn@sen.ca.gov>; "Lawrence Dale" <ldale@barstowca.org>; "John (PublnfoOfcr) Rader" <jrader@barstowca.org>; "Joe Gomez" <jgomez@barstowca.org>; "Congressman Buck McKeon" <imaca25@mail.house.gov>; <assemblymembermaze@assembly.ca.gov>; "charles a. moore" <moorebarstow@peoplepc.com>
**Sent:** Tuesday, October 31, 2006 5:50 PM
**Subject:** Letters to the Editor

Mr. Shackford,
Please consider the following for "Letters to the Editor."

WE DON'T NEED YOUR "SEWAGE"

Mr. Steve Smith's letter (Desert Dispatch, Oct. 30, 2006) prompted me to write to Carrie Hyke, San Bernardino County Land Use Services Department, stating my objection to the proposed Nursery Products dump in Hinkley. It appears that anytime the "powers" down the hill want to get rid of their "garbage" (in this case human crap}, they think they can ship it to the desert. Perhaps it's time we raised the Mojave County issue again and start our own county. **C27-1**

It's obvious, based on Adelanto's experience with Nursery Products, that we can certainly do without this "crap" on the desert. Haven't the good people of Hinkley gone through enough with the contaminated ground water? I for one have respritory problems and live on the desert for the quality air I can breathe. I don't need to be smelling L.A.'s sewage!

I find it hard to believe that the Draft Environmental Impact Report (DEIR) paints such a rosy picture of the situation. The people of Adelanto have a different opinion.

Hey! Wait a minute. I have an idea. If it's so safe why not put it on that vacant property just on the west side of San Bernardino! **C27-2**

Come on folks. We're people up here on the desert, and don't need or want other people's "garbage."

Charlie Moore
Barstow

Charles A. Moore, Sr.
701 Montara Road, Sp. 86
Barstow, CA 92311
(760) 252-8258
moorebarstow@peoplepc.com

RECEIVED
NOV 01 2006
LAND USE SERVICES DEPT.
ADVANCE PLANNING DIVISION

Ms. Hyke,
PLEASE NOTE THAT I OPPOSE NURSERY PRODUCTS LAND USE NEAR HINKLEY.
THANK YOU.

C A Moore, Sr

10/31/2006

SBC- 68

## RESPONSE TO COMMENT LETTER C27

C27-1 Comment noted.

C27-2 Comment noted.

## COMMENTS C28

**Draft Environmental Impact Report**
**PUBLIC COMMENT CARD**

RECEIVED
NOV 03 2006
LAND USE SERVICES DEPT.
ADVANCE PLANNING DIVISION

If you would rather write your comments, you may turn this in to inform us of your comments regarding this Draft. The California Environmental Quality Act (CEQA) Draft Environmental Impact Report reviews several environmental issues as listed below.

Environmental Issues
1. Air Quality
2. Biological Resources
3. Cultural Resources
4. Hazards/Hazardous Materials
5. Hydrology/Water Quality
6. Transportation/Circulation

**Topic #** **Comment**

Tom Chavez 25587 Jade RD
Barstow ca 92311

Yes I would like to know how all the trucks are getting to the compost site. C28-1

How will it have a vvect on are air and water C28-2

How did they do Transportain report. C28-3

Use additional pages if needed. Please turn in your comments at this meeting. ***or:*** Mail **on or before November 9, 2006** to: Carrie Hyke, Land Use Services Dept., San Bernardino County, 385 North Arrowhead Ave., San Bernardino 92415-0182 ***or:***
● Fax: (909) 387- 3223 ● Tel. 909-387-4147 ● E-mail: chyke@lusd.sbcounty.gov

Name: Tom Chavez

Mailing Address: 25587 Jade Barstow 92311

Tel. /e-mail: 760-253-3404

SBC-69

## RESPONSE TO COMMENT LETTER C28

C28-1 See response to comments RWCQB-8.

C28-2 Air quality; see comments to CDFG-6, CDHS-4, B6-4, B3-1, and Section 4.3 of the EIR. The potential for odor from the facility was evaluated in Section 4.3.3.3. As shown on Table 4.3.11, odors at the site boundary would be significant. However, odors at the nearest house (1.5 miles away) would be well below the thresholds established by the Air Quality Management District.

C28-3 See response to comments COB-30, COB-31, and B6-2.

## COMMENTS C29

RECEIVED
NOV 03 2006
LAND USE SERVICES DEPT.
ADVANCE PLANNING DIVISION

**Draft Environmental Impact Report**
**PUBLIC COMMENT CARD**

If you would rather write your comments, you may turn this in to inform us of your comments regarding this Draft. The California Environmental Quality Act (CEQA) Draft Environmental Impact Report reviews several environmental issues as listed below.

Environmental Issues
1. Air Quality
2. Biological Resources
3. Cultural Resources
4. Hazards/Hazardous Materials
5. Hydrology/Water Quality
6. Transportation/Circulation

| Topic # | Comment | |
|---|---|---|
| 1 | As a life-long sufferer of asthma (I am 69 years old) I am in great fear that this project will contaminate the air to the extent that I may even expire because of the pollutants. | C29-1 |
| 5 | Barstow's water is pumped from ground water near this project. It has been shown that fecal matter from septic tanks in Malibu have contaminated the beach water. The same will happen here! | C29-2 |

Extended to Nov 13

Use additional pages if needed. Please turn in your comments at this meeting, *or:* Mail **on or before November 13, 2006** to: Carrie Hyke, Land Use Services Dept., San Bernardino County, 385 North Arrowhead Ave., San Bernardino 92415-0182 *or:*
● Fax: (909) 387-3223 ● Tel. 909-387-4147 ● E-mail: chyke@lusd.sbcounty.gov

Name: Joseph C. LeBrun

Mailing Address: P.O. Box 883, Barstow, CA 92311

Tel. /e-mail: (760) 252-7567 /

SBC-70

## RESPONSE TO COMMENT LETTER C29

C29-1 See response to comments B6-4 and CDHS-4.

C29-2 See response to comments COB-22 and RWQCB-7.

## COMMENTS C30

RECEIVED
NOV 06 2006
LAND USE SERVICES DEPT
ADVANCE PLANNING DIVISION

October 11, 2006

Carrie Hyke
Supervising Planner
Land Use Services Department,
Advance Planning Division
County of San Bernardino
385 N. Arrowhead Avenue, 1st Floor
San Bernardino, CA 92415-0182

Re: Inadequacy in Draft EIR for Nursery Products LLC
State Clearinghouse Number 2006051021

Dear Ms Hyke,

I checked out Nursery Products in Adelanto. Nursery Products did not live up to their promises and reassurances. Where is there any indication that Nursery Products will do any thing they say in this DEIR? C30-1

Additional comments:

We've already been Polluted once by PG & E. We don't want this company up here

Yours Truly,

Cindy Lou Gust

Cindy Lou Gust

Signature and Address

34995 Cedar Road.

Barstow, CA 92311

SBC- 73

## RESPONSE TO COMMENT LETTER C30

C30-1 See response to comments B3-2 and COB-8.

## COMMENTS C31

RECEIVED
NOV 06 2006
LAND USE SERVICES DEPT.
ADVANCE PLANNING DIVISION

October 11, 2006

Carrie Hyke
Supervising Planner
Land Use Services Department,
Advance Planning Division
County of San Bernardino
385 N. Arrowhead Avenue, 1st Floor
San Bernardino, CA 92415-0182

Re: Inadequacy in Draft EIR for Nursery Products LLC
State Clearinghouse Number 2006051021

Dear Ms Hyke,

It seems to me that the primary concern in the DEIR is Nursery Products' bottom line. When there be a document that mainly concerns our people and our desert?

We as high desert residents do not want this business up here - I am the grandmother + great grandmother of 13 "young lungs" that live + play in this area - I am especially concerned over the poor air + water quality that an operation such as Nursery Products LLC, would bring about. The desert has long been known for our clean air up here, in comparison to the polluted air down in areas below us - We would seriously like to keep it that way - C31-1

~~Additional comments:~~

Yours Truly,

MRS. KATHRYN L. GUST

Thank you for considering our feelings on this issue -

Signature and Address

Mrs. Kathryn L. Gust

25238 Agate Rd Barstow, Ca 92311-3310

CBC - 74

## RESPONSE TO COMMENT LETTER C31

C31-1 Air quality; see comments CDFG-6, CDHS-4, B6-4, B3-1, and Section 4.3 of the EIR. The potential for odor from the facility was evaluated in Section 4.3.3.3. As shown on Table 4.3.11, odors at the site boundary would be significant. However, odors at the nearest house (1.5 miles away) would be well below the thresholds established by the Air Quality Management District.

Water quality; see comments to MWA-2 and RWQCB-9.

## COMMENTS C32

RE: NPLLC
TO: CARRIE HYKE
FROM: C. D. GOODSON

RECEIVED 11/03/2006
NOV 06 2006
LAND USE SERVICES DEPT
ADVANCE PLANNING

(MDAQMD) ENVIRONMENTAL IMPACT STATEMENT
Dated: * September 2006

3.1

This category suggests that there are no other working Compost Locations in San Bernardino County in which to judge the impact on the area environment; therefore, how can you be sure of long term impact? C32-1 C32-2

If the project you are proposing near Chino is to be enclosed, why can't the facility near Hinkley be enclosed as well; especially in view of the fact that the particulate matter of the compost piles will have methane and other VOC's which will then be released into the environment. Methane is an extreme VOC for air and water contamination. C32-3

A similar facility is located near Rialto and is far smaller than the proposed facility for Hinkley composting 125 tons per day, Vs 400 tons per day; and it impacts the air quality there how can we expect to inhale and ultimately consume into our systems particulate that far exceeds the MDAQMD's daily amount? C32-4

6.4 I think we are all interested in the source of water availability that will be used to operate the facility. Will the water level in our local Aquifer be depleted? Where is your water consumption coming from? As noted in section 6.4 you will be using non-refundable resources. C32-5

Pathogens and other contaminates are unhealthful when circulating airborne. A few listed that will be airborne is: Aspergillies, Fumigatus, Entotoxrin, and other Allegins. Exactly how is the stench and particulate matter that will be blowing mostly eastward directly over our homes and city be mitigated?

These proposed windrows will undoubtedly cause excessive flies, misquotes and other harmful vectors.

The proposed facility is to be 400,000 square feet in size. The impact of transporting equipment and trucks to haul this sludge and green matter to the facility is enormous. Eight trucks daily, to and from – on which local highways will these trucks travel? Our state and county area highways at present are overwhelmed with the truck traffic that we presently encounter; mostly on old Highway 58 which has high accident and fatality rates frequently involving trucks. C32-6

ALTERNATIVE SITE

The alternate site at Camp Cady off Interstate 40, seems to me to be a far more feasible site for your facility to be built. The air direction blowing these contaminates will be blown into a desert area that is mostly uninhabited. It is far enough from Newberry Springs to cause fewer problems than within 6 miles of inhabited Hinkley and within roughly 10 miles of Barstow. Has anyone proposing this facility been in Hinkley or Barstow, or along the Mojave River bed area when we experience 55 to 60 mph wind? Your windrows are liable to end up on main street!!!! To say nothing of the contaminates that will be distributed along the river (our main source of water supply.) C32-7 C32-8

What in your opinion is the impact of placing this facility in the Hinkley area going to do to the property values within the area? Did not PG&E learn an expensive lesson? WE DO NOT WANT THIS IN OUR AREA!!

MAIN CONCERNS:

- Airborne particulate of all types.
- Stench
- Water quality of our aquifer. Quality of water used. Where will it come from?
- Traffic

* DO NOT REMBER EXACT DATE OF Release.

(SIGNED) Charles D. Goodson
26222 CARBINE Road
BARSTOW, CA 92311

SBC-75

## RESPONSE TO COMMENT LETTER C32

C32-1 Mitigation measures implemented as part of the project are expected to reduce both short term and long term impacts to a level of less than significance.

C32-2 See response to comments CDHS-1, B3-3, and B3-5.

C32-3 See response to comments CDHS-1, B3-3, and B3-5.

C32-4 See response to comment C32-4.

C32-5 See response to comments CDFG-6, B6-4, and CDHS-4.

C32-6 See response to comments RWQCB-8, CIWMB-5, COB-30, COB-31, and B6-2.

C32-7 Please refer to Section 3.3.3 of the EIR

C32-8 The land surrounding the site is vacant for at least a mile in all directions. An evaluation of impacts to property value from the project would be speculative and is not included in the EIR.

## COMMENTS C33

October 11, 2006

RECEIVED
NOV 06 2006
LAND USE SERVICES DEPT.
ADVANCE PLANNING DIVISION

Carrie Hyke
Supervising Planner
Land Use Services Department,
Advance Planning Division
County of San Bernardino
385 N. Arrowhead Avenue, 1st Floor
San Bernardino, CA 92415-0182

Re: Inadequacy in Draft EIR for Nursery Products LLC
State Clearinghouse Number 2006051021

Dear Ms Hyke,

It is mentioned that the Nursery Products facility will operate 24/7 but not how many workers will be working at any particular time. What is the minimum staff for the operation of this facility and will there be staff available late at night to meet the trucks? Will trucks be dropping off sludge with no one present? C33-1

Additional comments:

Yours Truly, Matthew Good
Matthew Good

Signature and Address 34993 Cedar Rd
Barstow CA 92311

SBC - 716

## RESPONSE TO COMMENT LETTER C33

C33-1 Trucks are to arrive at the facility site by appointment only. Therefore, there will always be an employee present at the time of a pickup/delivery. Eight employees will be working at any give time depending on the pickup/delivery schedule.

## COMMENTS C34

RECEIVED
NOV 06 2006
LAND USE SERVICES DEPT.
ADVANCE PLANNING DIVISION

October 11, 2006

Carrie Hyke
Supervising Planner
Land Use Services Department,
Advance Planning Division
County of San Bernardino
385 N. Arrowhead Avenue. 1st Floor
San Bernardino, CA 92415-0182

Re: Inadequacy in Draft EIR for Nursery Products LLC
State Clearinghouse Number 2006051021

Dear Ms Hyke,

Hauling sludge would seem to be a sloppy business. The EIR doesn't seem to cover the procedure for cleaning trucks and where the dirty water goes after the washing is done? **C34-1**

Additional comments: We do not want or need this project. The people of Hinkley have been Raped once by PG+E. Don't need to go through something like that again.

Yours Truly, W. S. Gurtf.

Signature and Address
W. S. Gurtf.
25238 Agate Rd.
Barstow, Ca. 92311

SBC-77

## RESPONSE TO COMMENT LETTER C34

C34-1 See Mitigation Measure HM-7. Vehicle and equipment washdown waste water will be collected in the onsite retention basin.

## COMMENTS C35

RECEIVED
NOV 06 2006
LAND USE SERVICES DEPT.
ADVANCE PLANNING DIVISION

October 11, 2006

Carrie Hyke
Supervising Planner
Land Use Services Department,
Advance Planning Division
County of San Bernardino
385 N. Arrowhead Avenue, 1st Floor
San Bernardino, CA 92415-0182

Re: Inadequacy in Draft EIR for Nursery Products LLC
State Clearinghouse Number 2006051021

Dear Ms Hyke,

It is never mentioned where the water for the sludge facility is coming from. A well is mentioned but if a well is not feasible where will Nursery Products get the water? **C35-1**

Additional comments:

I am very concerned about the dust/dirt when the wind blows - which is quite often.

Yours Truly,

Kimberly Good

Signature and Address

Kimberly Good
34993 Cedar Rd.
Barstow, Ca. 92311

SBC-78

## RESPONSE TO COMMENT LETTER C35

C35-1 Please refer to Section 5.11 of the EIR.

## COMMENTS C36

**Draft Environmental Impact Report**
**PUBLIC COMMENT CARD**

If you would rather write your comments, you may turn this in to inform us of your comments regarding this Draft. The California Environmental Quality Act (CEQA) Draft Environmental Impact Report reviews several environmental issues as listed below.

Environmental Issues
1. Air Quality
2. Biological Resources
3. Cultural Resources
4. Hazards/Hazardous Materials
5. Hydrology/Water Quality
6. Transportation/Circulation

**Topic #** **Comment**

We have already delt w/ poison in water + air, why do we have to go through more poisons
why not take your plant + put it in the middle of nowhere?
Tortoises dig + the young tortoises don't have the knowledge of poison or not.

C36-1

Use additional pages if needed. Please turn in your comments at this meeting, *or:* Mail **on or before November 9, 2006** to: Carrie Hyke, Land Use Services Dept., San Bernardino County, 385 North Arrowhead Ave., San Bernardino 92415-0182 ***or:***
● Fax: (909) 387-3223 ● Tel. 909-387-4147 ● E-mail: chyke@lusd.sbcounty.gov

Name: Virginia A Davis

Mailing Address: 36631 Redrock Rd Hinkley Ca 92347

Tel. /e-mail: DVBRUNO 370 Aol, (760) 253-3336

SBC-79

## RESPONSE TO COMMENT LETTER C36

C36-1 See response to comment USFWS-3, USFWS-6, USFWS-9, and USFWS-12.

## COMMENTS C37

**Draft Environmental Impact Report**
**PUBLIC COMMENT CARD**

If you would rather write your comments, you may turn this in to inform us of your comments regarding this Draft. The California Environmental Quality Act (CEQA) Draft Environmental Impact Report reviews several environmental issues as listed below.

Environmental Issues
1. Air Quality
2. Biological Resources
3. Cultural Resources
4. Hazards/Hazardous Materials
5. Hydrology/Water Quality
6. Transportation/Circulation

**Topic #** **Comment**

Environmental Justice Issue:
This is a poor community. I feel we are being targeted. I work a blue collar job as do most of the Hinkley residents. Would you put this bio-HAZARD place in MALIBU? They have plenty of acreage for sale out there! C37-1

Use additional pages if needed. Please turn in your comments at this meeting, *or:* Mail **on or before November 9, 2006** to: Carrie Hyke, Land Use Services Dept., San Bernardino County, 385 North Arrowhead Ave., San Bernardino 92415-0182 ***or:***
● Fax: (909) 387- 3223 ● Tel. 909-387-4147 ● E-mail: chyke@lusd.sbcounty.gov

Name: Cassandra Ally (Ally)

Mailing Address: 37008 Hinkley Rd. Hinkley 92347

Tel. /e-mail: 760-662-9687, NASTYpuppy@AOL.com

SBC- 80

## RESPONSE TO COMMENT LETTER C37

C37-1 See response to comment B2-2

## COMMENTS C38

**Draft Environmental Impact Report**
**PUBLIC COMMENT CARD**

If you would rather write your comments, you may turn this in to inform us of your comments regarding this Draft. The California Environmental Quality Act (CEQA) Draft Environmental Impact Report reviews several environmental issues as listed below.

Environmental Issues
1. Air Quality
2. Biological Resources
3. Cultural Resources
4. Hazards/Hazardous Materials
5. Hydrology/Water Quality
6. Transportation/Circulation

**Topic #** **Comment**

5 It is seemingly impossible that there would be a nominal quantity of water used. Seeing as compost's major requirement especially in areas of high evaporation resulting from heat & winds.

1 The Mojave desert already has the lowest air quality in the region along with extensively high rates of respiratory difficulties. VOC's would C38-1

2 The desert is already highly depleted as far as habitat available to the desert tortoise. Increasing dusts & other materials will reduce the C38-2

ability for vegetation to grow & thereby destroy the food chain necessary on a grand scale. C38-3

Invasive weeds in the desert are one of the most challenging to get rid of. Large quantities of dangerous herbicides would be needed to stave off weeds w/ soil provided. C38-4

Use additional pages if needed. Please turn in your comments at this meeting, *or:* Mail **on or before November 9, 2006** to: Carrie Hyke, Land Use Services Dept., San Bernardino County, 385 North Arrowhead Ave., San Bernardino 92415-0182 *or:*
● Fax: (909) 387- 3223 ● Tel. 909-387-4147 ● E-mail: chyke@lusd.sbcounty.gov

Name: Liana Sonne

Mailing Address: 1051 Irwin rd. #18 Barstow, CA 92311

Tel. /e-mail: 760 252 6060, LianaDDC@hotmail.c

SBC-81

## RESPONSE TO COMMENT LETTER C38

C38-1 Comment noted.

C38-2 See response to comment USFWS-3, USFWS-6, USFWS-9, and USFWS-12.

C38-3 Please refer to Section 4.3, Air Quality, of the EIR.

C38-4 See response to comment USFWS-10.

## COMMENTS C39

**Draft Environmental Impact Report**
**PUBLIC COMMENT CARD**

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3. Cultural Resources
4. Hazards/Hazardous Materials
5. Hydrology/Water Quality
6. Transportation/Circulation

**Topic #** **Comment**

We don't want a Sewage dump in our Community. My mother's lungs are Vulnerable And this dump would be harmfull. it Should Somewhere safer. you Should Expand your research to also test for how your facilities will affect those who are already living with Compromised health will be affected. You Should be honest And you need to Stop this nonsense. We will Work together As a Community And prevent this dump

C39-1

Use additional pages if needed. Please turn in your comments at this meeting, ***or:*** Mail **on or before November 9, 2006** to: Carrie Hyke, Land Use Services Dept., San Bernardino County, 385 North Arrowhead Ave., San Bernardino 92415-0182 ***or:***
● Fax: (909) 387- 3223 ● Tel. 909-387-4147 ● E-mail: chyke@lusd.sbcounty.gov

Name: La Donna Akin

Mailing Address: 25391 Be Soal St. Barstow, Ca. 92311

Tel. /e-mail: 760 253-2297

SBC - 85

## RESPONSE TO COMMENT LETTER C39

C39-1 See response to comment B6-4

## COMMENTS C40

**Draft Environmental Impact Report**
**PUBLIC COMMENT CARD**

If you would rather write your comments, you may turn this in to inform us of your comments regarding this Draft. The California Environmental Quality Act (CEQA) Draft Environmental Impact Report reviews several environmental issues as listed below.

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3. Cultural Resources
4. Hazards/Hazardous Materials
5. Hydrology/Water Quality
6. Transportation/Circulation

**Topic #** **Comment**

KEEP YOUR SEWAGE IN YOUR OWN BACK YARD!!!!*? WE DON'T NEED OR WANT YOUR CONTAMINATION! C40-1

Use additional pages if needed. Please turn in your comments at this meeting, *or:* Mail **on or before November 9, 2006** to: Carrie Hyke, Land Use Services Dept., San Bernardino County, 385 North Arrowhead Ave., San Bernardino 92415-0182 *or:*
● Fax: (909) 387- 3223 ● Tel. 909-387-4147 ● E-mail: chyke@lusd.sbcounty.gov

Name: ALBERT D. LARA SR.

Mailing Address: 730 S. MURIEL DR. BARSTOW, CA. 92311

Tel. /e-mail: albertlara44@Yahoo.com

SRC - Ale

## RESPONSE TO COMMENT LETTER C40

C40-1 Comment noted.

## COMMENTS C41

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LAND USE SERVICES DEPT.
ADVANCE PLANNING DIVISION

TO WHOM IT MAY CONCERN.!!

PLEASE DO NOT PUT BIO-WASTE DUMP IN HINKLEY AREA OFF HWY 58.

C41-1

ALSO, PLEASE MOVE MEETING NOV. 30 TO BARSTOW AREA SO US SENIORS CAN ATTEND

SEMPER FI

BUCK ANDERSON
35225 CEDAR RD
BARSTOW, CA 92311
760-267-4512

SBC-87

## RESPONSE TO COMMENT LETTER C41

C41-1 Comment noted.

## COMMENTS C42

NURSERY PRODUCTS COMPOSTING FACILITY PROJECT May 18, 2006
PUBLIC SCOPING MEETING COMMENT CARD

Please use this to inform us of your questions or concerns regarding this project. The California Environmental Quality Act (CEQA) Initial Study/Environmental Checklist identifies a number of environmental issues as listed below. Please attach additional sheets if necessary.

Environmental Issues

1. Aesthetics
2. Air Quality
3. Biological Resources
4. Cultural Resources
5. Geology and Soils
6. Hazards/Hazardous Materials
7. Hydrology/Water Quality
8. Land Use and Planning
9. Noise
10. Transportation/Circulation

Topic # Comment

Hydrology/water quality one of our water sources was contaminated by PG+E They Told us They cleaned it up People are still getting sick. water is very precious To every Thing That lives in The desert it is our Life Line. This dump site will deplete a Lot more of our ground water C42-1

Land use and Planning Desert is used For School Field Trips Homes Horse back Riding Dirt bikes and quads and off Road Vehicles Noise The semi Trucks and Heavy Equipment Will make a Lot of Noise C42-2

Transportation/circulation Highway 58 is already overloaded with semis and cars we don't need anymore C42-3

Report This Report From David Marx and Randy Scott is The biggest Lie That Came out of San Bernardino Yet No I Don't This Dump Site

Use additional pages if needed. Please turn in your questions at this meeting, *or:* Mail before June 8, 2006 to: Carrie Hyke, Land Use Services Dept., San Bernardino County, 385 North Arrowhead Ave., San Bernardino 92415-0182 *or:*
• Fax: (909) 387-3223 • Tel. 909-387-4147 • E-mail: chyke@lusd.sbcounty.gov

Name: Roy L Pollett

Address: 36363 Livingston Ln Hinkley Ca 92347

Tel. /e-mail: 760-253-7356 , RoyP@EarthLink.net

Agency (if applicable): NA

SBC-92

## RESPONSE TO COMMENT LETTER C42

C42-1 See response to comment B4-29.

C42-2 Appendix A indicates that noise from the facility would not be significant. A noise analysis was completed specifically for this project and is included in Appendix A.

C42-3 See response to comment COB-30, COB-31, and B6-2.

## COMMENTS C43

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3. Cultural Resources
4. Hazards/Hazardous Materials
5. Hydrology/Water Quality
6. Transportation/Circulation

**Topic #** **Comment**

All of the above topics do concern me and my family. When the wind blows around here it blows frequently 30 to 50 mph at times. We would get the smell from the tons of compost (160 acres of it). We are concerned about the ground water contamination to our wells. We have had enough having our groundwater contaminated by PG&E was plenty. They are still trying to clean this up from years of dumping chromium (6) into ponds that were never lined. Tons of compost would also bring along billions of flies, air borne particles or spores! would be sucked into our swamp coolers into our homes, our lungs finally. Highway 58 is crowded enough on the weekends, especially on the holidays adding all of these trucks is asking for more trouble. its going to really jam this road for sure more accidents & deaths. We do not want this compost site put out here in our back yard. The environmental impact report done for this site has a lot to be desired. What a shame. I could go on & on final note, there were a lot of illnesses caused from Chromium (6) cancer, skin problems, nose bleeds mis-carriages - birth defects, deaths. I'm afraid its going to start all over again; cancer, deaths, birth defects. etc.

C43-1

C43-2

C43-3

C43-4

Use additional pages if needed. Please turn in your comments at this meeting, *or:* Mail **on or before November 9, 2006** to: Carrie Hyke, Land Use Services Dept., San Bernardino County, 385 North Arrowhead Ave., San Bernardino 92415-0182 *or:*
● Fax: (909) 387- 3223 ● Tel. 909-387-4147 ● E-mail: chyke@lusd.sbcounty.gov

Name: Ed Simpson / Geri Simpson

Mailing Address: 23535 Community Blvd Hinkley Ca. 92347

Tel. /e-mail: ,

SBC-93

## RESPONSE TO COMMENT LETTER C43

C43-1 The potential for odor from the facility was evaluated in Section 4.3.3.3. As shown on Table 4.3.11, odors at the site boundary would be significant. However, odors at the nearest house (1.5 miles away) would be well below the thresholds established by the Air Quality Management District.

C43-2 See response to comment COB-22, RWQCB-7, and MWA-2.

C43-3 Flies can occur at composting operations, especially if excessive grass clippings are present in the green material. As indicated in Section 2.3.1, loads of green material with excessive grass clippings will be rejected. Additionally, Mitigation Measure HM-9 includes fly control measures when they become necessary.

C43-4 See response to comment COB-30, COB-31, and B6-2.

## COMMENTS C44

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LAND USE SERVICES DEPT.
ADVANCE PLANNING DIVISION

October 11, 2006

Carrie Hyke
Supervising Planner
Land Use Services Department,
Advance Planning Division
County of San Bernardino
385 N. Arrowhead Avenue, 1st Floor
San Bernardino, CA 92415-0182

Re: Inadequacy in Draft EIR for Nursery Products LLC
State Clearinghouse Number 2006051021

Dear Ms Hyke,

Research from Arizona shows that bacteria and viruses from a site like this would spread in a radius of ten miles. Has this been considered for the people of Hinkley, Helendale and the animals and plants in the area?

C44-1

Additional comments:

Because of the wind (blowing most of the time) I feel the health of people in Lenwood, Grandview, Barstow + many other area's will have the same problem Adelanto had with flies, odor and other problems. Also water problems.

NO TO BIO waste in Hinkley

Yours Truly,

Mary Ward 25544 Weaver Rd. Barstow, Ca 92311
(Grandview Area)

Signature and Address

SBC-94

## RESPONSE TO COMMENT LETTER C44

C44-1 See response to comment B6-4 and CDHS-4.

## COMMENTS C45

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ADVANCE PLANNING DIVISION

October 11, 2006

Carrie Hyke
Supervising Planner
Land Use Services Department,
Advance Planning Division
County of San Bernardino
385 N. Arrowhead Avenue, 1st Floor
San Bernardino, CA 92415-0182

Re: Inadequacy in Draft EIR for Nursery Products LLC
State Clearinghouse Number 2006051021

Dear Ms Hyke,

The DEIR says that if invasive species are found, herbicides for that plant will be used to kill them. How will that effect the native plants and will the chemicals hurt endangered species like the Desert Tortoises and the Mojave Ground Squirrel? C45-1

Additional comments: We dont want this

Yours Truly,

William S. Gust III

Signature and Address

William S. Gust III 34995 Cedar Rd.
Barstow, CA 92311

SBC-95

## RESPONSE TO COMMENT LETTER C45

C45-1 All herbicides used will be in coordination with the USFWS and the CDFG.

## COMMENTS C46

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**Draft Environmental Impact Report**
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Environmental Issues
1. Air Quality
2. Biological Resources
3. Cultural Resources
4. Hazards/Hazardous Materials
5. Hydrology/Water Quality
6. Transportation/Circulation

**Topic #** **Comment**

Carrie Hyke,

We are writing to you in opposition to the proposed Composting Facility project to be located 8 miles west of Hinkley, CA. My concern is Air and water Quality.

As long time residents of Barstow, wind is something we live with throughout the year causing concern for the residue that would blow from the composting, to Hinkley and on to the Barstow area. At Adelanto we are told the smell was intolerable and flies galore. C46-1

When we live in Barstow our water is from wells, lets keep it safe and don't contaminate the ground water. C46-2

If the operation must come up here, require that they contain the process, similar to Redlands facility. C46-3

We up here seek your support in opposition to the proposed facility. Newberry Spring, hold the line!! We must do the same!

Use additional pages if needed. Please turn in your comments at this meeting, *or:* Mail **on or before November 9, 2006** to: Carrie Hyke, Land Use Services Dept., San Bernardino County, 385 North Arrowhead Ave., San Bernardino 92415-0182 *or:*
● Fax: (909) 387-3223 ● Tel. 909-387-4147 ● E-mail: chyke@lusd.sbcounty.gov

Name: Roland Jackson

Mailing Address: 2706 Apollo Dr. Barstow, CA 92311

Tel. /e-mail: 760-253-2535 / Jacks3@Verizon.net

SBC-96

## RESPONSE TO COMMENT LETTER C46

C46-1 See response to comment B6-4 and CDHS-4

C46-2 The potential for odor from the facility was evaluated in Section 4.3.3.3. As shown on Table 4.3.11, odors at the site boundary would be significant. However, odors at the nearest house (1.5 miles away) would be well below the thresholds established by the Air Quality Management District. Flies can occur at composting operations, especially if excessive grass clipping are present in the green material. As indicated in Section 2.3.1, loads of green material with excessive grass clippings will be rejected. Additionally, Mitigation Measure HM-9 includes fly control measures when they become necessary.

C46-3 Comment noted.

## COMMENTS C47

RECEIVED
NOV 07 2006
LAND USE SERVICES DEPT.
ADVANCE PLANNING DIVISION

October 11, 2006

Carrie Hyke
Supervising Planner
Land Use Services Department,
Advance Planning Division
County of San Bernardino
385 N. Arrowhead Avenue, 1st Floor
San Bernardino, CA 92415-0182

Re: Inadequacy in Draft EIR for Nursery Products LLC
State Clearinghouse Number 2006051021

Dear Ms Hyke,

I checked out Nursery Products in Adelanto. Nursery Products did not live up to their promises and reassurances. Where is there any indication that Nursery Products will do any thing they say in this DEIR? C47-1

Additional comments: We do not want Nursery Products to come into our community + contaminate our water + air. ~~By~~ their past lack of concern for surrounding community is a very accurate example of how Nursery Products operates. We do not want to be victimized again. (Re PG+E) We Love + Care for our families + do not feel we are any less important than citizens in the larger areas. Find a better way to do this. Do not harm our community. C47-2

Yours Truly,

Linda Clements

Signature and Address

Linda Clements
23571 Hazana St
Barstow, Ca 92311

- 45 year area resident
- 5 grandchildren attending Hinkley school.
- county officials have sold us out. They never should have allowed this to happen in the first place. They do not have our best interests at heart.
- Take this out in the middle of no where. Not in an area where it can harm people!

SBC-97

## RESPONSE TO COMMENT LETTER C47

C47-1 See response to comment B3-2, COB-8

C47-1 Comment noted.

## COMMENTS C48

NURSERY PRODUCTS COMPOSTING FACILITY PROJECT May 18, 2006
PUBLIC SCOPING MEETING COMMENT CARD

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Please use this to inform us of your questions or concerns regarding this project. The California Environmental Quality Act (CEQA) Initial Study/Environmental Checklist identifies a number of environmental issues as listed below. Please attach additional sheets if necessary.

Environmental Issues

1. Aesthetics
2. Air Quality
3. Biological Resources
4. Cultural Resources
5. Geology and Soils
6. Hazards/Hazardous Materials
7. Hydrology/Water Quaiity
8. Land Use and Planning
9. Noise
10. Transportation/Circulation

Topic # Comment

Aesthetics any dump site destories
The beauty of The desert
Air quatity This dump site will produce
hazardous materials in The air That will
harm Peoples health
Biological Resources The desert Tortoise
which is an endangered speics and Jack
Rabbits and Lizzars Ground squirrels
Gophers chip-munks Road Runners Field
Mice and snakes and Bird sanctuary
Cultural Resources Desert Flowers Joshua
Trees Greese wood Catus
Geology and Soils Mostly Sand and Rock
Hazards/Hazardous materials
Compost/Fertilizer contians ammonium
nitrate a hazardous waste 49 CFR 172.10
human waste is also a Hazardous waste

C48-1

Use additional pages if needed. Please turn in your questions at this meeting, *or:* Mail before June 8, 2006 to: Carrie Hyke, Land Use Services Dept., San Bernardino County, 385 North Arrowhead Ave., San Bernardino 92415-0182 *or:*
Fax: (909) 387-3223 Tel. 909-387-4147 E-mail: chyke@lusd.sbcounty.gov

Name: Roy L Pollitt
Address: 36363 Livingston Ln. Hinkley Ca 92347
Tel. /e-mail: 760-253-7356, RoyP@EarthLink.net
Agency (if applicable): NA

SBC-98

## RESPONSE TO COMMENT LETTER C48

C48-1 Comment noted.

## COMMENTS C49

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LAND USE SERVICES DEPT
ADVANCE PLANNING DIVISION

October 11, 2006

Carrie Hyke
Supervising Planner
Land Use Services Department,
Advance Planning Division
County of San Bernardino
385 N. Arrowhead Avenue, 1st Floor
San Bernardino, CA 92415-0182

Re: Inadequacy in Draft EIR for Nursery Products LLC
State Clearinghouse Number 2006051021

Dear Ms Hyke,

The DEIR states that they will only check for heavy metals and contaminants at about a foot and half depth. What about stuff sinking further down? What about nitrates and other chemicals? C49-1

Additional comments: No Nursery Products in Hinkley!

Yours Truly,

James E Clunet

Signature and Address

James E Clunet
23571 Gazaway
Barstow, CA 92311

SBC-99

## RESPONSE TO COMMENT LETTER C49

C49-1 See response to comment COB-20

## COMMENTS C50

11/08/2006 14:24 7602561039 PAGE 01

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**Draft Environmental Impact Report**
**PUBLIC COMMENT CARD**

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3. Cultural Resources
4. Hazardous/Hazardous Materials
5. Hydrology/Water Quality
6. Transportation/Circulation

Topic # Comment

① Air Quality

We do not need more pollution in our desert area. The Hinkley area is already full of this from the dares. The Wind is a large factor to consider. It usually blows from the West, which means it will carry the ~~dust~~ dust, smells + pollution all over the entire Barstow area. C50-1

② Water Quality

The water level + added contaminants is a huge stress to the Hinkley area which has had so much problems with water pollution already.

Use additional pages if needed. Please turn in your comments at this meeting, or: Mail on or before November 9, 2006 to: Carrie Hyke, Land Use Services Dept., San Bernardino County, 385 North Arrowhead Ave., San Bernardino CA 92415-0182 or:
● Fax: (909) 387-3223 ● Tel: (909) 387-4167 ● E-mail: chyke@lus.sbcounty.gov

Name: Deone Hess

Mailing Address: P.O. Box 26 Yermo, CA 92398

Tel /e-mail: dhess50@hotmail.com

722x956 View

SBC-100

http://www.norman.locations.org/hinkley/index.php?mode=view&album=Comment+and+... 11/7/2006

## RESPONSE TO COMMENT LETTER C50

C50-1 Comment noted.

## COMMENTS C51

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Page 1 of 2

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3. Cultural Resources
4. Hazardous/Hazardous Materials
5. Hydrology/Water Quality
6. Transportation/Circulation

Topic # Comment

Air Quality: Your own expert says in your report it will harm the air in Hinkley. Your report says the wind does not add to it. I live in Hinkley and testify that the wind Blows EVERY DAY and Blows Hard 70% of the time in one year.

C51-1

Water Table: your report says 300 ft something feet to the table what happens when we get our torrential Rains which do come in 3 to 4 times a year. The slug will run off to higher water tables mine is a 90 feet what surface does the slug have to go through? If it's stand 300 ft is nothing.

We don't want it. Why get into a lawsuit like Ventura county is right now.

C51-2

Use additional pages if needed. Please turn in your comments at this meeting, or: Mail on or before November 9, 2006 to: Carrie Hyke Land Use Services Dept., San Bernardino County, 385 North Arrowhead Ave., San Bernardino 92415-0182 or:
● Fax: (909) 387-3223 ● Tel: 909-387-4147 ● E-mail: chyke@lus.sbcounty.gov
914 387-3223

Name: Jo-Ann F Williams

Mailing Address: 36316 Serra Rd Hinkley CA 92347

Tel /e-mail:

722x956 View

SBC-101

http://www.norman.locations.org/hinkley/index.php?mode=view&album=Comment+and+... 11/7/2006

PAGE 01 7602561039 11/08/2006 13:10

## RESPONSE TO COMMENT LETTER C51

C51-1 Comment noted.

C51-2 See response to MWA-2.

## COMMENTS C52

11/08/2006 14:03 7602561039 PAGE 01
Locations for Clients Page 1 of 2

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**Draft Environmental Impact Report**
**PUBLIC COMMENT CARD**

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4. Hazardous/Hazardous Materials
5. Hydrology/Water Quality
6. Transportation/Circulation

| Topic # | Comment | |
|---|---|---|
| 1 | Per the EIR, Nursery Products facility will degrade the air quality. The flies will create a health problem, or hazard. Also, the amount of dust caused will cause air quality concerns | C52-1 |
| | This is a disgusting project, and San Bernardino County should not approve it. | C52-2 |

Use additional pages if needed. Please turn in your comments at this meeting, **or:** Mail on or before **November 9, 2006** to: Carrie Hyke, Land Use Services Dept., San Bernardino County, 385 North Arrowhead Ave., San Bernardino 92415-0182 **or:**
● Fax: (909) 387-3223 ● Tel: 909-387-4147 ● E-mail: chyke@lusd.sbcounty.gov

Name: Gail Johnson

Mailing Address: 25563 Tamarisk St., Barstow, Ca. 92311

Tel. /e-mail: 760-253-3330

722x956 View

SBC-102

http://www.norman.locations.org/hinkley/index.php?mode=view&album=Comment+and+... 11/7/2006

## RESPONSE TO COMMENT LETTER C52

C52-1 See response to comment B6-4 and CDHS-4.
Flies can occur at composting operations, especially if excessive grass clipping are present in the green material. As indicated in Section 2.3.1, loads of green material with excessive grass clippings will be rejected. Additionally, Mitigation Measure HM-9 includes fly control measures when they become necessary.

C52-2 Comment noted.

## COMMENTS C53

11/08/06 13:57 FAX 760 386 2497 FT IRWIN RES OFFICE 002/005

The following are my comments and questions on the Draft Environmental Impact Report 9DEIR) for the Nursery Products Hawes Composting Facility.

Phyllis Holley
P. O. Box 38
Hinkley, CA 92347 (760) 253-7507
Page 1 of 4 pages

Did Nursery Products Hawes Composting have an existing facility?

If they have or have had an existing facility why do they want to move? **C53-1**

Do they have or have they had any issues in the past 7 years at there existing facility?

If they have had any issues why would just moving change any of their work or processing?

What would be the truck route to the Hinkley area?

Highway 58 in this area is a two lane road, with the addition of 176 more trucks how can there be no impact to the existing traffic?

How will spills be handled?

How will this affect the existing traffic, if a spill takes place on Highway 58? **C53-2**

Who will be responsible for the clean up of any spills?

If a spill takes place how long will it take the company responsible for clean up to get on site?

Will there be a release of methane gas at the compost site? **C53-3**

If methane gas is released how much would be released?

How will methane gas be monitored?

What is the capacity of the retention basin?

How is the retention basin to be sealed?

How will any liquids caught in the retention basin be dealt with? **C53-4**

How will leaks be detected in the retention basin?

Will the entire site be sealed?

SBC-103

1 of 4

11/08/06 13:57 FAX 760 386 2497 FT IRWIN RES OFFICE 003/005

Phyllis Holley
Page 2 of 4 pages

If the entire site is not sealed how will you keep leachate from getting into the water table?

Will monitoring wells be installed?

If not why?

If monitoring wells are installed how often will they be tested? C53-5

Is the entire site to be fenced? C53-6

Is the storm water diversion channel lined? C53-7

In the EIR it states that a major composting operation requires relatively flat land to establish and maintain windrows, flood waters could still wash across the site, even with the storm water diversion channel.

How will they deal with flies, and other insects?

If there is a problem with flies will Nursery Products have to provide fly bate to all Hinkley residents? C53-8

Will Nursery Products have to kill the flies, and other insects in Hinkley?

How will the odor complaint response system work?

How long will it take for the odor complaint response to take affect? C53-9

Could the operation cause a fire?

If a fire is started who would respond?

How would the fire be extinguished i.e. water, chemical? C53-10

If water is used on a fire what will prevent this water from entering the water table?

The access road to the site is dirt, and water is to be used for dust control how much water will be used?

How much water will be used on a daily bases for dust control of the road, and the composting operation? C53-11

Where will the water be taken from?

SBC-104 2 of 4

11/08/06 13:57 FAX 760 386 2497 FT IRWIN RES OFFICE 004/005

Phyllis Holley
Page 3 of 4 pages

List the invasive plants that this facility may cause?

Will the company be required to remove any of these invasive plants from the property of the residents of Hinkley? C53-12

Will the residents of Hinkley be given MSDS sheets for all hazardous materials that will be used on the site? C53-13

Does phase 1 require the construction of the storm water diversion channel? C53-14

Will dead animals be composted at this site i.e. poultry and other farm animal carcasses? C53-15

Will chemical neutralizing agent be used?

If so what is this chemical? C53-16

How will it be stored?

How much will be stored on site?

Does this site have a written operation and maintenance (O&M) plan for the composting component of the waste management system? C53-17

Before the facility is allowed to proceed is the area to have any air sampling? C53-18

If not, why not?

Does the California Department of Health Services have any concerns about this composting facility? C53-19

What will happen to rejected loads? C53-20

How large will the generator be?

How large will the fuel tank be? C53-21

Will fuel be stored on site?

What about fuel for the other equipment to be used on site?

If fuel is stored on site how much, and how will it be stored?

Have all Plans been submitted? C53-22

SBC-105 3 of 4

11/08/06 13:57 FAX 760 386 2497 FT IRWIN RES OFFICE 005/005

Phyllis Holley
Page 4 of 4 pages

Will the Facility be allowed to operate if these Plans are not submitted?

Is the county providing any type of tax break to Nursery Products?

If so, what are they, and why?

C53-23

For the record I would like to state that I am against this facility being constructed in Hinkley.

Phyllis Holley
October 18, 2006

SBC-106

4 of 4

## RESPONSE TO COMMENT LETTER C53

C53-1 Nursery products has an existing facility in Adelanto. Please see response to comments B3-2 and COB-8.

C53-2 A spill prevention plan will be implemented onsite as part of the terms and conditions of operation. Spills taking place outside of the facility are the responsibility of the biosolid generating entity, and are not addressed in this EIR.

C53-3 The detention basin is designed to accommodate floodwater from a 24-hour 100 year storm event. Please see revisions B-15 and B-16 in Section 4.0 Revisions to the EIR in the Final EIR for discussion of the transportation of biosolids.

C53-4 The detention basin will be open and lined. Any water remaining in the basin 30 days after a storm event will be pumped out. The soil underneath the basin will be tested regularly. Please see revision W-3 in Section 4.0 Revisions to the EIR in the Final EIR for a description of this testing.

C53-5 See response to comments COB-22 and RWQCB-7.

C53-6 The site will be fenced to exclude desert tortoises from the facility. Full descriptions of fencing will be included in the final project drawings.

C53-7 The storm water diversion channel will be compliant with requirements RWQCB for this structure.

C53-8 As indicated in Section 4.6.3.1, rodents are not attracted to biosolid/green material composting facilities. Flies can occur at composting operations, especially if excessive grass clipping are present in the green material. As indicated in Section 2.3.1, loads of green material with excessive grass clippings will be rejected. Additionally, Mitigation Measure HM-9 includes fly control measures when they become necessary.

C53-9 The potential for odor from the facility was evaluated in Section 4.3.3.3. As shown on Table 4.3.11, odors at the site boundary would be significant. However, odors at the nearest house (1.5 miles away) would be well below the thresholds established by the Air Quality Management District.

C53-10 A 2000 gallon water truck will be located on the property in case of fire. Fires will be extinguished using water. Please see response to comment MWA-2.

C53-11 See response to comment B4-29.

C53-12 Please see the revision B-13 in Section 4.0 Revisions to the EIR in the Final EIR for a discussion of invasive plant prevention measures. Potentially occurring invasive plant

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## COMMENTS C54

Michael Clements
2231 Amethyst Ave
Barstow, CA. 92311
November 8, 2006

Carrie Hyke
San Bernardino County
Land Use Services Department
385 North Arrowhead Ave, 1st Floor
San Bernardino, CA 92415-0182

Dear Carrie:

I am writing to request that the following comments be addressed as part of the CEQA DEIR for Nursery Products Hawes Composting Facility evaluation process. The questions/comments are formatted in a bullet fashion for ease of reading.

- **Air Quality:** The Air Resources Board (ARB) lowered the annual average PM10 ambient air quality standard to 20 micrograms per cubic meter (µg/m3) and established an annual average PM2.5 ambient air quality standard at 12 µg/m3. The Board also adopted a new 8-hour average standard for ozone of 0.070 parts per million (ppm) in consideration of impacts to children and other vulnerable population subgroups. The new ozone standard is effective since May 17, 2006. According to the DEIR section 4.3, "The Mojave Desert Air Basin does not meet the State and Federal ambient air quality standard for ozone (O3) and PM10. The Project would exceed the Mojave Desert Air Quality Management District's MDAQMD's VOC emissions thresholds during Project operations. These emissions constitute cumulative and Project-level impacts, as they contribute towards the creation of basin-wide O3 levels." In addition the DEIR states that this impact is "Significant and unmitigable".
    - During the review of the DEIR at the Hinkley Elementary School, it was stated that the County had the authority to set aside State and Federal regulations if it was deemed "to be in the best interest of the County". What criteria does the approving body use to determine what the best interest of the County is? How can any of you justify "Significant and unmitigable"? I haven't even begun to address the issues that may occur in other areas if mitigation techniques fail, but this singular issue cannot even be corrected with any known technology or process. That should be enough to halt the project without further consideration, why are you continuing? **C54-1**
    - Windrow turning will not occur above winds 30MPH or greater, has an analysis been done to determine the average direction of prevailing winds and the distance that PM10 and other biosolid particles will be carried with winds up to 29MPH? Has a similar determination been done for static windrows in winds 30MPH and above? Has a concentration map been generated to determine where these particles will land and in what concentration? **C54-2**

Carrie Hyke
November 9, 2006
Page 2

- As stated in the DEIR, "The California Health and Safety Code Section 40914 requires air districts to design a plan that achieves an annual reduction in district-wide emission of 5 percent or more, averaged every consecutive three-year period. To satisfy this requirement, the MDAQMD has developed an Ozone Attainment Plan and a Mojave Desert Planning Area Federal Particulate Matter (PM10) Attainment Plan. Each plan outlines strategies for achieving attainment status." How can a new facility be constructed that will ***add*** to the air quality non-attainment classification when it will be in direct contrast to the 5% annual reduction requirement? **C54-3**

- Are the site generators going to comply with CARB Air Toxic Control Measures as implemented by the MDAQMD? **C54-4**

- **Runoff Water & Aquifer Contamination:**
  - Has groundwater depth been determined and an assessment of the quality of water been performed? Assuming that extensive testing has been done in this area due to the PG&E contamination, there should be sufficient data available for baseline determination. **C54-5**
  - Nitrate leaching is a known problem with waste decomposition, and the High Desert area is already combating this problem from extensive use of Nursery Product type fertilizer in crops. In the DEIR it states that groundwater monitoring will only occur if a ground well is installed. If Nursery Products decides to truck water in, does this provide the loophole in which groundwater contamination monitoring will not be required? **C54-6**

- **Fire :**
  - What measures are being employed to provide adequate resources to combat fire? The town of Hinkley utilizes a volunteer fire brigade and is not equipped to assist in fire suppression. Barstow, as stated in this analysis to be some 22 miles away would be approximately 30 minutes away in the event of an assistance call. **C54-7**
  - Will the on-site water storage proposed be a simple gravity tank and hose, or will it comply with NFPA requirements? **C54-8**

- **Due Diligence:**
  - What periodic inspections and by what office of authority will provide compliance oversight of mitigation efforts? **C54-9**
  - Nursery Product LLC has demonstrated an inability to implement it's control measures as evidenced at the Adelanto Facility, has the company been evaluated as to it's true ability to manage this project? **C54-10**

Carrie Hyke
November 9, 2006
Page 3

- Have any State, County or Local agencies made substantive comments on the areas that are within the agency's area of expertise? If so are these part of the public record and how can they be viewed? **C54-11**
- Are there any known Federal, State or County statutes that govern the construction of composting or similar industry facilities within a specified distance from a school? If so, what regulations were referenced to determine compliance of this project? **C54-12**
- On what grounds can the LRWQCB grant Nursery Products LLC a waiver in lieu of a WDR for this project? **C54-13**
- Why not opt for a location that does not have sizable communities downwind? **C54-14**

- **County Benefit**:
  - Is the County or any of its representative agencies in any form receiving monetary compensation for consideration/implementation of this project? **C54-15**
  - Has a cost analysis been performed for other solutions (as with the new Redlands Facility)? If so what is the per ton cost breakdown per project/process type? **C54-16**

I and most of the High Desert community members that will be negatively impacted by this decision implore you to take into consideration the health impact to our children. The axiom that the "needs of the many outweigh the needs of the few" is not to be interpreted as "the needs of the *money* outweigh the needs of the few".

Thank you for your time.

Sincerely,

Michael Edward Clements Jr.

## RESPONSE TO COMMENT LETTER C54

C54-1 See response to comment B3-1.

C54-2 Windrows will be water to reduce the amount of material that will be blown off-site during large wind events. See response to comment CDFG-6.

C54-3 See response to comment B4-43.

C54-4 See response to comment B3-1.

C54-5 See response to comments COB-22 and RWQCB-7.

C54-6 See response to comment B4-24. Project will be compliant with all EPA regulations for surface composting facilities.

C54-7 A 2000 gallon water tank truck will remain onsite to extinguish any fires if they occur until local firefighters can arrive.

C54-8 Please see the response to the previous comment describing water storage devices.

C54-9 See response to comments B3-2 and COB-8.

C54-10 See response to comments B3-2 and COB-8.

C54-11 All agency responses to the Draft EIR are included as part of the Final EIR.

C54-12 See response to comment B4-24.

C54-13 This can be granted if the RWQCB determines there is minimum potential for discharge to groundwater.

C54-14 See response to comments B-3-3, B3-4, B3-5, and COB-2.

C54-15 Comment noted. This is not a part of the EIR analysis.

C54-16 See response to comments B-3-3, B3-4, B3-5, and COB-2.

## COMMENTS C55

Page 1

**Draft Environmental Impact Report**
**PUBLIC COMMENT CARD**

If you would rather write your comments, you may turn this in to inform us of your comments regarding this Draft. The California Environmental Quality Act (CEQA) Draft Environmental Impact Report reviews several environmental issues as listed below.

Environmental Issues
1. Air Quality
2. Biological Resources
3. Cultural Resources
4. Hazards/Hazardous Materials
5. Hydrology/Water Quality
6. Transportation/Circulation

**Topic #** **Comment**

The DEIR for Nursery Products (LLC) proposed composting facility site West of Hinkley, Calif., fails to adequately address or research the problem of long term (10 to 100 plus years) saturation or absorption by ground of contaminants from composting site, which may enter the water table at facility location, or by way of gradual migration or concentration atop or below ground towards the Mojave River or Harper Lake, which may enter water table. Contaminants in question are not just biological or nitrates, but also heavy metals and chemicals or pesticides. C55-1

Please see attached page 2-10 identified on top as Nursery Products Comments, MARK ORR.
Please see any further reference papers provided also identified on top as Nursery Products Comments, MARK ORR.

Use additional pages if needed. Please turn in your comments at this meeting, *or:* Mail **on or before November 9, 2006** to: Carrie Hyke, Land Use Services Dept., San Bernardino County, 385 North Arrowhead Ave., San Bernardino 92415-0182 *or:*
● Fax: (909) 387- 3223 ● Tel. 909-387-4147 ● E-mail: chyke@lusd.sbcounty.gov

Name: Mark A. Orr 11-8-2006

Mailing Address: P.O. Box 87 Hinkley CA. 92347

Tel. /e-mail: 760-253-5304 /

1 of 13

Nursery Products Comments, MARK ORR page 2
11-8-2006

Concerning the Draft Environmental Impact Report (DEIR) for the proposed Nursery Products Composting Facility site South of state route 58, East of Kramer Junction near the Hawes auxillary air field, West of Hinkley, California.

The Draft Environmental Impact Report for the proposed Nursery Products composting facility site fails to adequately address or research the problem of larger regional impact resulting from predominately westerly, yet shifting, winds of speeds of 0 to 60 plus MPH winds common in this region of San Bernardino county, California.

The common 0 to 60 mph winds are a fact that requires any impact report for the Nursery Products proposed composting facility site to strongly broaden and expand its current severly limited impact area and include a new impact area 100 miles in any direction from the center of the proposed Nursery Products composting facility site, West of Hinkley, California. C55-2

A DEIR of a new 100 mile impact area, for the proposed Nursery products composting facility, must include the effects of chemicals, pesticides, bacteria, fungus, molds, odors, possible fire dangers, gaseous emissions, exhaust emissions, introduction of new plant or animal species, vector control problems, and dust or particulate control problems for a region of 100 miles in any direction from

continued,

2 of 13

Nursery Product Comments, MARK ORR Page 3
11-8-2006

the center of the proposed facility that could harm or disrupt humans, habitations, institutions, business structures or operations, domestic pets or livestock, crops or gardens, or any indigenous or migratory wildlife or habitats in this region of San Bernardino, California, be they on private, public, city, township, federal, state, or county controled, owned, or supervised land, water, or property. This would include the communities of Hinkley, Helendale, Hodge, Kramer Junction, Lenwood, Grandview, Barstow, Yermo, Newberry Springs, Fort Irwin, the Marine Corps base just East of Barstow, and all other communities within 100 miles from the center of the Nursery Products proposed composting facility, West of Hinkley, California. This would also include the entire Category One endangered Desert Tortoise habitat land surrounding and/or adjacent to the proposed Nursery Products composting facility site, West of Hinkley, California.

C55-2 Continued

Research revealing actual effects of 0 to 60plus mph wind speeds in the Mojave Desert can be obtained from; NOAA, FAA, USGS, NASA, Farmers Almanac, and the USAF. The USGS possess information on dust storms originating in central Mojave Desert and reaching past Las Vegas, Nevada. The USAF keeps climate records for the Mojave Desert region going back to 1941, Edwards AFB included. Research must also be included regarding facts of dust

continued, 3 of 13

Nursery Products Comments, MARK ORR Page 4
11-8-2006

storms and high winds originating at Owens Lake or Owens Dry Lake in Owens Valley, California, which produce dust and winds that blow across much of southern California, including Western Mojave Desert. Without data of factual wind, dust, and general storm effects concerning entire Mojave Desert and surrounding regions for past 50 plus years any DEIR for the Nursery Products composting facility proposed site West of Hinkley, California, would be enormously incomplete and allowed to proceed with massive negative impacts ignored or restricted out of report by its limited scope. **C55-2 Continued**

The Draft Environmental Impact Report for the Proposed Nursery Products composting facility site, West of Hinkley, California, fails to adequately address or research the effects of recent drought conditions on actual normal or typical wind speeds, behavior, or frequency in the region proposed for the compost facility site. Neither does it adequately address or research normal or typical storm severity outside of drought conditions. During droughts High Pressure cells, sometimes called bubbles or systems, usually keep the jet stream pushed North of the Mojave Desert and Great Basin regions for longer periods. Outside of a drought, when normal rise or descent of Jet stream towards or away from Mojave Desert **C55-3**

continued,

4 of 13

Nursery Products Comments, MARK ORR Page 5
11-8-2006

occurs, it allows for more frequent high wind or storm occurences. Data derived from research made in last one to ten years from date of Nursery Products DEIR cannot represent true factual data of recorded weather extremes if taken by themselves and not including more in depth and comprehensive research and data for past 50 plus years into Mojave Desert past weather history.

The Draft Environmental Impact Report for the proposed Nursery Products composting facility site West of Hinkley, California, fails to adequately address or research the effects of chemicals, pesticides, bacteria, fungus, molds, odors, possible fire dangers, gaseous emissions, exhaust emissions, introduction of new plant or animal species, vector control problems, and dust or particulate control problems in respect to usage of home, shop, business, or institution coolers, swamp coolers, or any other heating or air conditioning devices, which could draw or intake any of the above mentioned organisms or gaseous or solid substances into a work or living structure where they might concentrate or multiply causing harmful or disrupting effects to humans, habitations, institutions, business structures and operations, domestic pets or livestock, indoor crops or gardens, or any indigenous or migratory wildlife in this region within 100 miles of the center of the proposed

C55-4

continued, 5 of 13

Nursery Products Comments, MARK ORR Page 6
11-8-2006

Nursery Products composting facility site West of Hinkley California.

The Draft Environmental Impact Report for the proposed Nursery Products composting facility site West of Hinkley, California, fails to adequately address or research the problem of moisture reactivation or increased growth of bacteria, fungus, or molds from or caused by transportation from the proposed Nursery Products site by wind, water, vector, person, or vehicle. The reactivating or growth causing moisture of concern could be rain, humidity and related condensation, fog and related condensation, dew condensation, irrigation of lawns, gardens, or crops, reservoirs, drinking or ornamental fountains, swamp coolers, or condensation from other heating or air conditioning devices. In concern would be any harmful or disrupting effects on humans, habitations, institutions, business structures or operations, domestic pets and livestock, crops or gardens, or any indigenous or migratory wildlife within the region 100 miles from the center of the proposed Nursery Products composting facility. This would also include the effects on wildlife or vegetation in the Fremont-Kramer unit Category One habitat area surrounding and/or adjacent to the Proposed Nursery Products composting site. C55-5

continued,

6 of 13

Nursery Products Comments, MARK ORR page7
11-8-2006

The Draft Environmental Impact Report for Nursery Products proposed composting facility site West of Hinkley, California, fails to adequately address or research the threat of moisture reactivation or increased growth of bacteria, fungus, or molds from or caused by transportation from proposed Nursery Products site by wind, water, vector, person, or vehicle, and its effect on the endangered Desert Tortoise individuals or population existing within 100 miles from the center of the proposed Nursery Products composting facility site, In particular interest would be effects harmful or disrupting Desert Tortoise, including if animal breathed in or ingested any water or vegetation covered or holding by absorption any contaminates from the proposed Nursery Products site West of Hinkley, California. C55-6

The Draft Environmental Impact Report for the proposed Nursery Products composting site West of Hinkley, California, fails to adequately address or research the impact on the surrounding and/or adjacent Fremont-Kramer Category-One Desert Tortoise habitat from degradation and fragmentation from fences, tortoise fences, increased vehicle traffic, illuminating light pollution, noise and vibrations caused by the proposed Nursery Products composting facility site West of Hinkley, California. Loss of critical habitat reduces the Desert Tortoises C55-7

continued,

7 of 13

Nursery Product Comments, MARK ORR page 8
11-8-2006

survival as a species type drastically. The establishment of the proposed Nursery Products composting facility within or next to the Fremont-Kramer Category One unit critical habitat will place the Desert Tortoise recovery plan at risk. This Category One area exists due to the near ideal terrain and vegetation that provide excellent habitat for the Desert Tortoise. Impacting this land leaves fewer and poorer choices for the Desert Tortoise recovery effort, almost surely dooming it to failure if such intrusions are allowed. The Desert Tortoise Recovery Plan itself informs on page 3, reasons for decline; C55-8

"The most serious problem facing the remaining desert tortoise populations in the Mojave region (the area occupied by the Mojave population of Desert Tortoise) is the cumulative load of human and disease-related mortality accompanied by habitat destruction, degradation, and fragmentation."

Nursery Products proposed site within or next to the Fremont-Kramer Category One critical Desert Tortoise habitat will insure its fragmentation and degradation, resulting in destruction of recovery effort by habitat reduction.

The DEIR for the Nursery Products composting site proposed west of Hinkley, California, suggests the moving of Desert Tortoises from one habitat area to another.

continued,

8 of 13

Simply moving or relocating Desert Tortoises from this site location to another, even if nearby, will not aid or maintain the recovery effort of the Desert Tortoise in the Fremont-Kramer Category One area, or in the Mojave Desert as a whole. Desert Tortoise are territorial creatures that require selective habitats, and do not always survive if moved from one familiar habitat territory to an unfamiliar area. Such movements disrupt the animals normal eating, social, mating activities, and can place the animal under such stress as to cause death or reduction of numbers due to interrupted mating activies. It is an animal of selective habitat, such as the Category One Fremont-Kramer Unit area.

With concern for the health and quality of life of the citizens and property of San Bernardino County, California, and the continued recovery of the Desert Tortoise as instructed by federal law, I strongly request the items identified as not adequately addressed or researched in the DEIR for the proposed Nursery Products compost facility site West of Hinkley, California, be thoroughly and scientifically addressed and researched, with attention to the overall health and safety of all, and not hurried for economic or site convenience purposes.

I firmly believe that due to air and ground contaminant risk the proposed Nursery Products composting site West of Hinkley, California, should not be approved.

continued,

Nursery Products Comments, MARK ORR page 10
11-8-2006

Approval of the Nursery Products proposed composting site, west of Hinkley, California, would, in my opinion, prove eventually to be an environmental disaster in the making, and an insult to science, common sense, and basic morality.

11-8-2006
Mark A. Orr

MARK ALAN ORR
POBox 87
36714, Hidden River RD.
Hinkley,CA. 92347

10 of 13

Nursery Products Comments, MARK ORR
11-8-2006

Internet sites of related interest

USGS http://www.usgs.gov/newsroom/article?ID=317

EPA http://www.epa.gov/region9/air/owens/history.html

Great Basin Air Pollution Control Dist.

http://www.gbvaped.org/Information/OwensLakeParticulateMatterHealthEffects.htm

Edwards AFB

http://www.edwards.af.mil/climo/SFCCLIMO.TXT

(above web data going back to 1941)

11 of 13

## RESPONSE TO COMMENT LETTER C-55

C55-1 See response to comment RWQCB-2, RWQCB-8, MWA-2. Any contamination to soil would be on the surface or very shallow and could be readily remediated. Contamination of groundwater would not be expected.

C55-2 See response to comment B6-4, CDHS-4. Please refer to Section 4.3, Air Quality of the EIR. The Barstow and Victorville monitoring stations air data was utilized in the analysis provided in Section 4.3 of the EIR.

C55-3 See response to comment CDFG-6. Please refer to Section 4.3, Air Quality of the EIR.

C55-4 See response to comment B6-4.

C55-5 See response to comment B6-4.

C55-6 See response to comments USFWS-3, USFWS-6, USFWS-9, and USFWS-12.

C55-7 See response to comments USFWS-3, USFWS-6, USFWS-9, and USFWS-12.

## COMMENTS C56

**Draft Environmental Impact Report**
**PUBLIC COMMENT CARD**

If you would rather write your comments, you may turn this in to inform us of your comments regarding this Draft. The California Environmental Quality Act (CEQA) Draft Environmental Impact Report reviews several environmental issues as listed below.

Environmental Issues
1. Air Quality
2. Biological Resources
3. Cultural Resources
4. Hazards/Hazardous Materials
5. Hydrology/Water Quality
6. Transportation/Circulation

**Topic #** **Comment**

HINKLEY EXISTS! This small rural community of mothers, fathers, grandparents and children is here. So, why are we unseen to so many? We live in homes, drive vehicles, send our children to school, shop, pay taxes, and even vote for those who overlook us. WE ARE HERE!! Please hear our plea for help!

I have been a resident of Hinkley for 33 1/2 years, living in the same home on Hidden River Road. I may not have a degree but I know when the wind blows. And blow it does in this area. How long did the experts stay here — one day?

The DEIR for the proposed Nursery Products site near Hinkley is a lot of wasted paper.

Use additional pages if needed. Please turn in your comments at this meeting. *or:* Mail **on or before November 9, 2006** to: Carrie Hyke, Land Use Services Dept., San Bernardino County, 385 North Arrowhead Ave., San Bernardino 92415-0182 *or:*
● Fax: (909) 387-3223 ● Tel. 909-387-4147 ● E-mail: chyke@lusd.sbcounty.gov

Name: Jessie N. ORR 11-9-2006

Mailing Address: P.O. Box 87, Hinkley, CA 92347

Tel. /e-mail: 760-253-5304 /

12 of 13

comments on DEIR, Nursery Products 11-9-2006

1) Air quality

There is seldom a day when we don"t have wind of some velosity. If you look, you will see how the desert is littered with windblown trash. I am not only concerned with the seen but the unseen. All the bacterias and toxins that will be brought into our homes through our swamp coolers and air conditioning units. And who will be breathing in all this "garbage" ? The residents of my town plus miles around.

What about the birds and other creatures who live here ? What will they be breathing ? Our area is breeding ground for quail, chukar and so many others. If you want to see them just drive on my street. But hurry because they need clean air too.

6) Transportation
This is a rural community. We don't have signal lights to help us get from our streets onto Hwy 58. The traffic is heavy. And deadly. We have many fatalities a year on the Hwy, many with trucks. An increase in trucks is going to make this a suicide attempt to enter or to exit Hwy 58. Those of us on the south of Hwy 58 and west of Hinkley Rd must use Hwy 58.

I ask only that you think of what you will be doing to a town of caring people. Think of our children. Think of our desert environment and its residents, human and animal. Think of the Desert Tortoise and the damage to its territory. C56-1

Remember Hinkley does exist !

Jessie N. Orr
Jessie N. Orr

13 of 13

## RESPONSE TO COMMENT LETTER C56

C56-1 Comment noted. The Barstow monitoring station air data was utilized in the analysis provided in Section 4.3 of the EIR.

C56-2 Comment noted. See response to comment B6-4 and CDHS-4.

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## COMMENTS C57

Yahoo! Mail - henrylid2003@yahoo.com Page 1 of 2

YAHOO! MAIL

This can from me to Peg Diaz she corrected my spelling sent it Back

Print - Close Window

**To:** "Henry James" <henrylid2003@yahoo.com> + E-mail chyke @lusd.sbcounty.gov

**From:** "Peg Diaz" <pegdhinkley@earthlink.net>

**Subject:** ~~Letter to City Council.~~ San Bernardino County Calif

**Date:** ~~Tue, 31 Oct 2006 10:54:02 -0800~~ Thus Nov 9 2006 2pm 5pm

Dear City Council:

was passed Nov 8 2006 city Council and I.E.R. Also 1 for Toxic

Why was the resolution ~~to stop~~ human sewage from being dumped in Hinkley ~~dropped before the election~~? The resolution was against the County's plans to drop 400,000 tons of human sludge, bio-solids and green waste on the ground in Hinkley. This waste is coming from Los Angeles, Riverside and San Bernardino Counties. The County selected this area without thinking of the harm that Hinkley, Barstow and other surrounding areas would receive by the waste. Pollution that will be spread by the wind and through the water for local residents to breathe and drink.

Do you want 200 trucks per day, seven days a week of semi-treated raw sewage leaking from trucks driving on our local roads. These sub-contracted truckers driving on our roadways, going up and down unpaved roads in Hinkley to their dump site? Trucks spilling and leaking with no thought of themselves or others about the consequences. This is just like PGE, who is still trying to clean up their mess that started in 1952. **C57-1**

Adelanto, right up the road from us, was the last site "environmental friendly" Nursery Products operated. Nursery Products cost that community millions in court fees and clean-up costs. People became ill and the air contaminated in their town, caused by the same company that is now moving to Hinkley. The flies, the stink, and the dust will need to be controlled with water, water that is so scarce here in the desert. This water will be supplied by the Mojave Water Agency to spray the human waste! Remember PGE's toxic air particles up wind, and the chemicals that they said would not be spread in the air. Remember Barstow, their plan did not work either! Another toxic idea was to pump sewage wastewater on the fields at the riverbottom in Barstow to grow alfalfa! The horses and cattle would not eat it!

Nursery Products is now trying to sell us toxic home fertilizer and 1000s of flies carrying disease to your home gardens (remember the e-coli and

http://us.f521.mail.yahoo.com/ym/ShowLetter?box=Hinkley%20Sluge%20Project.&MsgI... 11/9/2006

other
bacteria in the grocery store spinach). Now you see our treated water going
to Dagget, CA. So basically the City Council has sold us out to Nursery
Products sludge company. And they have no buyers for their so called "Enviro
Friendly" waste. It's just a dump site like in Adelanto CA. Human waste
leaching into the Mojave River for the people of Hinkley, Barstow, Dagget,
Yermo, and Newberry Springs to drink for centuries to come. They are going
to build a sewage dump site on 1/2 square mile on 160 acres, with room to
expand. It will soon be the size of the dump pyramid on I-15 in Victorville.
And you know where that dust, paper, and plastic blows, towards Barstow.
Just like their forty-eight dumptruck loads of shredded sawdust, wood, and
plastic already on the site in Hinkley, dumped without permits and that is
already blowing towards Barstow now! Once they get their permits, it is open
season on waste permit exemption for five years just like Adelanto.

So do you want this happening to us? Our sleepy council is listening to the
blowhards from San Bernardino County. Look now in Adelanto, which has a
toxic waste dumpsite up wind in their own back yards. Just ask why the City
of Barstow is not stopping this? Why did they drop the resolution against
it? Nursery Products hires only low wage truck drivers and workers, who must
wear Hazmat suits and masks just to work there! Ask why all this is
happening, more pollution and diseases up wind of Barstow and Hinkley?

Just go to Hinkley for the answer, 10 million flies will be there to greet
you! If you are against this new pollution threat to Barstow, come and be
seen and heard. Stand up for your town. The next City Council meeting will
be at 7p.m. on Monday November 6th 2006 at Barstow City Hall.

JUST SAY NO TO POLLUTION

Thank you
Sincerely,

Henry T. James

Barstow, CA

760-256-8597

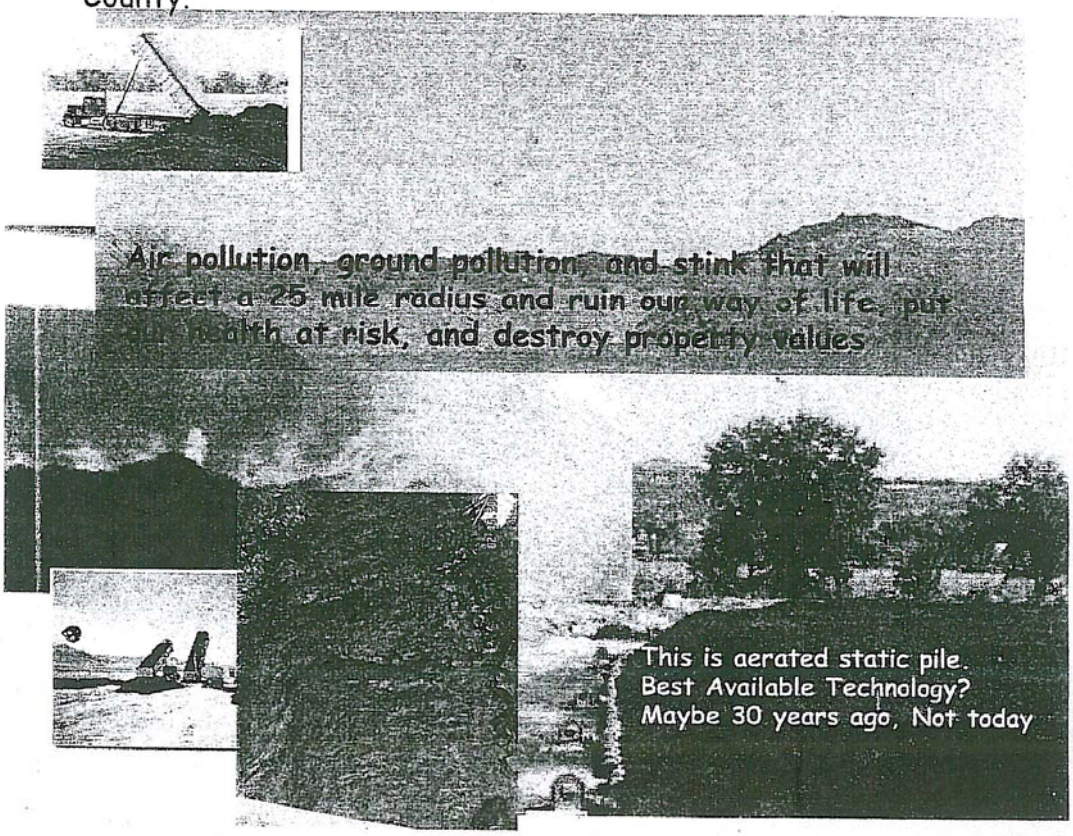
C57-1 Continued

from Henry James

RECEIVED
NOV 1 3 2006
LAND USE SERVICES DEPT.
ADVANCE PLANNING DIVISION

Who in their right mind would pick this, over better alternatives already permitted and being planned for Redlands in San Bernardino County ?

Modern technology has taken great strides to preserve the land, air and water, as well as quaility of life, from this type of pollution. This should be crime today. Actually it is in other counties, Kern, Riverside, etc, and nearly all of San Bernadino County."




" Disease ridden contamination was acceptable 30 years ago, don't let ignorance be your guide. It doesn't need to be be this way."

1/3

OVER →

The same minimalistic approach that resulted in the articles below is happening all over. Adding a little lime and a few static piles will not stop the pollution from a 160 acres open compost site.

The SCAQMD studies of open pile composting sites rcorded the amount of air pollution that can be expect to be released from this operation. This operation can be expected to release 750 tpy of Ammonia, 25 tpy of amines, 30 tpy of Supfur compounds, and 600 tpy of Total Non-methane Organic Compounds. *see(SCAQMD Tests 96-0007,96-0008,96-0009)*

This is the reason SCAQMD Rule 1133.2 was passed to stop this sort of air pollution.

Air and ground water pollution from cheap and dirty open pile composting operations is not new and history is about to be repeated in Hinkley.

- *Seattle, WA.* In 1997, the largest composter in the state was faced with a $500,000 fine from state regulators, a lawsuit from angry' neighbors, and reams of bad publicity over odors.
- *Lake Forest, IL.* An odor problem at a yard-trimmings site evolved into concern about the health impacts of the facility. Severe odor problems created by standing water from grass windrows combined with high heat and humidity during the summer of 1994. The situation led to calls for closure of the facility by angry neighbors.
- *Orleans, MA.* A sewage treatment plant serving the Tri-Cities area was forced to truck biosolids to another location for composting rather than composting the material on-site due to high levels of odors. The entire facility was shut down in 1991 because of serious and persistent odor problems.
- *North White Plains, NY.* Under an agreement with the New York State Department of Environmental Conservation, a composting business was given five months to remove all materials and vacate its property. The dispute had long been simmering between the company and residential neighbors who complained for more than three year's about odors emanating from the site.
- In Riverside County Synagro was forced to shutdown it's open composting operation after a long and costly legal battle with residents. Synagro was allowed to take in as much as 500 tons of sewage sludge a day and to turn it into compost. "The stench becomes so overwhelming . . . in come cases, people vomit and can't stand to go outside," said Raymond W. Johnson, the lawyer representing the residents.

Hinkley home owners and voters don't deserve to be forced into a costly long legal battle by the San Bernardino County Planning Commission's actions. The South Coast Air Quality District wrote and passed a very comprehensive regulation, Rule 1133.2, to stop this from happening to citizens throughout San Bernardino County.

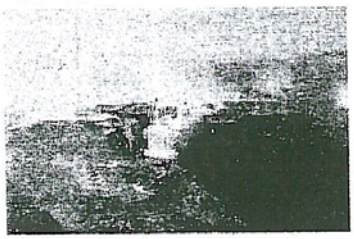
Just because we fall just over the SQAQMD border, we are still in San Bernardino County and we deserve equal protection for the quality of our lives from our government.

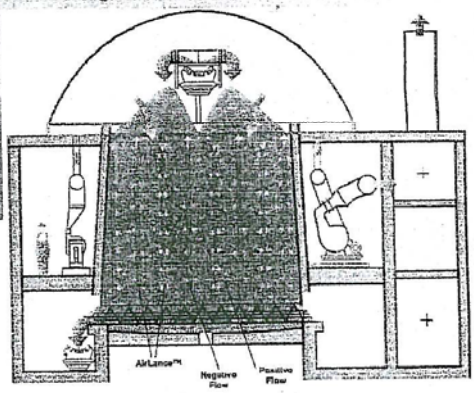
This is all about money. It is about a man wanting to make $25 to $30 million a year profit by dumping "s[redacted]t" where we live and by saving as much money possible by only processing it to the most minimal standards. It is not because there are not better alternative solutions.

2/3

In other parts of San Bernardino County voters demanded and got state of the art composting processes designed to address all air, ground, water, and odor pollution issues.

Redlands Organic Waste Pasteurization Plant






We know waste is a problem that needs to be addressed, but there are better solutions. All the families in Hinkley want is to be treated equally and fairly.

Please don't destroy our standard of life.
VOTE NO.

3/3

## RESPONSE TO COMMENT LETTER C57

C57-1 This comment expresses clear opposition to the Project, but does not raise any questions regarding the analysis or conclusions in the EIR. The Project does not propose the dropping of 400,000 tons of human sludge on the ground in Hinkley. The proposed composting operation would be located approximately seven miles west of Hinkley, and would be subject to regulation by the County Environmental Health Division, acting as the Local Enforcement Agency for the California Integrated Waste Management Board, and by the County Land Use Services Department Conditional Use Permit. Trucks would not be carrying semi-treated raw sewage, they would be carrying biosolids—treated and stabilized sewage sludge, dried to the point where it yields no free moisture. The EIR concluded that emissions of ozone precursors from the composting operations would be a significant and not mitigable impact. All other effects of the Project were determined to be either less than significant, when compared to applicable thresholds, or to be mitigated through conditions that will be imposed on the Project.

The remaining information in the comment promotes the use of in-vessel composting technology. This alternative was generally reviewed in Section 3 of the EIR, but would not provide the capacity or economy of the proposed Project.

## COMMENTS C58

**From:** Teri [sassanach1960@yahoo.com]
**Sent:** Friday, November 10, 2006 9:22 AM
**To:** Hyke, Carrie - Planning
**Cc:** Dave; jgomez@barstowca.org; Norm; Peg Diaz; LaVella
**Subject:** EIR Hinkley

Dear Ms. Hyke,
This letter is in regards to the capability of the owners of Nursery Products LLC to be able to safely compost such a large amount of Bio-Sludge.
What is questionable is their expertise, qualifications, ability, intent and greedy nature.
I have been composting for many years, the backyard garden type, green and brown wastes.
I also have recently taken a class on Master Composting, Nov. 4th, just to make sure that the methods that I have been implementing all of these years have been safe, not only for my family, but, for the environment around me and to enable me to write an informed and knowledgeable letter to you.
Such as, the vegetables and fruits that I've grown with compost, the grass that I've planted with compost, so that my children and grandchildren can safely play, get dirty, possibly eat.
It's a very simple method as long as you follow the basic rules so that there is virtually no risk.
No meat eating animal feces are used, however, cow, horse, chicken, goat, duck, pigeon, etc. manures (feces) can be used.
The at home methods do not use bio-sludge, the risks are FAR TOO GREAT.

Nursery Products LLC has a noted bad past performance with regards to their Adelanto site.
They, seemingly, don't even have the basics of "At Home" composting knowledge, much less to use bio-sludge as their main "green" waste to compost and put it out safely for human use.
Might I add, NPLLC are planning to bring in 400,000 tons of bio-sludge (green waste) a year, did anyone know that for true compost to be made, that they also have to bring 400,000 tons of brown waste? **C58-1**
That's the very least that would be needed to compost correctly, that's 800,000 tons of waste on 80 acres!
Water is another VERY important aspect of composting, NPLLC is planning to use only 1500 gal. a day and not just used for the windrows of "composting" materials.
What they are going to have from lack of water, are huge piles of wind fodder, to be blown throughout Hinkley, Barstow and other surrounding communities, to settle into our evaporative coolers and grow mold for us to breathe, to land on our gardens, animals, children, where we grow, play and eat.

As long as there are humans, there will be bio-sludge, the question is, How are we, in our county, going to rid ourselves of this "product" safely?

Please, the powers that be need to read the information below, I did the research, all you have to do is click and read or print it and read it.
The more informed that we all are, all the more so we can make our planet safe for our future generations.

There are "safe" alternatives, such as,
http://www.abt-compost.com/
http://www.pmcbiotec.com/
http://mailman.cloudnet.com/pipermail/compost/2005-August/013575.html

Below are the informative handouts that I received in my master Composting class that are so informative and explains the basics of composting, the how to's and how not's and must

never's,
http://www.css.cornell.edu/compost/microorg.html
http://www.css.cornell.edu/compost/invertebrates.html
http://compost.css.cornell.edu/chemistry.html
http://compost.css.cornell.edu/physics.html
http://www.css.cornell.edu/compost/monitor/monitorph.html

Below, is more research on bio-sludge, the dangers, the risks, the inadequate studies, low guidelines, etc.,
http://cwmi.css.cornell.edu/sludge.html
http://cwmi.css.cornell.edu/Sludge/Production.pdf
http://cwmi.css.cornell.edu/sludge/organicchemicals.pdf
http://cwmi.css.cornell.edu/Sludge/Dairysludgesummary.pdf
http://cwmi.css.cornell.edu/PDFS/LandApp.pdf
http://cwmi.css.cornell.edu/Sludge/Septagequality.pdf

Thank You,
Teri Cheney
22230 Highcrest Road/ P.O.Box 35
Hinkley, CA 92347-0035
760-253-1282

www.helphinkley.org

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Cheap Talk? Check out Yahoo! Messenger's low PC-to-Phone call rates.

## RESPONSE TO COMMENT LETTER C58

C58-1 Comment noted.

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# COMMENTS C59

**Hyke, Carrie - Planning**

**From:** BISWHWY58@aol.com
**Sent:** Sunday, November 12, 2006 8:20 PM
**To:** Hyke, Carrie - Planning
**Subject:** Nursery Products

Who is going to monitor NPLLC's adherence to their agreement with the County? Evidence you already have demonstrates their blatant disregard of laws governing them in Adelanto. If they already have trucks coming into their property dumping stuff BEFORE they are given permission why do you think they will obey any law? **C59-1**
Nancy Perkins
P O Box 832
Barstow CA 92312

11/13/2006

## RESPONSE TO COMMENT LETTER C59

C59-1 See response to comment B3-2 and COB-8.

# COMMENTS C60

**Hyke, Carrie - Planning**

**From:** Maureen Reilly [maureen.reilly@sympatico.ca]
**Sent:** Sunday, November 12, 2006 10:25 AM
**To:** Hyke, Carrie - Planning
**Cc:** D.Norman Diaz; Barreau, Tracy (DHS-EHIB); DR. EDWARD MCGOWAN - EPA DOCKET; Robert Berkman; maureen.reilly@sympatico.ca
**Subject:** new research shows anaerobic digesters not killing bacteria - massive reactivation

Dear Carrie,

Here is a report that is relevant to the EIR for Nursery Products.
It is about an astonishing rate of pathogen indicator reactivation in anaerobically digested, centrifuged sewage sludges. Looks like the anaerobic digestion doesn't kill the organisms as previously thought.. just puts them into a viable non detectable form.

So some plants, (like L.A. etc) may be trucking out sludges with fecal coliform levels in the hundreds of billions per gram, and with
very high levels of specific pathogens. This makes the pathogen issue, and the aerial transport of windborne pathogens a significant issue.

C60-1

Kind Regards

Maureen Reilly

416 922 4099

11/13/2006

## RESPONSE TO COMMENT LETTER C60

C60-1 Comment noted.

Nov 12 2006 10:29AM BARSTOW HOSPITAL ICU 9573027 p.1

## COMMENTS C61

**Draft Environmental Impact Report**
**PUBLIC COMMENT CARD**

If you would rather write your comments, you may turn this in to inform us of your comments regarding this Draft. The California Environmental Quality Act (CEQA) Draft Environmental Impact Report reviews several environmental issues as listed below.

Environmental Issues
1. Air Quality
2. Biological Resources
3. Cultural Resources
4. Hazards/Hazardous Materials
5. Hydrology/Water Quality
6. Transportation/Circulation

**Topic #** **Comment**

Concerning Nursery Products Plant- there is A potential to impact All 6 of the environmental issues Above. It is not fair to the town of Hinkley to bring A plant into the Area that no other town or City wants. It Adds no value really And only reminds us that where Representation is limited the people suffer. The High Desert is A growing Area where we now see home prices increasing like never before. Introducing the plant to Hinkley will destroy Any or All chances of this town enjoying real Estate gains. Please reconsider, there Are other Area's devoid of population that would better serve this plant And the people. Sk

C61-1

EXTENDED TO NOVEMBER 13, 200

Use additional pages if needed. Please turn in your comments at this meeting. *or:* Mail on or before November 13, 2006 to: Carrie Hyke, Land Use Services Dept., San Bernardino County, 385 North Arrowhead Ave., San Bernardino 92415-0182 *or:*
● Fax: (909) 387-3223 ● Tel. 909-387-4147 ● E-mail: chyke@lusd.sbcounty.gov

Name: Susan Kimpston

Mailing Address: P.O. BOX 1422, Helendale, CA 92342

Tel. /e-mail: 760 952-2532 / Kimpst 7 @ aol.com

## RESPONSE TO COMMENT LETTER C61

C61-1 Comment noted. The land surrounding the site is vacant for at least a mile in all directions. An evaluation of impacts to property value from the project would be speculative and is not included in the EIR.

Nov 12 2006 10:31AM BARSTOW HOSPITAL ICU 9573027 p.1

## COMMENTS C62

**Draft Environmental Impact Report**
**PUBLIC COMMENT CARD**

If you would rather write your comments, you may turn this in to inform us of your comments regarding this Draft. The California Environmental Quality Act (CEQA) Draft Environmental Impact Report reviews several environmental issues as listed below.

Environmental Issues
1. Air Quality
2. Biological Resources
3. Cultural Resources
4. Hazards/Hazardous Materials
5. Hydrology/Water Quality
6. Transportation/Circulation

**Topic #** **Comment**

We do not need a Company like Nursery products Plant that will bring Hazards/Hazardous Materials, Effect our Air Quality and bring in out-side "Crap" to our area. Other area's that have to bring in other peoples "Crap" are doing so with a close State of the art plant. Why is our Board of Supervisors even thinking of letting in Nursery Products In other parts of San Bernardino County Voters demanded and got the State of the art Composting processes designed to address all air, ground water, and odor pullution issues. Why is the Barstow/Hinkley area being Forced Feel this Crap??!! SCAQMD Rule 1133.2 was passed to stop this sort of air pollution!!! "NO Crap" In our back yard!!!! C62-1

EXTENDED TO NOVEMBER 13, 2006

Use additional pages if needed. Please turn in your comments at this meeting, *or:* Mail on or before November 13, 2006 to: Carrie Hyke, Land Use Services Dept., San Bernardino County, 385 North Arrowhead Ave., San Bernardino 92415-0182 *or:*
- Fax: (909) 387-3223
- Tel. 909-387-4147
- E-mail: chyke@lusd.sbcounty.gov

Name: Eileen + John Tucker

Mailing Address: P.O. Box 32 Barstow, Ca. 92311

Tel./e-mail: 760-253-3218, JE5473@aol.com

## RESPONSE TO COMMENT LETTER C62

C62-1 Comment noted. See response to comment B-3-3, B3-4, B3-5, and COB-2.

## COMMENTS C63

I am writing this letter to voice my objections and concerns about the draft EIR for the proposed solid waste compost facility in Hinkley.

1. A quote from the draft EIR " Even after implementation of mitigation, volatile organic compounds ( VOC ) emissions from the project would exceed the applicable regulatory threshold and impacts to air quality would be significant" yes significant and immitigable even at half the size. I fell that there has been some under handedness the MDAQMD delayed implementing the (CARB) Regulations to allow Nursery products LLC to get their permit. Why is this project even being considered if it violates clean air standards once the (CARB) Regulations are in place in 2008? **C63-1**
2. Who uses this stuff name someone, I would like to know of one farm in the Barstow area that uses this stuff. **C63-2**
3. How much water will they be allowed to use for dust mitigation and fire protection, are they going to pay for it. Watering down 160 acres on almost constant bases to keep down dust will take a lot of water, how much? **C63-3**
4. What are they going to do in the event of a fire the Hinkley fire station is not capable of handling a fire involving 400,000 tons of material? Hinkley fire station has one 3,500-gallon water tender and one 2,500-gallon water tender. The next close one is Barstow fire and the next closes county unit is Apple Valley. The closes water sores is at Lenwood road 11 miles away. A fire at this facility would be very much like cow manure or hay stack fire, they burn for days or even weeks. This will require huge amounts of water, and equipment. They should have these things in place before they are allowed to open. **C63-4**
5. They required a hydrant every 300 feet in Adelanto but they never put them in why? **C63-5**
6. In the event of a hazmat situation it will take a minimum of 1 and ¾ hours for a Hazmat team to arrive on scene they have to come from San Bernardino. With the very high potential for a hazmat situation I fell that waiting 1 and ¾ hours is to long. In the event that something dose happen will Nursery products be billed or will the tax payers pick up the tab? **C63-6**
7. Having 30 mph wind speed, as the cut off for turning windrows is unacceptable that is to high a wind, large amounts of dust blow at a far lower wind speed. At the time of this writing the wind was blowing 13 MPH. You could see a large amount of dust being kicked in to the air. **C63-7**
8. What will they do when the rows get to hot from the composting process and must be turned and the wind is blowing day after day?
9. Per the DEIR they must mix the new truckloads for pathogen reduction with in 4 hours of arrival are they going to turn away trucks when it is to windy? Per the DEIR they must put the green waste in windrows with in 2 hours. This is a 24-hour facility receiving 178+ trucks a day that equals 1 truckload every 12 minuets with only 8 employees this seams impossible. **C63-8**
10. The draft EIR claims that they will build containment ponds and dirt embankments to hold all the water that will fall on 160 acres in a 24-hour period during a hundred year storm. I don't think so the amount of water that can fall in a huge storm in this area is astronomical. **C63-9**

11. The water in these containment ponds will be highly contaminated by there own admission. What is to keep migratory birds from landing in these ponds and then flying to near by reservoirs or the bird sanctuary 8 miles away and spreading contamination to other parts of Hinkley? C63-10
12. They state that the composting process takes 15 days or more to kill most of the pathogens. They will accept 1,100 tons per day X 15 days = 16,500 tons of material with large amounts of live pathogens on site at any given time. The draft EIR states that Air born pathogens are less than significant, I feel this is not true. This stuff could blow in to swamp coolers, reservoirs, or damp alfalfa fields and start to grow E-coli, Chloriforms, and Aspergillus Fumigatus and release more entotoxins in to the environment or worse. The DEIR dose not address E-coli, and Chloriforms, why not? C63-11
13. The draft EIR states that the effect on the California Desert Tortoise would be less than significant. I disagree; the tortoise is susceptible to respiratory problems. I think that a study should be done to determine the effects this project will have on the Tortoise and all the other endangered animals such as Mojave River voles, Kangaroo Rat, West Mojave ground squirrel, Mohave ground squirrel, Bobcat and the Kit Fox (just to name a few) out side the 160 acres but in the close vicinity. C63-12

Beverly Potter
P.O. Box 417
Hinkley, Ca. 92347

Nov. 13, 2006

## RESPONSE TO COMMENT LETTER C63

C63-1 Comment noted.

C63-2 See response to comment CIWMB-5.

C63-3 See response to comment B4-29.

C63-4 See Mitigation Measures HM-3 and HM-6 identified in Section 5 of the Final EIR.

C63-5 See response to comment B3-2, COB-8.

C63-6 See response to comment RWCQCB-2 and RWQCB-8. Also, see Mitigation Measures identified in Section 4.6, Hazards and Hazardous Materials, of this EIR.

C63-7 See response to CDFG-6. No turning of windrows during episodes of high wind speeds (30mph or higher) will occur.

C63-8 The applicant is responsible for controlling visible dust from any part of the operation. See Mitigation Measures A-3 identified in Section 5 of the Final EIR.

C63-9 Comment noted.

C63-10 See response to comment USFWS-8.

C63-11 See response to B6-4 and CDHS-4.

C63-12 See response to comment USFWS-3, USFWS-6, USFWS-9 and USFWS-12. As indicated in Appendix C, the agency databases were reviewed to identify special status species that are present in the project area. The species known to occur in the area are included in the EIR analysis.

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## COMMENTS C64

I am writing this letter to voice my objections and concerns about the draft EIR for the proposed solid waste compost facility in Hinkley.

1. A quote from the draft EIR " Even after implementation of mitigation, volatile organic compounds ( VOC ) emissions from the project would exceed the applicable regulatory threshold and impacts to air quality would be significant" yes significant and immitigable even at half the size. I fell that there has been some under handedness the MDAQMD delayed implementing the (CARB) Regulations to allow Nursery products LLC to get their permit. Why is this project even being considered if it violates clean air standards once the (CARB) Regulations are in place in 2008?
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5. They required a hydrant every 300 feet in Adelanto but they never put them in why?
6. In the event of a hazmat situation it will take a minimum of 1 and ¾ hours for a Hazmat team to arrive on scene they have to come from San Bernardino. With the very high potential for a hazmat situation I fell that waiting 1 and ¾ hours is to long. In the event that something dose happen will Nursery products be billed or will the tax payers pick up the tab?
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**C64-1 Continued**

Jay Potter
P.O. Box 417
Hinkley, Ca. 92347

Nov. 13, 2006

## RESPONSE TO COMMENT LETTER C64

C64-1 See response to comment letter C63

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## COMMENTS C65



**Hyke, Carrie - Planning**

**From:** Estelle Delgado [estelledelgado@verizon.net]
**Sent:** Monday, November 13, 2006 9:04 AM
**To:** Hyke, Carrie - Planning
**Subject:** Comments on Nursery Products Permit for Composting Operation in Hinkley

Dear Ms. Hyke:

I am opposed to San Bernardino County's approval of Nursery Products application to establish a composting operation in Hinkley.

This company has not shown itself to be a good neighbor while in Adelanto. It does not answer citizens' questions concerning its operation. No one wants a sludge operation in his community but I realize something has to be done with the waste products. Newberry Springs does not want this company in its area any more than Hinkley wants them. I believe an open discussion between the Company and the citizens of the proposed sites should be the first order of business before trying to shove this operation down the throats of honest, hardworking citizens. This is not the way to do business in our County and our County officials should expect honesty and openness in all proposals. These are life and death issues for people living in Hinkley since airborne particles and water table contamination can have life-threatening impacts on the children and others living in Hinkley. Do these people not matter since the majority of them are Hispanic? **C65-1**

There is a company in the Redlands area expecting to startup a similar facility in 2007. The Redlands Organic Waste Pasteurization Facility answers citizens' questions and will have a covered operation to prevent airborne contamination and odors.

San Bernardino County must reject this permit application until this company or any company puts the health and well-being of the citizens of Hinkley first. There must be no doubt in the minds of the people living there that this operation would be a good thing for them. If it is such a good operation, why did Adelanto run Nursery Products out of town? Why did Newberry Springs reject them? Would you like this operation in your community?

Thank you,

Estelle Delgado
14123 Liberty Way
Victorville, CA 92392

Check out Mojave Group's Calendar for hikes, meetings, and other environmental events in the Desert/Mountains area: http://calendar.yahoo.com/mojavegrp.

11/13/2006

## RESPONSE TO COMMENT LETTER C65

C65-1 See response to comment B3-2, COB-8 and B2-2.

## COMMENTS C66

### Hyke, Carrie - Planning

**From:** Ron Trotter [rontrotter1@yahoo.com]
**Sent:** Monday, November 13, 2006 9:16 AM
**To:** Hyke, Carrie - Planning
**Subject:** sludge dump

To our elected representatives:
I am assuming that you don't live in the Hinkley/Barstow area and will not be smelling the stink and dealing with the flies as Adelanto did for years and as we will if the dump is opened. Winds do blow the junk more than the 1/4th mile the operators say it will. I have been a California/San Bernardino resident all of my 53 years (with time out for military duty) and rarely write or email my elected officials. This is one time I will. I strongly urge you to reject any attempt to open this sludge dump anywhere in the San Bernardino area again. Haven't you learned the from lesson in Adelanto? Business and restaurants were closed down due to smell and thousands of flies. I could go on. Elections may be over this year, but we will not forget any lack of public support by our officials next time.
Ronald Trotter
Barstow, California

C66-1

C66-2

1

## RESPONSE TO COMMENT LETTER C66

C66-1 Flies can occur at composting operations, especially if excessive grass clippings are present in the green material. As indicated in Section 2.3.1, loads of green material with excessive grass clippings will be rejected. Additionally, Mitigation Measure HM-9 includes fly control measures when they become necessary.

C66-2 See response to comment B3-2 and COB-8.

## COMMENTS C67

### Hyke, Carrie - Planning

**From:** monica [monica@realest8te.com]
**Sent:** Monday, November 13, 2006 9:36 AM
**To:** Hyke, Carrie - Planning
**Subject:** sludge site at Hinkley

Dear Carrie Hyke & Mr. Bill Postmus,

I am a resident of Barstow. I and my husband own two houses here and are in the market for more. We are landlords that are present and handle problems with our properties promply so our tenants are comfortable and safe.
I have asthma. A desease that has been discribed as trying to suck air through a coffee stirrer to breath.

Now we are faced with a possible air pollution situation with the sludge plant arriving at Hinkley. Besides all the other problems this will bring our community, this one will directly affect me. **C67-1**

Please don't allow this company to come in. Do more studies if you must, but there is too much riding on this group doing the right thing and that, if history is any clue, is in doubt.

We will sell even at a loss and move if this comes to pass. Since I speak for many, my problem then becomes yours, in loss of revenue with abandoned property and and lowered real estate prices. This at a time that we, Barstow, are just now seeing renewal and progress. **C67-2**

In summary, I'd rather breath air pollution manufactured by cars and industry in another city, than another cities sh**.

Please reconsider. Thank you.

Monica Craig
710 Linda Lane.
Barstow Ca. 92311

1

## RESPONSE TO COMMENT LETTER C67

C67-1 See response to comment CDHS-4 and B6-4.

C67-2 An evaluation of impacts to property value from the project would be speculative and is not included in the EIR.

## COMMENTS C68



**Hyke, Carrie - Planning**

**From:** Bonnie Randolph [bonnie.randolph1@verizon.net]
**Sent:** Monday, November 13, 2006 11:44 AM
**To:** Hyke, Carrie - Planning
**Subject:** Proposed sludge dump in Hinkley

**As I have expressed in previously correspondence, I can not believe our County Supervisors would approve another health threatening business in the Hinkley area.**

**My oldest sister, her daughter and a son all have serious health issues because of the damage done by the PG&E Plant in that area. How can that past history be ignored? All three of the named relatives have had their lives altered by the action of the management of PG&E.**

**C68-1**

**In addition, I have lived in Barstow over 65 years and I grow tired of our beautiful desert being considered a "dumping ground" for anything needing disposal by people living else where. Why was the site over in the Victorville area forced to close down? If it wasn't suitable there, why would it be suitable in our area?**

**Please count me as a vote for "NO" on the matter of the proposed sludge dump in Hinkley.**

**Bonnie Randolph**
**36702 Bel Aire**
**Barstow, CA 92311**
**256-6327**

11/13/2006

## RESPONSE TO COMMENT LETTER C68

C68-1 Comment noted. See response to comment B3-2 and COB-8.

## COMMENTS C69

11-9-06

Edward Riddle
Miriam Shulman
P.O. Box 111
Hinkley, CA 92347-0111

RECEIVED
NOV 1 8 2006
LAND USE SERVICES DEPT.
ADVANCE PLANNING DIVISION

Carrie Hyke
S.B. County Land Use Services Dept.
Advance Planning Division
385 N. Arrowhead Ave., 1rst Floor
San Bernardino, CA 92415-0182

**RE: DRAFT EIR/NURSERY PRODUCTS**

**We are adamantly opposed to this Project.**

In spite of SB Countys' claim and belief they have done a good job on the documents, the Draft E.I.R. is minimized, inaccurate, incomplete and filled with misleading statements and outright prevarication. So much so that it begs for litigation to address them. But for now we will only comment upon certain salient points briefly.

We advise Nursery Products and San Bernardino County to obtain and post additional liability insurance bonding in the amount of at least $2 billion if the project is permitted and approved. Based on a conservative estimate of damages to life, health, real property and property values in Hinkley and other areas, both entities will be in need of additional coverage for that. The principals of the city of Barstow, in not opposing the project, and any individual employed by any municipal or County or State entity involved in support or approval of this project may be held personally liable, so we suggest you prepare yourselves for that. This project should not be allowed closer than 100 miles from any populated area. C69-1

**AIR QUALITY** - a direct threat to human health and safety, property and property values. There will be significant impacts to air quality which cannot be mitigated. This is a fact written in stone. If you would have done your homework, you would have discovered that wind directions and velocities through the site are from the west and WSW. Edwards AFB data since December 1941, and data gathered in West Hinkley, indicate that wind direction through Hinkley is virtually identical to Edwards for that period. However, the wind velocity in Hinkley is generally greater. Gusts and steady winds can reach 40-60 knots, or fiercely more, and lift even the heavier sand grains into the air and carry them tens of miles to the east and ENE, right across all of Hinkley (receiving the greatest initial "concentrate"), Barstow, Lenwood, Daggett, Yermo and Newberry Springs. C69-2

The particles and dust which will be generated by the project site include pathogens, fine metallic wastes, human waste, unknown other "bio" wastes, as well as green-waste, and include material which can form molds (Stachybotrys, etc.), mildews and fungi. No mention has been made in the EIR to acknowledge that the transport trucks, both full and empty, going to and from the site, 24 hours a day will disperse the material from them along every proposed roadway route to be used. Some material is activated by contact with water, some material remains active irrespective of contact with water. If wet-downs of material to be delivered is made, it will be active when being blown out during transport along with the already active material. Likely routes (missing in the EIR) are up I-15 to Lenwood Rd. to SR 58 to the site, I-15 to 395 to SR 58 to the site, and up Hwy 14 to SR 58 to the site. All of these routes are either perpendicular or oblique to wind C69-3

Page 1 of 3

Riddle/Shulman

direction while transport is occurring, subjecting the company drivers, contracted drivers, and all other drivers of all types of vehicles to exposure to the material.

The material will be borne in great amounts at great speeds over tens of miles of distance, mostly west to east, and 10% to 25% of the time north to south and east to west. It will borne by the wind eventually being dispersed to all points of the compass, back and forth, again and again, with a steady supply of dispersed material from the site source. C69-3 Continued

Missing from the EIR is the fact that there are at least 10,000 evaporative ("swamp") coolers in the entire area affected, approximately 550 in Hinkley. Material will certainly be ingested into each one, and apart from the outside home exposure certain to occur, each person inside every home in this entire area will be exposed to the pathogens and other materials present. Growing children are certainly to be exposed to brain damaging materials. Seniors will get sick and others who are already ill and infirm will get worse. Horses and cattle will be exposed. Every pet. Not a single school child of any age, nor any human being, nor any human internal or external organ shall escape exposure. Lung ailment incidences will increase. Illnesses from dozens of combinations of different types of material will defy treatment. Eye Problems. The cumulative effect is that some people will get sick and die, and others will get sick and continue to live and get sicker. The exposure will not stop because the supply of material will not stop. C69-4

Mold, mildew and fungi progressively form with difficulty in environments as the temperature goes progressively above or below 71 degrees F. In a home with a swamp cooler the temperature Averages at 71, therefore molds, mildews and fungi have a perfect medium in which to grow and flourish like they were in a laboratory Petri dish. The cumulative effect is that it shall eventually degrade and damage homes or make them uninhabitable. Such exposed homes are difficult and expensive to rehabilitate. Property values in such exposed communities would suffer. People, children, babies, the elderly, even the strong, would suffer therefore in 2 intolerable ways. These facts cannot be unknown to both the LLC and the County. C69-5

**Material Content**

No mention has been made to identify what is in the material, where it comes from, or to provide mass spectrometric evaluations often to determine what is blowing away from the site or from the trucks transporting it at any one time. Enough has been found by research to confirm that not even Nursery Products own officers and members would be willing to live in the area and expose themselves to it. We propose that the content of the material as well as where it comes from is well known to the LLC and the County. That is why they refuse to reveal it or test it. Though CEQA may not require that information to be revealed or adequate frequent testing to be performed are not good enough reasons to withhold disclosure. You are dealing with the lives and property of human beings, and your conduct elicits that you care nothing about them. You are not even making provision for your own drivers. In fact, within context of this community's history, and that it is just now beginning to recover from it, it is incomprehensible that those who thought up, proposed and support this project consider themselves to be humane. C69-6

**Tortoise Relocation**

If you had done your homework, you would have discovered that doubt is now evident that relocation is successful. At least 2 scholarly, detailed reports say it doesn't work, and there is no detailed study recently which claims otherwise. These ancient creatures have ancient habitat right in the proposed area. You propose not to be a good neighbor to them by removing them from where they are safe and comfortable. They also suffer from respiratory ailments which are being studied to find out why, and how they can be cured. Now you propose to do this to them, and us. C69-7

Page 2 of 3

Riddle / Shulman

**Noise**

Claiming no significant impact is ludicrous as well as transparent. First this LLC claimed that there will be 522 trucks a day 24/7. Then 22, then 400,000 tons a year. This elicits that Nursery Products wishes not to be restricted. 522 trucks a day not only to but also back *from* the site. This translates to a truck going each direction *every three quarters of a second*. At 400,000 tons per year of material, this figure dictates 1 truck going each way every 3 minutes, or 1 truck going each way every 3 miles. In the real world these trucks will be in clusters on an old 2 lane road originally built in 1919 and which CalTrans in many documents since 1987 has stated again and again that Hwy 58 is unsafe. To claim that there would be no significant impact on the peace and quiet of the area is a false claim. C69-8

**Traffic Safety**

What is more, CDOT lost any "design immunity" defense on the safety issue of SR 58 when they declared it unsafe, and that means any insurance claim by the LLC regarding an "unsafe highway" accident on SR 58 will be disclaimed, since CDOT knows and now the LLC and County know about the preexisting unsafe condition. Any court case involving this issue no longer goes to judges. It goes to a jury. It is not up to us to provide the proof. If you had done any real homework you would know what reports and which California Supreme Court case governs the truth. SR 58 going through Hinkley is unsafe, and that impact is multiplied by the increased density of the presence of the LLC's trucks on the highway. 395 is an even less safe 2 lane road. C69-9

**Eminent Domain**

Barstow and the County have wanted Hinkley for years. It is proposed, not theorized, that this is yet again another attempt in different clothing. The method of the attempt and its pretext and progression are the subjects of a legal brief on behalf of the community, which has been deposited with counsel.
We are not lab rats.

The record affirms that the only truthful statement which can accurately describe this Draft EIR is that Nursery Products LLC cannot keep the laws and SB County is soft on enforcing them. C69-10

This kind of project is not welcome and cannot be in our community. You propose to hurt our lives, our children, our health, our homes and all the values they represent. That will not be tolerated.

Sincerely,

Edward Riddle
Miriam Shulman

cc/LBR

mailed 11/9/06

Page 3 of 3

## RESPONSE TO COMMENT LETTER C69

C69-1 Comment noted.

C69-2 See response to comment CDHS-4 and B6-4.

C69-3 See Section 5 of the Final EIR; Mitigation Measures B-15 and B-15.

C69-4 See response to comment CDHS-4 and B6-4.

C69-5 See response to comment CDHS-4 and B6-4. An evaluation of impacts to property value from the project would be speculative and is not included in the EIR. See Section 5 of the Final EIR. Mitigation measures implemented as part of the project will reduce both short term and long term impacts to less than significant levels.

C69-6 See response to comment RWQCB-8 and CDFG-6.

C69-7 See response to comment USFWS-3, USFWS-6, USFWS-9, USFWS-12 and CDFG-4.

C69-8 Appendix A indicates that noise from the facility would not be significant. A noise analysis was completed specifically for this project and is included in Appendix A. In addition, see response to comment COB-30, COB-31 and B6-2.

C69-9 See response to comment COB-30, COB-31 and B6-2.

C69-10 Comment noted.

## COMMENTS C70

**Draft Environmental Impact Report**
**PUBLIC COMMENT CARD**

RECEIVED
NOV 13 2006
LAND USE SERVICES DEPT.
ADVANCE PLANNING DIVISION

If you would rather write your comments, you may turn this in to inform us of your comments regarding this Draft. The California Environmental Quality Act (CEQA) Draft Environmental Impact Report reviews several environmental issues as listed below.

Environmental Issues
1. Air Quality
2. Biological Resources
3. Cultural Resources
4. Hazards/Hazardous Materials
5. Hydrology/Water Quality
6. Transportation/Circulation

**Topic #** **Comment**

The draft was full of half-truths, example: water usage. We were told this facility would not use hardly any water. But, the draft failed to report water would be used to wash down each truck after dumping its load, plus water would be needed to wet down the dirt roads (all the roads are to be dirt) for dust control. That's alot of water used daily.
Next, the difference between the covered and uncovered facilities as far as hazard waste materials was nominal. Well of course, the basic operation would remain the same, BUT, the hazardous waste materials released into the air would be immensley different. C70-1
Its little nuances like this that combine to make me distrustful of this draft and the people behind it. I know some in politics in San Bernardino County stand to make lots of money if this goes through as is. Imagine what a colossal feather in cores hat that would be - L.A., Orange, Riverside, San Bernardino Counties to name a few would be overjoyed to get rid of their hazardous waste and the perks would trickle down, but we all know that.

Use additional pages if needed. Please turn in your comments at this meeting, *or:* Mail **on or before November 9, 2006** to: Carrie Hyke, Land Use Services Dept., San Bernardino County, 385 North Arrowhead Ave., San Bernardino 92415-0182 *or:*
● Fax: (909) 387- 3223 ● Tel. 909-387-4147 ● E-mail: chyke@lusd.sbcounty.gov

Name: Gabeth Hernandez

Mailing Address: 35490 Riverview Lane, Hinkley, CA 92347

Tel. /e-mail: 760-253-3744 , hinkleybetty10@AOL.COM

## RESPONSE TO COMMENT LETTER C70

C70-1 Comment noted.

## COMMENTS C71

**Draft Environmental Impact Report**
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**Topic #** **Comment**

My husband has lived in Hinkley, for over 30 years + has a heart condition. he has seen many things of an environmental effect. The daisies are all around us and sometimes with the right wind condition, you can smell the effect from the cows + other various animals. The stench from the cows + animals are needless to say awful + that putting it lightly. To think human sewage will be put only 10 miles away from us is absolutely outrageous!! The flies, the stench not to mention the air quality, especially when the wind blows, (we get up to 65 mph) + every day the wind does blow!! The air quality will be very bad to the effect of my husband's heart condition as well as all the other elderly people in Hinkley. Also we have many, many, many animals in Hinkley + the surrounding mountain areas. If the animals especially birds come + drink + pick at the sewage what kind of epidemic sickness will it bring + cause sickness elsewhere (i.e.) Barstow, Newberry, Victorville. My husband + I are totally against this sewage site. If the people in L.A., want their sewage put somewhere - let them put it somewhere else!! NOT HINKLEY

C71-1

C71-2

Use additional pages if needed. Please turn in your comments at this meeting, ***or:*** Mail **on or before November 9, 2006** to: Carrie Hyke, Land Use Services Dept., San Bernardino County, 385 North Arrowhead Ave., San Bernardino 92415-0182 ***or:***
● Fax: (909) 387- 3223 ● Tel. 909-387-4147 ● E-mail: chyke@lusd.sbcounty.gov

Name: Hubert Nettey

Mailing Address: 23394 Alcandia Rd. Hinkley, Ca. 92347

Tel. /e-mail: _____ / _____

## RESPONSE TO COMMENT LETTER C71

C71-1 The potential for odor from the facility was evaluated in Section 4.3.3.3. As shown on Table 4.3.11, odors at the site boundary would be significant. However, odors at the nearest house (1.5 miles away) would be well below the thresholds established by the Air Quality Management District.

C71-2 See response to comment USFWS-3, USFWS-6, USFWS-9, USFWS-12.

## COMMENTS C72

**Draft Environmental Impact Report**
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5. Hydrology/Water Quality
6. Transportation/Circulation

**Topic #** **Comment**

You have not done an environmental study on the endangered species the turtle, the kangaroo rat, & the owls + some snakes. This is an endangerment to these species especially if they drink the water from a proposed sewage site. We do not want these animals endangered any more than they already are. C72-1

The crysts are rather subject - they can get "PARVO" just from breathing the air - because it is an airborne ~~disease~~ disease.

The traffic congestion was another subject you do not seem. If you live in Hinkley near HWY 58 or I-15 Freeway at times the HWYS are so crowded especially on the weekends. There have been many deaths on HWY 58 near the proposed site. We have already had 2 deaths this year alone on HWY 58 due to traffic collision + Big Rig. (Semi-trailers) C72-2

We do not need any more stench + flies in Hinkley or Air Pollution stuff we do not want the sewage!! NO!!

Use additional pages if needed. Please turn in your comments at this meeting. ***or:*** Mail **on or before November 9, 2006** to: Carrie Hyke, Land Use Services Dept., San Bernardino County, 385 North Arrowhead Ave., San Bernardino 92415-0182 ***or:***
● Fax: (909) 387- 3223 ● Tel. 909-387-4147 ● E-mail: chyke@lusd.sbcounty.gov

Name: Mr. Gene Dawson

Mailing Address: 23508 Claudia Rd. Hinkley, Ca. 92347

Tel. /e-mail: _____ / _____

## RESPONSE TO COMMENT LETTER C72

C72-1 Endangered species surveys were conducted as part of the EIR. Please see Section 4.4 of the EIR for a review of surveys conducted. See also comments USFWS-3, USFWS-6, USFWS-9, and USFWS-12.

C72-2 See comments COB-30, COB-31, and B6-2.

## COMMENTS C73

Page 1 of 3

**Draft Environmental Impact Report**
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6. Transportation/Circulation

**Topic #** 4 **Comment**

As a registered nurse and a home garden composter I am uniquely qualified to comment on hazardous materials from compost piles. As part of R.N. training I took college level classes in biology, chemistry and micro biology. As a composter, I have taken the master composter class given by the Mojave Desert + Mountain Joint Powers Authority 3 times; the last 2 times I was one of the instructors. I compost piles of local dairy manure to fertilize my backyard vegetable garden. The small amount of cow manure I truck in always brings an infestation of black flies. In the compost class, human manure was NOT on the list of acceptable compost pile ingredients. Cat and dog manure are specifically forbidden. Pathogenic microbes from these 3 sources can contaminate air, water, + soil and sicken people. The Chinese rural farmers traditionally composted human manure, but they did it inside sheds, not

C73-1

(continued →)

Use additional pages if needed. Please turn in your comments at this meeting, ***or:*** Mail **on or before November 9, 2006** to: Carrie Hyke, Land Use Services Dept., San Bernardino County, 385 North Arrowhead Ave., San Bernardino 92415-0182 ***or:***
● Fax: (909) 387- 3223 ● Tel. 909-387-4147 ● E-mail: chyke@lusd.sbcounty.gov

Name: Victoria P. Harper, R.N.

Mailing Address: 21966 Plymouth Rd., Hinkley, CA 92347

Tel. /e-mail: 760-963-3469, pennyharper@msn.com

Page 2 of 3

**Draft Environmental Impact Report**
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6. Transportation/Circulation

**Topic #** 4 **Comment**

(continued from page 1) →

in open piles as Nursery Products proposes to do. I have been building compost piles for 3 years on my Hinkley property and found the wind to be a big problem. It dries out the piles requiring extra watering and lowering the internal temperature. During compost decomposition, the pile should heat up. Temperatures of 40° to 60° C are needed to destroy thermosensitive pathogens and fly larvae. U.S. EPA regulations specify that to achieve a significant reduction of pathogens, during composting, the pile should heat up to 40°C for 5 days, then go over 55°C for at least 4 hours. Will Nursery Products comply with these regulations? They have a history of noncompliance at their Adelanto site they were ordered to close Sep. 2005. They did not close that site till the end of 2005. There were many complaints from local residents and industry of illness, flies, odor, dust. Already Nursery Products is dumping illegal material at the Haines site: treated wood and particle board. I strongly recommend denying them a permit to compost at Haines site.

C73-2

C73-3

Use additional pages if needed. Please turn in your comments at this meeting, ***or:*** Mail **on or before November 9, 2006** to: Carrie Hyke, Land Use Services Dept., San Bernardino County, 385 North Arrowhead Ave., San Bernardino 92415-0182 ***or:***

- Fax: (909) 387- 3223
- Tel. 909-387-4147
- E-mail: chyke@lusd.sbcounty.gov

Name: Victoria P. Harper, R.N.

Mailing Address: 21966 Plymouth Rd., Hinkley, CA 92347

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Page 3 of 3

**Draft Environmental Impact Report**
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6. Transportation/Circulation

**Topic #** 1 **Comment**

Nursery Products' Proposed Hawes Composting facility would degrade the air quality at, around, and downwind of this site. Some of the pollutants in the air from sewer sludge composting are: methane, nitrous oxide, hydrogensulfide gasses; pathogenic microbes such as mycoplasma, spores, molds, fungi, Escherichia coli, Aspergillus and actinomycetes. There would also be foul sludge odor, flies and dust in the air. As a full-time resident of Hinkley for the past 11 years, I have observed the frequent, prevailing wind from the west and southwest. Wind speeds of 35-45 mph are common year round, with gusts up to 55 mph occasionally. That would carry the above listed air pollutants directly to the homes of Hinkley residents, children at the Hinkley Elementary School, and out to my ranch 5 miles north of Hinkley. These air borne pollutants would endanger the health of all who breathed them — people, domestic animals, and wild life. I ask you to refuse a permit to Nursery Products to establish a composting facility at Hawes site. Open air composting is not allowed in other parts of California and we don't want it here. C73-4

Use additional pages if needed. Please turn in your comments at this meeting. ***or:*** Mail **on or before November 9, 2006** to: Carrie Hyke, Land Use Services Dept., San Bernardino County, 385 North Arrowhead Ave., San Bernardino 92415-0182 ***or:***

- Fax: (909) 387- 3223
- Tel. 909-387-4147
- E-mail: chyke@lusd.sbcounty.gov

Name: Victoria P. Harper, R.N.

Mailing Address: 21966 Plymouth Rd., Hinkley, CA 92347

Tel. /e-mail: 760-963-3469, pennyharper@msn.com

## RESPONSE TO COMMENT LETTER C73

C73-1 See response to comment B6-4.

C73-2 See response to comment B4-24.

C73-3 See response to comments B3-2, COB-8.

C73-4 See response to comment B6-4.

## COMMENTS C74

November 08, 2006

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NOV 13 2006
LAND USE SERVICES DEPT.
ADVANCE PLANNING DIVISION

Carrie Hyke, Supervising Planner
Land Use Services Department
385 North Arrowhead Avenue
San Bernardino, CA 92415-0182

Dear Ms. Hyke:

In reference to the Environmental Impact Report for the proposed waste material project by Nursery Products LLC near Hinkley; California.

This project will add lots of harmful and toxic pollution to the air causing many health problems.

WOULD YOU AND THE PEOPLE DOING THIS ENVIRONMENTAL IMPACT REPORT WANT TO LIVE NEXT TO THIS FILTHY WASTE MATERIAL DUMP????

Sincerly,
Betty A. Hulen

Betty A. Hulen
600 E Rimrock Rd.
Space 87
Barstow, CA 92311

## RESPONSE TO COMMENT LETTER C74

C74-1 Comment noted.

## COMMENT C75

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all of this!

**Topic #** **Comment**

How dare all of you try to push this dangerous and stinking waste product on this Community!
Do it to your family (as long as they don't live near or here in the desert. I know this is all in the name of $ $ $ money.
God is watching all of you, yes He is. Shame on all of you.
Keep your stupid ideas and stink up your own area.
Remember what was done with the water here — how many people died of cancer & are suffering from the rot up survival!

C75-1

Use additional pages if needed. Please turn in your comments at this meeting. ***or:*** **Mail on or before November 9, 2006** to: Carrie Hyke, Land Use Services Dept., San Bernardino County, 385 North Arrowhead Ave., San Bernardino 92415-0182 ***or:***
● Fax: (909) 387- 3223 ● Tel. 909-387-4147 ● E-mail: chyke@lusd.sbcounty.gov

Name: EMILY ROMAN

Mailing Address: PMB 359 909 ARMORY RD. BARSTOW CA 92311

Tel. /e-mail: _____

## RESPONSE TO COMMENT LETTER C75

C75-1 Comment noted.

## COMMENTS C76

Steve Smith
page 1 of 2

Carrie Hyke, Land Use ServicesDepartment
San Bernardino County
385 North Arrowhead Avenue
San Bernardino, CA 92415-0812

Dear Carrie Hyke:

I have had a chance to review the DEIR for Nursery Products Hinkley Facility and I have quite a number of concerns.

First part of the processes detailed in the report are illegal going by my understanding of the regulations. It mentions that the proposed Nursery Products dump will use two different process, standard composting processes where material at the site is turned five times to allow all parts of the pile to be heated to the required temperature and the second method proposed in the DEIR is 'Static Pile' ie basically doing nothing. Piles of sludge and greenwaste are dumped in the desert. This process shows what the facility truly is, an illegal dump. **C76-1**

My concern it that if one of the pieces of equipment for the site, (it seems like too few of them are listed in the DEIR) will break down and they won't be in a hurry to repair it. They will just use "static pile" processing.

Now the question is how much of this sewage will be dumped in our desert? After careful reading and studying of the DEIR I can say with confidence "beats me". The numbers listed in the various sections detail more than a number of possibilities. The common thought is that it would dump 400,000 tons a year but by doing some of the math it seems that the amount dumped could be anywhere from 400,000 to 700,000 or even more. The DEIR is full of contradictory numbers so that when they want to take in more than originally stated they are covered. **C76-2**

Another concern that was brought up in Hinkley was the concern over swamp coolers. Swamp coolers' cool, moist environment are great breeding grounds for pathogens that could get blown into the air. The answer to this problem can't be found in the DEIR because they only consider 3/4 mile circle around the site when they covered pathogens. But that may not be sufficient. In a recent Arizona study it was proven that pathogens at sites like this dump may travel close to ten miles, all over Hinkley. Also it flies in the face of logic to think that blown waste will not eventually cover the whole High Desert. **C76-3**

One of the techniques mentioned to control dust is that they will spray the piles with water. The problem is that nowhere is it detailed where the water will come from. Will a well be dug? Can it be dug? Will a well create a pathway for pathogens, heavy metals and contaminants to get into the water table? There is some thought in Hinkley that Nursery Products will get their water from local hydrants. How will this affect local fire fighting abilities? In my studies of sewage sludge facilities I know they have a habit of catching on fire, how will the site provide water for firefighting purposes? **C76-4**

My concerns are not limited to the people in my community. I have yet to see where workers at this site will be provided proper gear to wear and respirators. Workers at other sites like this wear full hazmat suits and respirators I did not read where the workers will be provided the proper equipment. Again where will clothing be cleaned and what will be done with the contaminated water? **C76-5**

I know that hauling sludge is a messy business, Where is it detaild that trucks will be properly covered and then cleaned at the site? Where will the contaminated water form truck cleaning be handled? C76-6

I also have few questions about the desert tortoise. It is mentioned that if a tortoise gets near the site they will be moved. I am an experienced back road desert traveler and I know the first thing you should do when you run across a tortoise is to let it go on its way and not disturb it. Moving a tortoise can cause it to lose all its stored water and also tortoises have fixed migration patterns so moving them can not only disorient them but could kill them. It is not detailed what experts or plans will be used to ensure the safety of the tortoise. It is also hard to get an accurate count of tortoises so how can we be sure of how many are in the site's area and sphere of influence (ie most if the High Desert)? It has been proven that sewage sludge contains a mycoplasmas, the agent that causes pneumonia in tortoises. Where is mycoplasma covered in the DEIR? Finally how can we be even considering a site that will be negatively affecting one if not more endangered species? C76-7

I also have concerns about the plan for invasive species that will be brought in to the site through green waste. In the DEIR it is mentioned that Nursery Products will only check for invasive plants once a year at the site. Do you consider this sufficient giving that some plants takes years to sprout and some only sprout after certain conditions and different times during the year? C76-8

The regulations for this type of site call for "best available technology" Sites like these are being closed down for more environmental and people friendly sites that are enclosed and have air emission controls in place. I have read of a site out of state that does not take sewage sludge, just green waste, that is completely enclosed, uses negative air pressure, and gives their workers the proper gear to insure their safety. How can the Nursery Products plans be even considered best available technology or even be considered legal?

Finally at the October 11 meeting it was mentioned that the county regulators will insure that regulations are followed and that controls would be put on the site. I studied the mess that was the Adelanto site and must say that the regulatory framework in the county does not inspire confidence. It took a court order and the threat of the sheriffs intervention to close down that site. How can the people in the High Desert be assured that the Hinkley site will not be a sequel to Adelanto only ten times worse? C76-9

I heartily oppose this site. And am angered that anyone would even consider this poisonous, illegal and immoral process and site.

Steve Smith
408 Pioneer St.
Barstow, CA 92311

barstow@verizon.net

Page 2 of 2

## RESPONSE TO COMMENT LETTER C76

C76-1 See response to comment B4-24. The windrow process is described in Section 2.3.2 of the EIR, and will conform with requirements of 14 CCR 17866.

C76-2 See response to comment RWQCB-8. Section 2.3 describes the maximum quantity of compostable material (greenwaste and biosolids) that may be delivered to the site in any one day—2,000 wet tons per day—and estimates the average rate of 1,100 wet tons per day.

C76-3 See response to comment B6-4.

C76-4 See response to comment B4-29. The quantity of water to be used by the Project is considered small by the Mojave Water Agency.

C76-5 See response to comment B6-4.

C76-6 Haul trucks will not be cleaned at the site.

C76-7 See response to comments USFWS-3, USFWS-6, USFWS-9, USFWS-12.

C76-8 See response to comment USFWS-10.

C76-9 See response to comments B3-2, and COB-8.

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## COMMENTS C77

**Draft Environmental Impact Report**
**PUBLIC COMMENT CARD**

If you would rather write your comments, you may turn this in to inform us of your comments regarding this Draft. The California Environmental Quality Act (CEQA) Draft Environmental Impact Report reviews several environmental issues as listed below.

RECEIVED NOV 13 2006 LAND USE SERVICES DEPT. PLANNING DIVISION

Environmental Issues
1. Air Quality
2. Biological Resources
3. Cultural Resources
4. Hazards/Hazardous Materials
5. Hydrology/Water Quality
6. Transportation/Circulation

**Topic #** **Comment**

Correct me if I am Wrong Was this Same Company. Kicked out of Adelanto for Miss Management + Violations of Contract past practice is a good indicator of future behaviour.

I as others do not have Impact Information for our environment for Now- NO. Prove me wrong for my support. C77-1

Use additional pages if needed. Please turn in your comments at this meeting, *or:* Mail **on or before November 9, 2006** to: Carrie Hyke, Land Use Services Dept., San Bernardino County, 385 North Arrowhead Ave., San Bernardino 92415-0182 *or:*
● Fax: (909) 387-3223 ● Tel. 909-387-4147 ● E-mail: chyke@lusd.sbcounty.gov

Name: Harvey Dirkx

Mailing Address: 25790 US Hwy 58 Barstow Ca 92311

Tel. /e-mail: HDirkx2@Aol.Com

## RESPONSE TO COMMENT LETTER C77

C77-1 Comment noted. See response to comment B3-2, COB-8.

## COMMENTS C78



**Will Tomlinson**

RECEIVED
NOV 13 2006
LAND USE SERVICES DEPT.
ADVANCE PLANNING DIVISION

**From:** "Will Tomlinson" <junkmen45@san.rr.com>
**To:** "Wm Tomlinson" <Junkmen45@san.rr.com>
**Sent:** Friday, November 10, 2006 2:38 PM
**Subject:** Comment card VOC excessive emissions

NURSERY PRODUCTS COMPOSTING FACILITY PROJECT PUBLIC MEETING COMMENT CARD

Topic # 2, 6, 8 Comment:

The Nursery Products DEIR discusses Project Emissions on pp 4-20 and 4-21 and states that the annual emmissions of VOC's (Volatile Organic Compounds) would be above the MDAQMD significance threshold and that 98% of the VOC's come from composting. And that there are extremely limited opportunities for the mitigation of the VOC emissions from composting. Mitigation would require capture and the thermal destruction or absorption of the VOC gases. Nursery Products then states that implementation of such controls are economically infeasible.

1. Economically infeasible to whom?

Many cities in the USA are using the enclosed waste facilities with biofilters controlling the exhaust air, utilizing positive and negative air flow. This includes towns in eastern Washington, where the climate is also hot and dry and the towns are also situated in rural surroundings. These cities feel that the threat to the health of the community makes these plants economically feasible.
The SCAQMD proposed Rule 1133.2 would have banned open air windrow composting and required an enclosed facility in which all of the compost and resulting emissions are contained within a building and aerated with positive and negative air flow with biofilters in use. Open air windrow composting of sewage sludge has been banned and is illegal in Los Angeles. **C78-1**

2. Why is the SCAQMD delaying banning open air sewage sludge windrow composting that violates our air quality to this extreme?

3. Why is San Bernardino County even considering a process that is banned and illegal in neighboring counties and no longer used in areas comparable to our High Desert?

In addition, Nursery Products goes on to state that the enclosed facilities with controlled air flow and biofilters only reduce VOC's and ammonia emissions by 80%--which is still above the level of significance for air quality and is unmitigable.

4. Doesn't San Bernardino County think a goal of 80% reduction in these gases is important? **C78-2**

5. Does this mean, "Oh, well, go ahead and release 100% of the VOC's into the air, because 20% is still too high?

6. Does the Nursery Products analysis that the trucking cost and emissions will be less if only trucked to Hinkley instead of Arizona, mean that it is OK not to ban open air sewage sludge windrow composting in San Bernardino County? This is no excuse to ignore using technology that decreases air quality violation by 80%.

7. Why is Best Available Technology not being used in San Bernardino County?

Name: Wm H. Tomlinson William H. Tomlinson November 8, 2006

Address: 531 Lance Drive, Barstow, CA 92311

Telephone: 760-256-8104

11/10/2006

## RESPONSE TO COMMENT LETTER C78

C78-1 South Coast Air Quality Management District Rule 1133.2 was adopted in January 2003, and is in effect. It requires all new co-composting operations, which blend greenwaste or wood waste with biosolids or similar concentrated organic materials, to be conducted in enclosed vessels or structures with control systems to reduce ammonia and volatile organic emissions. The Project site is not located in the SCAQMD. Rule 1133.2, therefore, does not apply.

C78-2 Control of ozone and ozone precursors is planned on an air basin-wide strategy, and is described in the Mojave Desert AQMD Ozone Attainment Plan (2004) and subsequent planning documents. Within the air basin, composting operations are not yet a major source of ozone precursors, and the MDAQMD planning documents do not identify any pending rules or strategies to control these emissions.

## COMMENTS C79

**Draft Environmental Impact Report**
**PUBLIC COMMENT CARD**

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ADVANCE PLANNING DIVISION

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Environmental Issues
1. Air Quality
2. Biological Resources
3. Cultural Resources
4. Hazards/Hazardous Materials
5. Hydrology/Water Quality
6. Transportation/Circulation

**Topic #** **Comment**

I AM A BREAST CANCER SURVIVOR & Strongly OPPOSE THE BUILDING OF NURSERY PRODUCTS LLC NEAR HINKLEY, CA. I WENT TO THE PUBLIC MEETINGS & LISTENED TO WHAT WAS SAID, SOUNDS LIKE OUR HEALTH WILL BE AT SUPREME RISK IF YOU ALLOW IT TO BE BUILT. MY HUSBAND & I HAVE OUR HOME & PROPERTY IN HINKLEY FOR 26 YRS. WE LIVED THROUGH THE PG&E TRAGEDY & WILL NOT STAND BY SILENTLY TO PUT ALL OF US AT RISK FOR OUR HEALTH! YOU CAN PUT IT SOMEWHERE ELSE WHERE OUR LIVES WILL NOT SUFFER. WE HAVE HIGH WINDS CONSTANTLY & WIND DIRECTION SHIFTS DAILY. LEAVE ASIDE THE DANGERS OF ADDED TRAFFIC HAZARDOUS WASTE MATERIALS. PLEASE, PLEASE DO NOT LET THIS HAPPEN AT THE PROPOSED (SITE) SIGHT. WE SURVIVED DURING PG&E BUT THE VALUE OF OUR LAND SUFFERED GREATLY & IF THIS ~~SIG~~ SITE IS BUILT, YOU WONT BE ABLE TO GIVE LAND AWAY HERE. WE NEED YOUR HELP TO VOTE NO

C79-1

Use additional pages if needed. Please turn in your comments at this meeting, ***or:*** Mail **on or before November 9, 2006** to: Carrie Hyke, Land Use Services Dept., San Bernardino County, 385 North Arrowhead Ave., San Bernardino 92415-0182 ***or:***
● Fax: (909) 387- 3223 ● Tel. 909-387-4147 ● E-mail: chyke@lusd.sbcounty.gov

Name: JUDY G. MILLER

Mailing Address: 35650 HERNEY RD. HINKLEY, CA 92347-9787

Tel. /e-mail: judygale0519@aol.com

## RESPONSE TO COMMENT LETTER C79

C79-1 Comment noted. See response to comments COB-30, COB-31, B6-2, and B6-4.

## COMMENTS C80

**Draft Environmental Impact Report**
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ADVANCE PLANNING DIVISION

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**Topic #** **Comment**

Dear Carrie Hyke, Land USE Services Dep/SanBernardino County
- Stop -
The County's plans to dump human sludge, bio solids and green waste on and around Hinkley Calif in SanBernardino County. Your plan to dump 400,000 tons = 250 trucks Per Day Subcontracted of course no insurance or no ~~[illegible]~~ covers on trucks like the trucks on I-15 + Hwy 58 Hauling sewer to garbage site in Victorville that is going on Now. This gross pollution will effect Hinkley, Barstow, Yermo, Dagget, Newberry Springs and the Mohave River in the Air, in the Water table for centuries to come. The The Air is so bad now from the Dairy Farms you moved up from Corona Rialto you can't go out side without flies all over you!.. and the smell in Barstow. how at site wage Jobs Hasmat Suits, Gasmast must be worn by the workers at site! look at Adelanto same company same thing happend to them - and how many millions of $ suits & lose! Plus Wal-mart will say no to the smell for their new distribution center plans for Barstow Come closer to Reality

Leaky Trucks Subcontracted LA Riverside SanBernardino Counties

C80-1

Use additional pages if needed. Please turn in your comments at this meeting, *or:* Mail **on or before November 9, 2006** to: Carrie Hyke, Land Use Services Dept., San Bernardino County, 385 North Arrowhead Ave., San Bernardino 92415-0182 *or:*
● Fax: (909) 387-3223 ● Tel. 909-387-4147 ● E-mail: chyke@lusd.sbcounty.gov

Name: HENRY T JAMES JR

Mailing Address: 551 Agnes Dr. Barstow Ca 92311

Tel./e-mail: 760-256-8587 email: www.henrylid2003@Yahoo.com

The Company will get 23 millions Dollars to start in Hinkley from the Corporate ~~[illegible]~~ exempt for Suits Laws!

Nursery Products Just say no to the Pollution

The Company gets [illegible] Thank you

## RESPONSE TO COMMENT LETTER C80

C80-1 The potential for odor from the facility was evaluated in Section 4.3.3.3. As shown on Table 4.3.11, odors at the site boundary would be significant. However, odors at the nearest house (1.5 miles away) would be well below the thresholds established by the Air Quality Management District. Also see comment B4-43.

## COMMENTS C81

11/13/2006 10:20 3104717531 BUDLONG PAGE 01/01

THOMAS S. BUDLONG
3216 MANDEVILLE CANYON ROAD
LOS ANGELES, CA 90049-1016

November 13, 2006

Carrie Hyke
Land Use Services Dept.
San Bernardino Co.
385 North Arrowhead Ave
San Bernardino, CA
92415-0182

By fax: 909-387-3223

Dear Carrie Hyke,

I am writing in opposition to the current plans to permit Nursery Products LLC to operate a bio-solids (e.g., sludge) facility in the Hinkley community.

Nursery Products has a record of bending rules and avoiding responsibility in past projects. They are not communicative, and not forthcoming in revealing plans in sufficient detail to evaluate project impacts with a reasonable degree of confidence. They are not respectful of the community's very real desire to understand the project and to prevent potential environmental harm.

The plans for this project do not adequately provide controls for environmental hazards such as groundwater pollution, road and project dust, odors, biological hazards and other negative aspects. It also appears that the project is not economically feasible if adequate environmental considerations are implemented. There is every chance the company will 'make a mess' and later abandon, leaving the community and county with the problem. C81-1

It is possible to process these materials in an environmentally sound way. It appears this project has a short term outlook, which does not adequately provide long term environmental responsibility.

I urge you to manage planning for complete disclosure, long term and not short term benefits, and insist on implementation with these goals in mind. It can be done – San Bernardino county must decide it is the right thing to do.

Sincerely,

Tom Budlong

Tom Budlong
Voice: 310-476-1731
Fax: 310-471-7531
email: TomBudlong@Adelphia.net

## RESPONSE TO COMMENT LETTER C81

C81-1 See response to comment B3-2, COB-8.

## COMMENTS C82

Nov 13 06 09:01a Ken Hodkin 760-255-7620 p.1

**Draft Environmental Impact Report**
**PUBLIC COMMENT CARD**

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6. Transportation/Circulation

**Topic # 1 - 5 - 6** **Comment**

1. I feel the movement of environmental waste to a facility at Hinkley would cause bad air quality for the people living in Barstow because the wind is always blowing towards Barstow and with an open air facility this would allow the drying material to enter the air and blow west towards Barstow.

5. I also think this would cause pollution to the ground water that flows west towards Barstow therefore effecting the quality of the water that the people of Barstow use.

6. Finally, I think it is a bad idea to transport this waste over the highways as it will cause more problems with traffic and if the trucks as uncovered, as I hear they are, it will also cause more air quality problems. I think this problem should be handled in the same location where the waste is produced and not hauled all over the place. They should build an enclosed treatment facility right next to the sever facility where the waste comes from as they are doing in Riverside.

C82-1

Use additional pages if needed. Please turn in you comments at this meeting, or: Maion on or before November 13, 2006 to: Carrie Hyke, Land Use Services Dept., San Bernardino County, 383 North Arrowhead Ave., San Bernardino 92415-0182 or:
- Fax: (909) 387-3223
- Tel. 909-387-4147
- E-mail: chyke@lusd.sbcounty.gov

Name: Ken Hodkin

Mailing
Address: 28810 Old Hwy 59 Barstow, CA 92311

Tel. . e-mail: 760-255-7608 / hodkd@yahoo.com

## RESPONSE TO COMMENT LETTER C82

C82-1 See response to comments B3-1,COB-22, and RWQCB-7.

## COMMENTS C83

11/13/2006 08:44 17602563184 BARSTOW INDUSTRIAL PAGE 01

**Draft Environmental Impact Report**
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6. Transportation/Circulation

**Topic #** **Comment**

1 IS THE COUNTY PREPARED FOR THE MANY LAWSUITS RESULTING FROM THE DAMAGE CAUSED TO RESIDENTS HEALTH? THE COUNTY HAS NOT INVESTIGATED THE HISTORY OF THIS COMPANY WELL ENOUGH. THEY ARE LAWBREAKERS

#4 THE DEIR STATES VOC EMISSIONS ARE UNMITIGABLE. HOW CAN THE COUNTY PERMIT THIS WHEN THEY HOLD OTHER INDUSTRIES TO HIGHER STANDARDS? - MINING FOR EXAMPLE. THIS IS SPECIAL TREATMENT FOR A KNOWN POLLUTER. C83-1

#4 TRUCKS TRANSPORTING SEWAGE THROUGH OUR COMMUNITY ARE A HAZARD TO EVERYONES HEALTH. WHO IS GOING TO REGULATE THOSE TRUCKS? IF IT TOOK 3 COURT ORDERS TO STOP THE TRUCKS IN ADELANTO, IT IS CLEAR NO ONE IS IN CHARGE OF THOSE TRUCKS.

Use additional pages if needed. Please turn in your comments at this meeting. *or:* Mail **on or before November 9, 2006** to: Carrie Hyke, Land Use Services Dept., San Bernardino County, 385 North Arrowhead Ave., San Bernardino 92415-0182 *or:*
● Fax: (909) 387-3223 ● Tel. 909-387-4147 ● E-mail: chyke@lusd.sbcounty.gov

Name: NANCY L PERKINS

Mailing Address: P O BOX 832 BARSTOW CA 92312

Tel. /e-mail: 760 256 6663, BISWHWY58@aol.com

## RESPONSE TO COMMENT LETTER C83

C83-1 Based on the analysis in the EIR, potential health effects from the project due to airborne emissions are not expected to be significant. There is no special treatment involved in the County review of this application. Thresholds and regulations of air emissions are developed by the Mojave Desert Air Quality Management District. At this time, composting operations in the air basin are not regulated by the AQMD. The identification of a significance threshold and a significant environmental impact to air quality relates only to review of the project under CEQA by the County. Section C of WRCB Order 2004-0012-DWQ (the General Order related to the application of biosolids within the state) sets forth standards for the transport of biosolids which must be met by all generators. These apply to the entities transporting biosolids to the Project site.

## COMMENTS C84

RECEIVED
NOV 13 2006
LAND USE SERVICES DEPT.
ADVANCE PLANNING DIVISION

Carrie Hyke
Supervising Planner
Land Use Services Department
County of San Bernardino
385 North Arrowhead Avenue
San Bernardino CA 92415-0182

Re: Draft Environmental Impact Report – Nursery Products Hawes Composting Facility, State Clearinghouse #2006051021

I am a resident of Hinkley and live exactly 6.4 miles east of the proposed Site.
I have previously responded to the Notice of Preparation. The consultant has not included my comments in the DEIR, nor responded or accounted for them in the text. I will not reiterate those concerns at this time, because I know that they have been raised by other individuals and agencies; other than to point out once again that traffic service level "E" (unstable flow, low operating speeds and some momentary stoppages) is unacceptable for a State Highway (58).

The following comments pertain to the nature of the biosolids that will be taken to the site, and how they will be handled on-site.

a) In Table E-1 (Executive Summary), "Hydrology and Water Quality," it is stated 'The runoff may contain constituents in concentrations that could exceed limits to be specified in Waste Discharge Requirements (WDR's) expected to be issued by the Regional Water Quality Board (RWQB).' This basically states that you are openly considering approving a project that does not or will not meet State standards.
b) Regarding sampling procedures, test wells should be drilled before the commencement of the project. Otherwise, there is no base line data from which to evaluate the erosion of water quality. This applies particularly in the area of nitrates and phosphorous.
c) Section 1.4 "Basics of a Composting Process and the Project." 'Biosolids include, but is not limited to, treated domestic septage and scum or solids removed in primary, secondary or advanced wastewater treatment processes.' (emphasis added)

C84-1

Warner 1/4

1) Domestic septage. Does this include septic tank waste? Such waste does not meet water quality standards for surface discharge, nor should it be handled in a composting operation. Septage is currently buried in landfills where it cannot be touched, or is further treated at wastewater treatment plants (e.g. Adelanto). C84-2
2) Scum. This is floating material (residue), which is supposed to be disposed of by burning or burial. I question the mixing of this with green waste in a surface, open air operation. C84-3
3) Primary treated waste. This is simply raw sewage that has been de-watered and de-gritted. On-site measures would be needed for adequate temperature, storage and testing for fecal coliform.

What kind of monitoring safequards will be utilized at the gate of the facility to ensure that all manifests are in accordance with the law and that no toxics are entering the facility? C84-4

d) Page 4-21: "An enclosed composting facility " will only "reduce VOC and ammonia emissions by 80%." Only? This is a substantial reduction. To justify not doing it by stating that it would still not meet the standard of 25 tons/year is like saying '…we are not meeting carbon monoxide and sulfur dioxide standards for air quality; therefore let's not require smog devices for automobiles.' C84-5
e) Section 4.3.3.3 Potential Odor Impacts
An operation and maintenance plan, as well as Standard Operating Procedures (SOP) are necessary to control "poor site management conditions; e.g. runoff, leachate, ponding and spillage." "Food waste" should be prohibited. In addition to odors, this will grossly magnify the fly problem.
f) The Odor Impact Minimization Plan (Sec. 4.3.3.5.1) is good. How does the public monitor its implementation? A local complaint ombudsman is necessary; we should learn from the Adelanto example. C84-6
g) The Mitigation Monitoring Program is required as part of the Final EIR before it is certified. The Mitigation Monitoring Program is conspicuous by its absence. C84-7
It is absolutely critical that the public knows which mitigation measures are required, how they will be implemented, and which

Warner 2/4

parties, agencies and departments will be responsible for monitoring them.

Thank you for the opportunity to review the DEIR.

Paul Warner

Paul Warner
36695 Indian Wells Road
Hinkley CA 92347

Reviewed by:

Patrick Lendway

Pat Lendway, Grade III, Wastewater Treatment

ATTACHMENT: Comments on Notice of Preparation

Warner 3/4

Carrie Hyke
Supervising Planner
Land Use Services Department
385 North Arrowhead Avenue
San Bernardino CA 92415-0182

Notice of Preparation/ Nursery Products LLC – Conditional Use Permit to establish a composting operation on 160 acres in Hinkley

As a resident of Hinkley, I have the following comments:

1) Aesthetics. Although Highway 58 is not a scenic highway, to dismiss all discussion of visual impacts is misguided. Other areas along Highway 58 have experienced a similar lack of mitigation by the County (auto scrap yards, salvage operations, etc.). The visual impact to the motorist prompts the following typical question: "Why would anyone want to live or invest here?" Obnoxious uses without Mitigation destroy property values. **C84-8**

2) Compatibility and Air Quality. Just because surrounding properties are currently undeveloped does not mean that there will be no compatibility problems. This use may destroy any future potential for surrounding properties. Planning and environmental impact studies need to concern themselves with long-range impacts on the community. **C84-9**

Also this project has the potential to create substantial odors and vectors affecting a substantial number of people (III – e.). The Hinkley census area has almost 5000 people. It is insufficient to merely discuss "sensitive receptors." We are all sensitive receptors when you have to breathe and smell this stuff all day. **C84-10**

3) Wildlife. Will this project participate in the mitigation and impact fees of the West Mojave Plan? **C84-11**

4) Hazards and hazardous materials. It is noted that this category is identified as having potentially significant impacts.

522 truck trips per day, resulting in level of service E, is a significant impact to the area, particularly since Caltrans is still in the process of evaluating alignments for the reconstruction of Highway 58 through the Hinkley area.

The Traffic Impact Analysis (TIA) done for this project should be incorporated into the EIR. Truck movements are not simple vehicle trips like passenger vehicles. I cannot imagine service level E ever being satisfactory for a State Highway like 58. Access points like Helendale Road need to be evaluated for the impact of slow-moving trucks trying to pull out onto Highway 58. Will it be signalized? **C84-12**

Thank you for the opportunity to comment on this Notice of Preparation. I look forward to reviewing the EIR.

Paul Warner

Paul Warner
36695 Indian Wells Road
Hinkley, CA 92347

cc: Bob Smith,, 1st District

Warner 4/4

## RESPONSE TO COMMENT LETTER C84

C84-1 See response to comment COB-22, RWQCB-7.

C84-2 Septic tank wastes are not included in the Project, only biosolids from wastewater treatment plants.

C84-3 Biosolids originate from several different processes at wastewater treatment plants, but do not include primary grit and screenings from inlet works. State regulations (14 CCR 17868.1-.5) detail the sampling and monitoring requirements for composting operations.

C84-4 See response to comments B3-2, and COB-8. Load checking will be performed by Project staff, with review of records and spot checks by the Local Enforcement Agency (County Environmental Health Services).

C84-5 The potential for odor from the facility was evaluated in Section 4.3.3.3. As shown on Table 4.3.11, odors at the site boundary would be significant. However, odors at the nearest house (1.5 miles away) would be well below the thresholds established by the Air Quality Management District. See also response to comments B-3-3, B3-4, B3-5, COB-2.

C84-6 See response to comment C84-6, and comments B3-2, COB-8.

C84-7 Mitigation measures are discussed in the Environmental Impact Analysis (Section 4) of the EIS. Mitigation measures cannot be finalized until public and agency comments have been received and appropriate changes made to the draft EIR. A final version of the Mitigation and Monitoring Program is incorporated into the FEIR. Please see comments B3-2, and COB-8 for discussion of enforcement measures and agencies.

C84-8 The land surrounding the site is vacant for at least a mile in all directions. An evaluation of impacts to property value from the project would be speculative and is not included in the EIR.

C84-9 Receptors for the odor and health analyses were chosen to represent the nearest residences. No significant impacts were identified at these locations. Hinkley is several miles farther from the project site.

C84-10 See response to comment C84-5.

C84-11 The Project will pay any applicable fees under the Western Mojave Plan.

C84-12 See response to comments COB-30, COB-31, and B6-2.

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11/13/2006 12:34 7602560660 LAWOFFICEOFRDCONAWAY PAGE 01/13

COMMENTS C85

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Phone (760) 256-0603 - Fax: (760) 256-0660
Post Office Box 865
Barstow, CA 92312-0865

November 13, 2006

*Carrie Hyke*
*LUSD EIR Project Manager*
*County of San Bernardino*
*Land Use Service Department*
*Advance & Current Planning Division*
*385 North Arrowhead Avenue*
*San Bernardino, CA 92415-0182 (909) 387-3223*

*Re: 2nd WRITTEN PUBLIC COMMENT ON DRAFT ENVIRONMENTAL IMPACT REPORT NURSERY PRODUCTS HAWES COMPOSTING FACILITY*

*Dear Ms. Hyke:*

This is in continuation of the comments submitted in October to your office (the first 7 comments are attached for reference):

(8) THE PROJECT IS ILLEGAL UNDER SAN BERNARDINO COUNTY DEVELOPMENT CODE AS THE MINIMUM AREA FOR A COMPOSTING OPERATION IS 200 ACRES, NOT 160 or 80 ACRES; C85-1

Under §82.03.030 entitled the "Minimum Area for Designation" under Chapter 82.03 entitled "Agriculture & Resource Management Land Use", Table 82-4 requires an "RC" and "AG" CUP for composting operations-an "RC" operation is required to have a minimum of 200 acres per Table 82-3.

Suggestion: The project does not meet the minimum land size requirements of the county' the impact is per se unmitigatble.

(9) The draft EIR describes a project inconsistsent with San Bernardino County's General Plan for the "Desert Region Community" which seeks to "enhance neighborhoods and shopping areas" C85-2

Suggestion: The project does not enhance the neighborhood through which the trucks pass nor the air which passes over from its operations.

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1/13

11/13/2006 12:34 7602560660 LAWOFFICEOFRDCONAWAY PAGE 02/13

Page 2 of 6 of November 13, 2006 comment letter re Nursery Products

(10) The scope of the operations in the Draft EIR exceeds the limited scope in the "LAND USE APPLICATION" and therefor is illegal;

The "LAND USE APPLICATION" scope is inconsistent with the draft EIR; under the "Land Use Application Questionnaire" the applicant says under "Section 6 - Environmental Setting" that grading will not be required, which is plainly not true as pads for the following will have to be graded: (1) 2 mobile offices to be placed on site, (2) an on-site scale , (3) a pad for a 2000 gallon diesel tank, (3) vegetation clearing activities (B-6 on p. 4-37), (4) vehicle access paths/roads-to name a few. In addition, the drawings in the draft EIR depict (Esp Figure 2.3) phased used of the land with retention basins, pads, etc. C85-3

Suggestion: The applicant should be required to file a new application and start over;

(11) Water needs are not defined (apart from the suggestion that less than a acre foot of water will be used annual) nor are the combustion risks nor wild fire potential for a spark emanating from a piece of equipment and igniting pile gases and being picked up by the prevailing winds (which blow toward Hinkley and the Old Highway 58 area of Barstow); it was interesting that when the Mojave Water Agency apparently wanted to have Nursery Products make a presentation (on 11/8), Nursery Products cancelled it so that their presentation could not be factored into the comment process. What do they have to hide? Water needs to not just relate to truck washing, but fire suppression. The piling up of waste, can in the heat of the summer cause spontaneous combustion; C85-4

(12) Fire suppression equipment and trained staff needs need to be addressed due to the risk of spontaneous combustion of the windrows or fire from sparking from equipment;

*in URS's proposal on the project (submitted the Land Use Serviced Department), under 2.4.1 entitled "Initial Study and NOP": C85-5

"URS will refine and complete the Initial Study (IS) checklist provided in the RFP. Based on our preliminary review, we recommend only minor revisions to the IS. URS concurs with the determination in the IS that ... public services, transportation/traffic....must be fully

2/13

Page 3 of 6 of November 13, 2006 comment letter re Nursery Products (Hawes) project

addressed in the EIR."

*the Draft EIR needs to assess impacts on local resources, not only water-wise, but equipment and staffing needs for the protection of the area (there is no heading, chapter or section describing fire risks and suppression needs); the DEIR at p. 2-11 described eight pieces of equipment, none of them fire suppression units; due to the nature of any fire being not much unlike a haystack fire, a properly equipped and sized bulldozer needs to be available to knock down the fire; the closest such bulldozers are in the West San Bernardino Valley (down the Cajon Pass)-two to three hours away, far to far away to be an effective fire suppression resource; the Hinkley Fire Station and the Barstow Fire Protection District do not have such equipment, nor staff available to operate same were it available. C85-6

SUGGESTION: Nursery Products should pay for a fire station, trained fire crew, water and hose truck and a bulldozer for any windrow fire that needs to be knocked down

(13) There is no Clean Water Act § 307(a) protocol stated in the draft EIR; C85-7

Suggestion: Comply with the law.

(14) The sited operation appears to be in or near the "Mojave River Planning Area" of the Lahontan Regional Water Quality Control Board which prohibits biosolid processing [citing State Water Resource Control Board Order 2004-0012-DWQ]; C85-8

Suggestion: Comply with the law and withdraw the project.

(15) (It appears that the project scope is poorly defined.

On one hand the project is defined in the Executive Summary under ES-3 it is a 160 acre facility receiving on a daily average basis 1,100 tons per day of "biosolids and green waste material to produce agricultural grade compost" (page ES-1 of Draft EIR), a "Reduced Site Alternative" that would handle 880 tons per day (and a site that would be reduced from 160 acres to 80 acres) (page ES-3 of DEIR) and then under 4.4.3.2 of the DEIR another 80 acre use is described; 200 tons per day of bulking agents will be brought in (saw dust, gypsum, C85-9

3/13

Page 4 of 6 of November 13, 2006 comment letter re Nursery Products(Hawes) project

sand)-where that will be deposited is not stated, if there will be dust or particulate matter suppression for those bulking agents is not stated; also, where the anticipated 400,000 cubic yards of compost (annual) (2.3 @ p. 2-11) will be stored is not clear and whether there is a ready market to take that amount of compost is not stated (recall one of the problems with Adelanto, was the fact that piles of compost could not be moved)-the specific scope of the operation and "storage" of non-windrow materials is not ascertainable from the report;

Suggestion: The land area and use of the project needs to be specifically defined under the permit proposed -from the standpoint of how much land will be directly used (for buildings, fenced storage, employee parking, road access, roads, bulking agent storage, equipment storage, fuel and water storage, trash and haulage)

(16) The cumulative effect of the PG&E plume (which is still moving), a maganese leak from the County dump and this project, is a cumulative burden that no population of indigents, the disabled, elderly and Hispanic should have to endure. The EIR needs to address how adding to the non-attainment status of the air problems in the area, can be an acceptable burden in light of environmental justice standards the state requires consideration of, particularly in light of the FAILURE of the applicant and URS to give notice to all of the relevant community, particularly the Spanish-speaking only populace (see declaration attached) C85-10

Suggestion: Offer free medical care to the people that will sustain respiratory and related ailments/episodes from the Nursery Products operations or build a SCAQMD Rule 1133.2 facility

(17) The 1992 40 CFR 503 standards that will undoubtedly be defended as "safe" by Nursery Products and its consultant Alan Rubin, permits the dumping of higher levels of heavy metals that were considered dangerous in 1992; the increased level of what is allowed in the sludge, needs to be commented upon by the draft EIR. C85-11

The 1992 revisions of the 503s increased the amount that could be dumped for every heavy metal regulated by the 503s; lead

4/13

Page 5 of 6 of November 13, 2006 comment letter re Nursery Products(Hawes) project

increased from 110 to 265 pounds per acre, zinc jumped from 150 to 2,469 pounds per acre, arsenic levels were raised threefold, chromium ballooned from 467 to 2,645 pounds per acre.

(18) Relying on 40 CFR 503 (EPA) guidelines is not adequate for protection of the public and even were it, the unregulated chemicals and their potential impact on the environment and community, need to be addressed in the draft EIR. C85-12

40 CFR 503 (drafted in significant part by Nursery Product's consultant Alan Rubin) only regulates 10 heavy metals, pathogen levels, reporting, record keeping, application, management and general requirements. Dioxins and most of the 700 to 1,000 new chemicals added annually to the 60,000 chemicals currently used in US industry are not regulated, and the failure of those 503 regulations and the potential impact of those 60,000 plus unregulated chemicals, needs to be commented on in the draft EIR.

The problem obviously is, that testing needs to be done of the sludge being accepted by Nursery Products-why, because what is in it can change.

The composition of sludge changes as often as materials are flushed into the system. On any given day, according to Cornell University and the American Society of Civil Engineers, Polychlorinated Biphenyls (PCBs); chlorinated pesticides such as DDT, aldrin, endrin, chlordane, and 2,4,-D; heavy metals from wood preservatives, pesticides, metal plating, and batteries; bacteria; viruses; fungi; chlorinated compounds; flame retardants (asbestos); petroleum products; industrial solvents; nitrogen; phosphorous; potassium; and dioxin can be found in sewage sludge. These substances can be highly disruptive to life, resulting in reproductive problems, disease, and death.

Darrell Turner, Washington State Farm Bureau President and university researcher asks "can you trust the analysis that you get when they are desperate to get rid of the stuff at the least possible cost." If Nursery Products wants to test the sludge before it is spread, they can expect to pay $250 per sample for PCBs and heavy metals & $2,000 for a dioxin test-

5/13

Page 6 of 6 of November 13, 2006 comment letter re Nursery Products(Hawes) project

there is no indication WHAT testing will be done, if it will be per load and whether the testing data will be available to the public BEFORE it is dumped (or any time thereafter).

(19) The project raises a significant environmental justice issue for the area not only because it is impacted by the ongoing PG&E plume, by a maganese leak from a county dump (in Hinkley), the Mojave AQMD waiver of the protection standards passed by the SCAQMD Rule 1133.2 entitled "EMISSION REDUCTIONS FROM CO-COMPOSTING OPERATIONS as adopted 1/10/2003]" & related regulations by the California Resources Board, but now Nursery Products' unwanted attack on public health & safety; no community should have to endure such attacks from waste stream generators-its bad enough that people and their children should have to fear the water quality from below-to now increase the risks from the air, violates minimum notions of fairness, public health and decency-it is corporate American and the government that it runs far too often being allowed to attack the poor and disadvantaged again; the area does not have any parks and recreational facilities (despite plentiful water), does not have traffic controls at two roads closest to Hinkley School that cross Highway 58 (where children are taken to school in the area and there have been recent fatalities) and can't even get Nursery Products to cover its operations and add appropriate biofilter and negative pressure pump Technologies that communities with financial means are requiring-its discrimination based on the economic and ethnic profile of the community. C85-13

(20) The notice process is racist. Notice was not given in Spanish of the scoping meetings nor was the draft EIR in Spanish despite a significant percentage of the popoulation being Spanish speaking only (see declaration of local school principal). C85-14

Very truly yours,

ROBERT D. CONAWAY

cc: Desert Dispatch Attn: Howard Decker (760) 256-0685
Sun Newspaper Attn: Environmental Reporter (909) 885-8741

6/13

DECLARATION OF DENNIS HIRSCH

I, DENNIS HIRSCH, declare as follows:

1. I am the Principal of Hinkley School located at 37600 Hinkley Road, Hinkley, California, approximately 8 miles down wind from the proposed Nursery Products, LLC composting facility.

2. I have made my best efforts to notify parents by sending home with the children notices of various meetings.

3. I have never given out any of the notices in Spanish, despite the fact that over half (51%) of the children are Hispanic and that a little less than 35% cannot participate in the education process without English as a second language help. C85-15

4. At the recent meeting on the draft environmental report, it was clear that a Spanish version of the draft environmental report was not prepared, despite the heavy Hispanic percentage of residents in the Hinkley area.

5. I am willing to make the school auditorium available for any future meetings.

I declare under penalty of perjury under the laws of the State of California that above is true and correct.

Executed on October 27, 2006 at Hinkley, California.

DENNIS HIRSCH

7/13

11/13/2006 12:34 7602560660 LAWOFFICEOFRDCONAWAY PAGE 08/13

ATTACHMENT # 1 TO 11/13/06 further comments of Robert Conaway, Hinkley residentSecond, the report is deficient in a number of respects:

(1) The proposed open air operation is probably illegal under the California Air Resources Board rules [See SCAQMD Rule 1133.2 entitled "EMISSION REDUCTIONS FROM CO-COMPOSTING OPERATIONS as adopted 1/10/2003]"

Co-composting operations are defined in the Air Quality Management rule(s) as "composting where biosolids ...are mixed with bulking agents to produce compost" [Rule 1133.2(c)(6)];

Under the "Requirements" section of Rule 1133.2 it states:
"(d)(1) Operators of new co-composting operations SHALL:
(A) Conduct all active co-composting within the confines of an enclosure which meets the following conditions:
(I) The inward face velocity of air through each

Oct 10, 2006 written public comment on Nursery Products-p 2

opening in which air can enter the enclosure shall be a minimum of 100 feet per minute, unless the opening is equipped with a closure device that seals the opening in the event that the air flow

C85-16

8/13

direction changes.

(ii) The area of all openings in the enclosure through which air can enter the enclosure shall not exceed 2% of the surface area of the enclosure's four walls, floor and ceiling.

(iii) The enclosure may be opened for brief periods, not to exceed a total of 30 minutes per day for purposes of access or maintenance. These time periods do not need to be included in the face velocity determination or as an opening for the two percent criteria

ETC, ETC [read it as it includes requirements for outside the building monitoring, measurements, the method of aeration, venting - to accept any lesser standard of protection is a not only an environmental Justice issue (e.g. discriminating against the poorer Rural communities) but a statutory standard for nuisance that can form the basis of potential liability for the County and Nursery Products

(2) the summaries describing the proposed project are inadequate as it does not either summarize the proposed project's CONSEQUENCES in clear, simple, practical language as is required under Public Res C § 21061 & 14 CCR §15123;

NOTE: (a) The word "consequences" is not even mentioned under ES-3 on page ES-1; (b)while at 2.7.1 certain mitigation steps are alluded to, it is never stated what the likely consequences will be, the frequency and or severity of conditions that may require mitigation and how the adequacy of the mitigation steps can be determined in vacuo without Presentation of the "consequences";

(3) a list of the agencies consulted during the EIR's Preparation is not provided as required by 14 CCR § 15129;

Under 1.6, potential agencies that may be contacted is listed and under Section 8, while it is stated in The caption "Agencies and Persons Consulted", it is Oct 10, 2006 written public comment on Nursery Products-p 3

not stated that each of the agencies were consulted During the EIR's preparation; it is not sufficient to Touch bases with an agency, rather they must be consulted DURING THE PREPARATION PROCESS.

9/13

The Desert Tortoise Preserve Committee wrote to you on June 5, 2006 (actually you were faxed the letter as well) indicating that the draft EIR was defective in that it did not discuss NEPA's requirements (National Environmental Quality Act), how the project will impact the Fish & Wildlife Service's 1994 Desert Tortoise Recovery Plan to name a few. You have the letter. It needs to be addressed as to not only the Tortoise, but also the Mohave ground squirrel; in the EIR, desert tortoise burrows are identified as being in the composting site, as well as kitfox dens;

(4) The environmental setting description does not discuss the project's setting from a regional perspective as required by 14 CCR §15125.

To discuss the location of homes is local and reveals a glaring deficiency in the draft report;

The description under 2.1.1 is noted as colorably applying although failing to mention the proximity of a school which uses swamp coolers that could draw up the contaminated dust into the filter pads and into the air that the children breathe, when the initial scoping meeting was held at that school is clearly more of the same approach of ignoring the impacted/potentially impacted areas; BUT EVEN THE SCHOOL AS AN ASIDE, THE PROJECT's ENVIRONMENTAL SETTING DISCUSSION VIOLATES THE REQUIREMENT THAT THE REGIONAL PERSPECTIVE BE DISCUSSED; in this regard, petitions were filled out by hundreds of people in the impacted "region" which by virtue of the wind velocities and headings, could spread air-borne contaminants well into the Ft. Irwin Heights and Barstow areas;in the Desert, regions are defined by not just population patterns in a radius analysis, but by virtue of the winds, what is be broadcasted or spread by the winds and specific technologies used by those people in the wind splay area; in a letter from the California State Department of Health Services to Mr. Doug Olson (in Adelanto-where Nursery Products was before) dated May 5, 2005 (a copy of which you already have) under the heading of "General Concerns about Oct 10, 2006 written public comment on Nursery Products-p 4

Biosolid Composting and Land Application" revealed that the so-called liquid waste (of the type that would be delivered to the Hinkley site)had high levels of total coliforms, fecal coliforms and escherichia also known of as "e-coli". The NRC 2002, Herr 2002 studies showed that communities adjacent to Nursery Product type operations reported elevated levels

10/13

of respiratory infections, skin rashes, burning eyes, burning lungs, breathing difficulty and gastrointestinal effects. A good example of regional potential regional impact is found under the brief (and inadequate) discussion of ozone levels it is clear that the ozone levels are ALREADY in violation of federal maximums in the Barstow area (See Sec. 4) & now with roughly 200 trucks a day, the diesel generator, tub grinders, turners and prevailing winds, the ozone levels will worsen -that is a regional impact that is NOT discussed @ p. 4-7.

Regionally, we are adjacent to the San Joaquin Valley Air Pollution District and remarkably, New Draft Rule 4565 (Concerning "Composting/Biosolid Facilities" dated October 2, 2006) has banned the business recognizing the substantial public health and safety.

(5) The EIR does not analyze the "significant environmental effects" nor "why possible significant impacts were found to be insignificant" as is required under Public Res Code §21100(b)(1), 14 CCR §15126(a); while the report at Section 4 entitled "Environmental Impact Analysis" lists under 4.3 "Air Quality, under 4.4 "Biological Resources" and under 4.5 "Cultural Resources", under 4.6 "Hazardous Materials", under 4.7 "Hydrology and Water Quality", it admits that the closest Ambient pollutant monitoring station is in Barstow, over 20 Miles away and at that location, the ozone standards have exceeded allowable federal ambient air quality standards for years.

To what extent will the combined truck & vehicle traffic, generator waste gases, waste gases from the piles make the air quality worse? Will it tip the area's air quality to being an area of "severe nonattainment"-that is NOT DISCUSSED (instead the report jumps into a discussion of "particulate matter" and does not discuss mitigation); the US Department Of Health & Human Services in their treatise OCCUPATIONAL RESPIRATORY DISEASES (NIOSH) 86-102 [April 1987] reports that Oct 10, 2006 written public comment on Nursery Products-p 5

"ozone appears to increase the reactivity of the airways to provocative aerosols...and exposure to concentrations of 2 ppm or higher cause clinical symptoms and signs indicative of pulmonary edema and concentrations of about 10 ppm may be extremely debilitating. Elevated levels of oxidents of which ozone is considered the most important component have been associated with increased frequency of

11/13

headache, cough, eye and chest discomfort." Id at 595. The draft EIR ignores the potential increase of adding to what is already unhealthy ozone levels in Barstow and does not even attempt to quantify the emission increases;

"Particulates", are not discussed in the context of what the site will uniquely do; in the same NIOSH publication fungal infections are identified as transmittable by air and fungi are byproducts of waste water uses like the Nursery Product facility presents & while it is recognized that viral aerosols need to be sampled from facilities where human waste is processed or a by product of processing, no collection of microbial particles is proposed, much less a protocol for monitoring even though some particles are are effective in the parts per billion range (1/10 to the Ninth power). The NIOSH treatise points out that one tubercle bacillis which is smaller than a part per billion, can initiate an active tuberculosis lesion." Id at 83

(6) The project description is inconsistent in violation of 14 CCR §15125(b);

The plan is described in one section as a 160 acre facility and then in another section, it is described as an 80 acre facility (in conjunction with the Tortoise); the potential use of a 160 acre facility might potentially double harmful output.

(7) The project is not discussed in the context of growth-reducing impacts in violation of Pub Resource Code §21100(b)(5) & 14 CCR §15126(f);

Aside from the fact that available land to develop because of the establishment of the Mojave National Preserve and the activism of the BLM is reduced (leaving areas like Hinkley and Newberry Springs/Harvard Road as the next probable growth areas), the use of air credits in the Mojave Oct 10, 2006 written public comment on Nursery Products-p 6

AQMD, will reduce the air credits available for start-up industry in the area, which will depress the job growth potential in the area; it makes no sense that San Bernardino County's High Desert should lose its ability to grow communities and employment to subsidize the shoddy and inadequate waste management plans and handling of waste by Los Angeles and Orange Counties.

12/13

11/13/2006 12:34 7602560660 LAWOFFICEOFRDCONAWAY PAGE 13/13

(8) Mitigation measures are not adequately discussed as is required Public Resource Code §21100(b)(3) & 14 CCR §15126(b)(3);

Aside from the fact that an enclosed facility be required, it should be used; there is no reason for its not being used expressed apart from the extent of particulate matter and gases is something that can be handled by the area; the obvious reason, which an honest discussion would include would cost considerations; that should be a part of the dialogue/discussion; enclosed facilities would mitigate the gas, the particulate matters and odor; the technology is feasible; material from ABT-HASKELL has developed a proprietary approach to biosolid management called the Airlance(TM) Process; the process is proven & cost effective.

cc: Desert Dispatch Attn: Howard Decker (760) 256-0685
Sun Newspaper Attn: Environmental Reporter (909) 885-8741

13/13

## RESPONSE TO COMMENT LETTER C85

C85-1 Code sections cited in the comment do not match the current County Code, and may be taken from the Draft of the Development Code Update, which is underway in conjunction with the County General Plan Update process. The commenter is confusing the "Minimum Area for Designation," with a zoning requirement for minimum lot size. In the vicinity of the Project, the RC designation extends for a very large area around the project site, well in excess of 200 acres. The Land Use Services Department has determined that the Project application for a Conditional Use Permit may be processed for review.

C85-2 The Project itself is not on or near a neighborhood or shopping area. The truck route to and from the facility would use SR 58, which in the vicinity of the project does not pass through any neighborhoods or shopping areas. As shown in Figure 2.1, the community of Hinkley is about seven miles to the east of the project site.

C85-3 The description in the Land Use Application was preliminary. The project site is generally flat, and no significant topographic modifications are necessary for the proposed composting operation.

C85-4 Mitigation Measure HM-3 addresses fire protection, adequate water for fire protection, and other measures including consultation with the local fire agency.

C85-5 The issues of public services and transportation/traffic are included in the EIR (Sections 5.8 and 5.10), but in both topics the effects of the project were found to be less than significant.

C85-6 The Project operations will include the use of front end loaders, for spreading and moving materials, and a water truck—equipment that is also useful in fighting fires.

C85-7 Section 307 of the Federal Clean Water Act defines a list of priority pollutants for which the U.S. EPA must establish ambient water- quality criteria (the basis of state water-quality standards) and effluent limitations (rules controlling environmental releases from specific industrial categories based on the "best available technology economically achievable"). Implementation of the section occurs in conjunction with permitting for wastewater treatment plants, and the establishment of "pre-treatment" discharge requirements so that industrial users pre-treat their effluent before discharging to a public sewer system. These protocols do not apply to the operations of composting facilities—they are implemented by wastewater treatment plants.

C85-8 California WRCB Order 2004-0012-DWQ is the statewide General Order that permits the land application of biosolids, with conditions. Finding 21 h. of the Order identifies the areas within the Lahontan Water Quality Control Plan where waste discharges are prohibited (unless an exception is granted by the Lahontan RWQCB). Only certain subareas within the Mojave River basin are subject to the prohibition in the General Order, which means for these areas the Lahontan RWQCB would have to review an

application. The project site is not located in any of these subareas. In their comment letter on this Project, the Lahontan RWQCB made no mention of any applicable prohibition of processing at this project site (see letter A-RWQCB).

C5-9 This comment is a restatement of a similar comment, C4-8. Please see Response C4-8. Handling and storage of all materials within the Project would occur within the 160-acre project site. Bulking agents would be mixed with biosolids and greenwaste, which contain sufficient moisture to minimize the potential for fugitive dust.

C85-10 The Project is not expected to have any releases that would reach groundwater; therefore, it will not contribute towards groundwater pollution from other sources that may exist in the region. The EIR identifies the significant air quality impact arising from the generation of ozone precursors that will add to the existing non-attainment status for ozone in the MDAQMD. The EIR does not have to address how this addition can be an acceptable burden—the environmental findings required by PRC 21081 and 14 CCR 15091 must address this issue. County notices concerning the public comment period and the community meeting were in both English and Spanish. Response B4-37 contains more information on the notice issue.

C85-11 The Project does not propose any dumping or disposal of biosolids at the site. The standards in 40 CFR 503 apply to the direct application of biosolids to land, which is not proposed in this project. State regulations (14 CCR 17868.2) set forth the maximum allowable metals concentrations in compost material.

C85-12 As with the previous comment, the regulations in 40 CFR 503 deal with the land application of biosolids, which is not proposed here. All wastewater treatment plants must test and report on the composition of their biosolids material. All composting operations must also test and report on the composition of their compost material. The testing protocols for both disciplines are set forth in their respective regulations, and both involve self-monitoring, where the operator is responsible for testing and reporting. Regulatory agencies also perform reviews and spot checks to confirm the self-monitoring results.

C85-13 As noted above in response C85-10, the Project will not contribute towards cumulative groundwater impacts related to the PG&E plume or other sources. The SCAQMD rule regarding composting operations in its jurisdiction was not "waived,"—it never applied and does not apply in the MDAQMD. The selection of the project site location is explained on page 1-6, and relates to balancing proximity to market areas relative to current travel distances with sufficient remoteness to minimize land use conflicts. None of these reasons or the goals and objectives of the Project relate to socio-economic conditions. Response B2-2 provides additional information.

C85-14 Responses C85-10 above, and B4-37 contain information related to the noticing processes for this Project.

C85-15 This declaration supports the comment made in C85-14, and does not require any additional response.

C85-16 The remaining comments in this letter repeat those made in letter C4. Responses C4-1 through C4-10 address these issues.

FROM : JDCOFFEYJDLMA CO PHONE NO. : 7602532371 Nov. 13 2006 03:49AM P2

## COMMENTS C86

JOHN D. COFFEY, B.A., J.D.
Box 2258
Barstow, CA 92312
760-253-2371

November13, 2006

Ms. Carrie Hyke, Supervising Planner
Advance Planning Division
385 North Arrowhead Ave, First Floor
San Bernardino, CA 92415-0182
Via FAX 909-387-3223

Re: Nursery Products Hawes Lake Composting Facility Project/Draft EIR
Xref: SWIS no. 36-AA-0420

Dear Ms. Hyke:

Below are my comments on the NPLLC Hawes Lake proposal, with restated comments concerning the Newberry Springs "alternate" site, still pending.

There is no record of your contacting the Bureau of Land Management to determine if they have an interest in this proposal, and whether this proposal is offensive to the Mojave Plan A. There is also no record of your contacting the US Fish and Wildlife Service, to whom the endangered species inhabiting the site and surrounding areas belong. C86-1

There is no discussion on either site regarding the cumulative impacts on the endangered species in the area. There is no statement regarding how this project will enable the desert tortoise to recover. I must remind you that that Congressional Committee Chairman of Environmental Law is changing. Mr. McKeon will no longer be available to assist you in the implementation of this endangered species eradication plan. C86-2

There is no discussion of the amphibian-type lungs of the tortoise, which make it impossible to cough or otherwise expectorate foreign material from their lungs. The particulate matter from this site will scatter far and wide, and the average height above ground level of the nostrils of the tortoise is about 4 inches. If it's on the ground, the tortoise will breathe it. And die. May not today or tomorrow, but soon.

This species is the last obstacle to the unrestricted commercial and industrial development of the western Mojave. Mr. Buck Johns, of Inland Energy, and his associates, can hardly wait.

The operator of this proposed site was termed by David Max of URS as "sloppy" at the recent meeting in Hinkley. That's like calling Sadam Hussein "careless".

1/2

FROM : JDCOFFEYJDLMA CO PHONE NO. : 7602532371 Nov. 13 2006 03:50AM P3

According to Denny Hirsch, principal of Hinkley School, the English Language Learner population at his school is 38%. The scoping meeting, the EIR, and all meetings have failed to provide the necessary translations for this substantial portion of the community.

In order to accommodate the disabled population of Hinkley and surrounding areas in their requests (including this comment) for the Planning Commission to hold their meeting in Barstow or Victorville, you must accommodate them or demonstrate that holding the meeting on this proposal would result in "undue hardship". On the previous meeting for the Newberry Springs sites several formal requests were made by Chairman Sperry and myself. Mr. Hays declined with a lame excuse. It is now apparent that it is the policy of the Planning Commission, your department, the Board of Supervisors, the members of the Board of Supervisors, and the County of San Bernardino not to include the disabled in the decision making process or provide any opportunity for the disabled to fully participate in the process. I must remind you that Title 2 of the ADA, as interpreted by the US Supreme Court in the case of ***Tennessee v. Lane***, (2004) provides for an immediate federal remedy for this kind of violation. **C86-3**

Attached please find the following: Fred Stearn's three sets of comments; California Integrated Waste Management Board ltr dtd May 12, 2005 documenting the provenance of the 536 pages previously submitted to your department on May 13, 2005, both of which are incorporated by reference as if submitted again this date; County Code Section Article 11: Landspreading of Sludge, which you have failed and refused to enforce in Newberry Springs; and Department of Health Services, Environmental Health Investigations Branch ltr dtd May 5, 2005 to Doug Olson ( the "Doug Olson Letter"), previously submitted. **C86-4**

I note with interest that the comments I submitted after the scoping meeting concerning the operator and his court history with DWP and The City of Adelanto have been ignored in the Draft EIR. I fully expect them to be addressed in detail in your response.

Please save everyone an unnecessary trip to the courthouses by withdrawing the Draft EIR and doing it right, for a refreshing change.

Sincerely,

John D Coffey

JOHN D. COFFEY, B.A., J.D.

2/2

## RESPONSE TO COMMENT LETTER C86

C86-1 All agencies that have jurisdiction over the land use and resources of the property, including BLM and USFWS, were contacted as part of the EIR process. These agency comments are incorporated into the FEIR.

C86-2 See response to comments USFWS-3, USFWS-6, USFWS-9, and USFWS-12.

C86-3 See response to comments B4-37 and B2-2.

C86-4 See response to comments B3-2, COB-8.

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04/28/2016 08:31 FAX 002

## COMMENTS C87

**To:** Carrie Hyke
Supervising Planner
385 North Arrowhead Avenue
San Bernadino, CA 92415-0182

**From:** Janet Auxier
The Rock Yard
16875 Live Oak Street
Hesperia, CA 92345

**Subject:** Relocation of Nursery Products Composting Facility

Our nursery is located in the high desert, and most of our customers are located. We have purchased compost from Nursery Products for use here at the nursery and to sell the product to our customers. The location of the Nursery Products composting facility is important to our nursery because of the proximity to our nursery. The closer our two locations are means a savings in fuel costs in transporting the compost. Other composting facilities are much further away and the shipping costs are higher. C87-1

The compost supplied by Nursery Products is also important to the nursery in formulating better container mixes and for the use by our customers for their use. By using the compost we save watering costs because the compost retains moisture better. We also save on costs of fertilization and supplying micronutrients which are abundant in the compost.

We look forward to continue purchasing the compost from Nursery Products and hope the new facility is soon approved.

Sincerely,

Janet Auxier

## RESPONSE TO COMMENT LETTER C87

C87-1 Comment noted.

04/28/2016 08:32 FAX 003

## COMMENTS C88

To: Carrie Hyke
Supervising Planner
385 North Arrowhead Avenue
San Bernadino, CA 92415-0182

From: Martin Frazier
19773 Bear Valley Road
Apple Valley, CA 92308

I am a farmer in the high desert. The crops that I product sell here in the high desert. I have benefited from the use of Nursery Products compost ~~and continue my support for the composting facility to be~~ located here in the high desert.

The location of the compost facility matters because of the shipping costs to get the materials shipped to my farm. Every dollar of diesel fuel which can be saved is important to my operation.

C88-1

The benefits that the compost brings to my soil are very important. Water savings in this region of the state is not stated enough. The compost material is high in organic content, and these organics allow the soil to aerate better, and retain moisture longer. The compost is also important for our use because of the fertility and high amounts of micronutrients.

The composting facility proposed by Nursery Products is important for the area farmer here and I support it.

Thank you

Martin & Belinda Frazier

## RESPONSE TO COMMENT LETTER C88

C88-1 Comment noted.

04/28/2016 08:32 FAX 004

## COMMENTS C89

**To:** Carrie Hyke
Supervising Planner
385 North Arrowhead Avenue
San Bernadino, CA 92415-0182

**From:** Mark Labouef
Mark & Nellies Nursery
12875 Bear Valley Road
Victorville, CA 92392

**Subject:** Relocation of Nursery Products Composting Facility

Our nursery is located in the high desert, and most of our customers are located. We have purchased compost from Nursery Products for use here at the nursery and to sell the product to our customers. The location of the Nursery Products composting facility is important to our nursery because of the proximity to our nursery. The closer our two locations are means a savings in fuel costs in transporting the compost. Other composting facilities are much further away and the shipping costs are higher. C89-1

The compost supplied by Nursery Products is also important to the nursery in formulating better container mixes and for the use by our customers for their use. By using the compost we save watering costs because the compost retains moisture better. We also save on costs of fertilization and supplying micronutrients which are abundant in the compost.

We look forward to continue purchasing the compost from Nursery Products and hope the new facility is soon approved.

Sincerely,

Mark Labouef
owner
mark & nellies nursery

## RESPONSE TO COMMENT LETTER C89

C89-1 Comment noted.

04/28/2016 08:32 FAX 005

## COMMENTS C90

To: Carrie Hyke
Supervising Planner
385 North Arrowhead Avenue
San Bernadino, CA 92415-0182

From: John Van Leeuwen
Dairyman & Farmer
1241 West Cedar Ct.
Ontario, CA 91762

I am a dairyman and farmer in the high desert. The crops that I product are used by livestock for feed. I have benefited from the use of Nursery Products compost and continue my support for the composting facility to be located here in the high desert.

The location of the compost facility matters because of the shipping costs to get the materials shipped to my dairy and farm. Every dollar of diesel fuel which can be saved is important to my operation.

C90-1

The benefits that the compost brings to my soil are very important. Water savings in this region of the state is not stated enough. The compost material is high in organic content, and these organics allow the soil to aerate better, and retain moisture longer. The compost is also important for our use because of the fertility and high amounts of micronutrients.

The composting facility proposed by Nursery Products is important for the area farmer here and I support it.

Thank you

John Van Leeuwen.

## RESPONSE TO COMMENT LETTER C90

C90 Comment noted.

04/28/2016 08:32 FAX 006

## COMMENTS C91

**To:** Carrie Hyke
Supervising Planner
385 North Arrowhead Avenue
San Bernadino, CA 92415-0182

**From:** Harold Gabriel
PO Box 290681
Phelan, CA 92329

**Subject:** Relocation of Nursery Products Composting Facility

My property is located in the high desert. I have various uses for the compost from Nursery Products. My area in the high desert has a major problem with dust control. We cannot afford the water to control the dust, but I found that an application of the compost from Nursery Products has greatly reduced the dust on my property. I also use the compost to improve my soils for growing plants. The water retention I get by using the compost is important as are the major and micronutrients found in the compost. C91-1

All of these factors can be beneficial to me because of the location of the Nursery Products composting site. With the composting site in the same locale as my land, I can afford the compost generated from the high desert composting facility. If the site was much further away the trucking costs would limit my purchasing ability.

Please approve the Nursery Products composting facility here in the high desert, as it greatly benefits my land.

Thank you,
Harold Gabriel

## RESPONSE TO COMMENT LETTER C91

C91-1 Comment noted.

## COMMENTS C92

r.a.peabody 1-760-253-3544 p.2

**Draft Environmental Impact Report**
**PUBLIC COMMENT CARD**

If you would rather write your comments, you may turn this in to inform us of your comments regarding this Draft. The California Environmental Quality Act (CEQA) Draft Environmental Impact Report reviews several environmental issues as listed below.

Environmental Issues
1. Air Quality
2. Biological Resources
3. Cultural Resources
4. Hazards/Hazardous Materials
5. Hydrology/Water Quality
6. Transportation/Circulation

**Topic #** **Comment**

#1 Air Quality -
We have a strong west wind - I do not want the smell nor flies near the dairy flying my way C92-1
#2 - Will finish killing the turtles - they have a hard enough Time with off-roaders and crows/ravens - Now Nursery Products? C92-2
#3 - They have a fire - we would have their smoke/hazards to breathe plus put our firefighters in danger
#5 - Minimum of 365,000 gallons of water a year that Hinkley doesn't have - This would have to be a deep well therefore the contamination from PG&E will spread throughout all of Hinkley - The Plume is already ~~moving~~ moving - Why hasten. C92-3
#6 - We already have a transportation problem - Why would we want to add to an already overloaded freeway C92-4

Between PG&E - Plume -
Hwy 58 - realignment
and now Nursery Products
Would you like to live in Hinkley?
They are all portable - they make their mess - ready to move on - Leave their mess and we are stuck with it.
NOT Legal !! NOT wanted !!

Use additional pages if needed. Please turn in your comments at this meeting, *or:* Mail **on or before November 9, 2006** to: Carrie Hyke, Land Use Services Dept., San Bernardino County, 385 North Arrowhead Ave., San Bernardino 92415-0182 *or:*
● Fax: (909) 387-3223 ● Tel. 909-387-4147 ● E-mail: chyke@lusd.sbcounty.gov

Name: Dolores M Peabody We live within 10 Miles of the project

Mailing Address: 36868 Locust Rd Hinkley CA 92347

Tel. /e-mail: 760-253-3544 / rapeabody@earthlink.net

## RESPONSE TO COMMENT LETTER C92

C92-1 As indicated in Section 4.6.3.1, rodents are not attracted to biosolid/green material composting facilities. Flies can occur at composting operations, especially if excessive grass clippings are present in the green material. As indicated in Section 2.3.1, loads of green material with excessive grass clippings will be rejected. Additionally, Mitigation Measure HM-9 includes fly control measures when they become necessary.

C92-2 See response to comment B6-4.

C92-3 See response to comment B4-29.

C92-4 See response to comments COB-30, COB-31, and B6-2.

## COMMENTS C93

r.a.peabody 1-760-253-3544 p.1

**Draft Environmental Impact Report**
**PUBLIC COMMENT CARD**

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Environmental Issues
1. Air Quality
2. Biological Resources
3. Cultural Resources
4. Hazards/Hazardous Materials
5. Hydrology/Water Quality
6. Transportation/Circulation

**Topic #** **Comment**

#1 air Quality
Our high strong winds blow all the way to Yermo and beyond. All the things in the Bid Waste are going to be covering the whole of Barstow area. And beyonde We don't need any more shit and etc. in our air quality. We have enough breathing problems as it is. C93-1
#2 Biological Resources - Our People, animals, birds, reptiles are endangered now - turtles are fenced off of the freeways but this would poison the rest of them.
#3 Cultural Resources - The plants, etc. that we have would be affected the same as animals. If and when they have fire our fire fighters and the rest of us would be breathing in that stuff and the fire fighter would be in danger even more than usual.
#6 We have too many accidents on Hwy 58 in that area, and more trucks would cause even more accidents - etc.

Use additional pages if needed. Please turn in your comments at this meeting, *or:* Mail **on or before November 9, 2006** to: Carrie Hyke, Land Use Services Dept., San Bernardino County, 385 North Arrowhead Ave., San Bernardino 92415-0182 *or:*
● Fax: (909) 387-3223 ● Tel. 909-387-4147 ● E-mail: chyke@lusd.sbcounty.gov

Name: Janet A. Norman

Mailing Address: 37822 Serra Rd. Hinkley, CA 92347

Tel. /e-mail: 760-253-5368 / alnorman29@hotmail.com

## RESPONSE TO COMMENT LETTER C93

C93-1 Comment noted.

11/13/2006 15:59 17602539280 SALETA A LUNA PAGE 01/01

## COMMENTS C94

**Draft Environmental Impact Report**
**PUBLIC COMMENT CARD**

If you would rather write your comments, you may turn this in to inform us of your comments regarding this Draft. The California Environmental Quality Act (CEQA) Draft Environmental Impact Report reviews several environmental issues as listed below.

Environmental Issues
1. Air Quality
2. Biological Resources
3. Cultural Resources
4. Hazards/Hazardous Materials
5. Hydrology/Water Quality
6. Transportation/Circulation

**Topic #** **Comment**

Right now the wind is blowing so hard, that the sand is in my eyes, mouth and skin. Can you imagine what it will be blowing towards us if this project is voted in. It will cause more illness to this community and there will be lawsuits all over again. This is where our families live and children, we dont want it here. Not to mention our endangered species.. C94-1

Use additional pages if needed. Please turn in your comments at this meeting. *or:* Mail **on or before November 9, 2006** to: Carrie Hyke, Land Use Services Dept., San Bernardino County, 385 North Arrowhead Ave., San Bernardino 92415-0182 *or:*
- Fax: (909) 387- 3223
- Tel. 909-387-4147
- E-mail: chyke@lusd.sbcounty.gov

Name: Saleta Luna

Mailing Address: 36360 Mt. View Rd Hinkley Ca. 92347

Tel. /e-mail: 253-7651, Saletaz@aol.com

## RESPONSE TO COMMENT LETTER C94

C94-1 See response to comment B6-4.

Nov 25 2002 4:52AM DSS 12 VENUS No.2558 P. 1

## COMMENTS C95

## BLM COMMENTS

If you would rather write your comments, you may turn this in to inform us of your comments regarding this Draft. The California Environmental Quality Act (CEQA) Draft Environmental Impact Report reviews several environmental issues as listed below.

Environmental Issues
1. Air Quality
2. Biological Resources
3. Cultural Resources
4. Hazards/Hazardous Materials
5. Hydrology/Water Quality
6. Transportation/Circulation

**Topic #** **Comment**

1. Why approve a project that according to the draft EIR will produce over 14 times the mandated levels of VOC? **C95-1**

2. The report concludes that dust produced during operations would be minimal due to the high moisture content of the feed stock. It also states that finished compost can remain onsite for a maximum of 720 days. What affect would extended onsite storage have on dust emissions? **C95-2**

3. Who determines when the 30 m.ph. wind speed threshold is reached and what if any is the penalty for turning the piles past the limit? **C95-3**

Use additional pages if needed. Please turn in your comments at this meeting, *or:* Mail **on or before November 9, 2006** to: Carrie Hyke, Land Use Services Dept., San Bernardino County, 385 North Arrowhead Ave., San Bernardino 92415-0182 *or:*
● Fax: (909) 387-3223 ● Tel. 909-387-4147 ● E-mail: chyke@lusd.sbcounty.gov

Name: DAN Kelley

Mailing Address: 35624 TAMARACK RD. HINKLEY CA. 92347

Tel. /e-mail: 760-253-7374

## RESPONSE TO COMMENT LETTER C95

C95-1 See response to comment B3-1.

C95-2 See response to comments B5-6 and B6-4.

C95-3 See response to comments B3-2 and COB-8.

## COMMENTS C96

**Draft Environmental Impact Report**
**PUBLIC COMMENT CARD**

If you would rather write your comments, you may turn this in to inform us of your comments regarding this Draft. The California Environmental Quality Act (CEQA) Draft Environmental Impact Report reviews several environmental issues as listed below.

Environmental Issues
1. Air Quality
2. Biological Resources
3. Cultural Resources
4. Hazards/Hazardous Materials
5. Hydrology/Water Quality
6. Transportation/Circulation

**Topic #** 1 & 4 **Comment**

Dear Land Use Services Dept of San Bernardino County,

I am writing to you to request that you re-consider your planning to put a sludge composting site in this area. The idea of having such disgusting air pollutants in the air for our children to grow up in repulses me. As a teacher & mother, I worry about the health & well being of our little ones in such an existence. Many children suffer from asthma including my son and with such a windy climate as Barstow often has, it would make living here intolerable. Those do not afford this facility to rest here. There must be another way. Thank you.

C96-1

Use additional pages if needed. Please turn in your comments at this meeting, *or:* Mail **on or before November 9, 2006** to: Carrie Hyke, Land Use Services Dept., San Bernardino County, 385 North Arrowhead Ave., San Bernardino 92415-0182 *or:*
● Fax: (909) 387- 3223 ● Tel. 909-387-4147 ● E-mail: chykc@lusd.sbcounty.gov

Name: Marylee Blake

Mailing Address: 31554 ½ K st. Barstow CA. 92311

Tel. /e-mail: _____/_____

11-13-2006 16:16 MILL PRICE (760)252-2245 PAGE1

## RESPONSE TO COMMENT LETTER C96

C96-1 Comment noted.

## COMMENTS C97

11-13-2006 16:16 WILL PRICE (760)252-2245 PAGE2

**Draft Environmental Impact Report**
**PUBLIC COMMENT CARD**

If you would rather write your comments, you may turn this in to inform us of your comments regarding this Draft. The California Environmental Quality Act (CEQA) Draft Environmental Impact Report reviews several environmental issues as listed below.

Environmental Issues
1. Air Quality
2. Biological Resources
3. Cultural Resources
4. Hazards/Hazardous Materials
5. Hydrology/Water Quality
6. Transportation/Circulation

**Topic #** 1 & 4 **Comment**

Dear Land Use Services Dept. of San Bernardino County,

As a Sr. Citizen it is very disturbing to see that you have planned a sludge composting in this area (high desert) We have many Sr's here who moved here to escape air pollutants in the inner cities, as well as children who are sent here to escape asmatic problems & other health problems involving the lungs. I live in the city of Barstow & on days of wind (which we have a lot of) & high pressure days, the dung smell from Trickly drifts across our town.

Please, please do not allow Nursery Products to build this facility here. I know there is a new law on the books prohibiting this type of composting. The High Desert is suppose to be a health place not a dump!

C97-1

Use additional pages if needed. Please turn in your comments at this meeting. *or:* Mail **on or before November 9, 2006** to: Carrie Hyke, Land Use Services Dept., San Bernardino County, 385 North Arrowhead Ave., San Bernardino 92415-0182 *or:*
● Fax: (909) 387- 3223 ● Tel. 909-387-4147 ● E-mail: chyke@lusd.sbcounty.gov

Name: Normalee Price

Mailing Address: 34554 K St. Barstow, Ca. 92311

Tel. /e-mail: _____ / _____

## RESPONSE TO COMMENT LETTER C97

C97-1 Comment noted.

## COMMENTS C98

Nov 13 06 03:29p DEEL PLUMBING 7602574107 p.2

PAGE 1 OF 2 OF

**Draft Environmental Impact Report**
**PUBLIC COMMENT CARD** 11-13-2006 FAX 11-20-2006 —

If you would rather write your comments, you may turn this in to inform us of your comments regarding this Draft. The California Environmental Quality Act (CEQA) Draft Environmental Impact Report reviews several environmental issues as listed below.

Environmental Issues
1. Air Quality
2. Biological Resources
3. Cultural Resources
4. Hazards/Hazardous Materials
5. Hydrology/Water Quality
6. Transportation/Circulation

**Topic #** **Comment**

NURSERY PRODUCTS HAWES COMPOSTING FACILY APPLICATIONS FOR CUP & DEIR COMMENTS.

I AM IN OPPOSITION TO THIS PROJECT AT HINKLEY-HAWES SITE. NO BIOSOLIDS AND/OR GREEN WASTES SHALL PLACED AT THE NEWBERRY SPRINGS FORT CADY ALTERNATIVE SITE.

(1) DRAFT EIR DOES NOT REQUIRE CONTROL OF WIND BLOWN PARTICULAR MATTER WITH DISEASE PATHOGENS -

(2) DOES NOT REQUIRE A $100 MILLION PEFORMANCE BOND FOR HEALTH PROBLEMS, POLUTION PROBLEMS and CUP VIOLATIONS.

(3) DOES NOT REQUIRE MATERIAL MANIFESTS FROM "EPA" FROM SITE OF ORIGINS to HINKLEY HAWES SITE WITH LOAD TEST AT EACH END.

(4) DOES NOT REQUIRE "COMPOSTING PROCESS TO BE ENACTED" AT HAWES HINKLEY SITE.

C98-1

Use additional pages if needed. Please turn in your comments at this meeting, *or:* Mail **on or before November 9, 2006** to: Carrie Hyke, Land Use Services Dept., San Bernardino County, 385 North Arrowhead Ave., San Bernardino 92415-0182 *or:*
● Fax: (909) 387-3223 ● Tel. 909-387-4147 ● E-mail: chyke@lusd.sbcounty.gov

Name: WAYNE L SNIVELY - PE (ST. OF CA. NO. 19245)
Mailing Address: 47323 AUTUMN LEAF DR NEWBERRY SPRINGS CA 92365-9788
Tel. /e-mail: 760-257-9149

by Wayne L. Snively PE 11-13-2006

Nov 13 06 03:29p DEEL PLUMBING 7602574107 p.3

PAGE 2 OF 2

D EIR - NURSERY PRODUCTS HAWES COMPOSTING FACILITY

5 DOES NOT REQUIRE A SITE - COUNTY OF SAN BERNARDINO COUNTY - DEHS LICENSE INSPECTOR TO BE AT SITE TO REPORT IN WRITING DAILY OPERATIONS FOR COMPLIANCE WITH CUP & ALL OTHER REGULATIONS

6 DOES NOT STATE METHOD/PROCEDURES TO CLOSE "SITE" BY SB. COUNTY BY DEHS OR SBC SHERIFF, WHEN CUP VIOLATIONS SUCH AS AT ADELANTO CITY NURSERY PRODUCTS COMPOSTING FACILITY - REQUIRE CORRECTIONS.

7 DOES NOT STATE METHOD/PROCEDURES TO

A. CERTIFY COMPOSITING PROCEDURES.

B " COMPOSITED MATERIAL ARE STABLE WITH NO PATHOGENS, HEAVY METAL & HAZARDOUS MATERIALS

C DOES NOT REQUIRE PERMANENT SITE STORAGE PROCEDURES / STANDARDS TESTING OF COMPOSTED BIO-SOLIDS

D. PLANS OF PERMANENT STORAGE OF BIO-SOLIDS.

E. STANDARDS & TESTING FOR COMPOSTED BIO SOLIDS IF SOLD TO PUBLIC.

8 $200 MILLION SITE CLEAN UP BOND

BY WAYNE L SNIVELY - PE
STATE OF CALIFORNIA NO 19245

## RESPONSE TO COMMENT LETTER C98

C98-1 Comment noted. Please see response to comment B4-24, and comments B3-2 and COB-8.

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## COMMENTS C99

11-13-2006 16:16 WILL PRICE (760)252-2245 PAGE3

**Draft Environmental Impact Report**
**PUBLIC COMMENT CARD**

If you would rather write your comments, you may turn this in to inform us of your comments regarding this Draft. The California Environmental Quality Act (CEQA) Draft Environmental Impact Report reviews several environmental issues as listed below.

Environmental Issues
1. Air Quality
2. Biological Resources
3. Cultural Resources
4. Hazards/Hazardous Materials
5. Hydrology/Water Quality
6. Transportation/Circulation

**Topic #** 1 and 4 **Comment**

Dear Land Use Services Department of San Bernardino County,

As this richest state in the richest country on this earth, we can surely compost our biowaste with the Reasonable available control technology. C99-1

To allow tons of Inland Empire Waste to be composted in our already compromized windy desert is bad planning.

The feasibility of making a negative pressure contained process has to be developed before Nursery Products can begin sludge composting in San Bernardino County.

Thank you

Use additional pages if needed. Please turn in your comments at this meeting, *or:* Mail **on or before November 9, 2006** to: Carrie Hyke, Land Use Services Dept., San Bernardino County, 385 North Arrowhead Ave., San Bernardino 92415-0182 *or:*
● Fax: (909) 387- 3223 ● Tel. 909-387-4147 ● E-mail: chykc@lusd.sbcounty.gov

Name: _____

Mailing Address: _____

Tel. /e-mail: _____ / _____

## RESPONSE TO COMMENT LETTER C99

C99-1 Comment noted.

## COMMENTS C100

NOV-13-2006 04:37P FROM:PRINTING SOLUTIONS 760 256-3011 TO:19093873223 P.1

**NURSERY PRODUCTS COMPOSTING FACILITY PROJECT**
**PUBLIC MEETING COMMENT CARD**

Please use this to inform us of your questions or concerns regarding this project. The California Environmental Quality Act (CEQA) Initial Study/Environmental Checklist identifies a number of environmental issues as listed below. Please attach additional sheets if necessary.

Environmental Issues
1. Aesthetics
2. Air Quality
3. Biological Resources
4. Cultural Resources
5. Geology and Soils
6. Hazards/Hazardous Materials
7. Hydrology/Water Quality
8. Land Use and Planning
9. Noise
10. Transportation/Circulation

**Topic #** **Comment**

The wildlife survey does not include the bird, Nighthawk, which I have seen in the Helendale Road to Hawges area every time we go to this area. C100-1

This site is near the Wildlife area at Harper Lake. How will the increase in fugitive dust and greater concentration of VOC affect this wildlife not only in their nesting, but their large range needed for food gathering? C100-2

Use additional pages if needed. Please turn in your questions at this meeting, *or:* Mail before 11-13-2006 to: Carrie Hyke, Land Use Services Dept., San Bernardino County, 385 North Arrowhead Ave., San Bernardino 92415-0182 *or:*
● Fax: (909) 387-3223 ● Tel. 909-387-4147 ● E-mail: chyke@lusd.sbcounty.gov

Name: LaVella Tomlinson

Address: 531 Lance Drive, Barstow, CA 92311

Tel. /e-mail: 760-256-8104 /

Agency (if applicable):

Tomlinson 1/10

NOV-13-2006 04:37P FROM:PRINTING SOLUTIONS 760 256-3011 TO:19093873223 P.2
Page 1 of 1

Nursery Products Composting Facility Project
Public Meeting Comment Card

**Will Tomlinson**

**From:** "Will Tomlinson" <junkmen45@san.rr.com>
**To:** "Wm Tomlinson" <Junkmen45@san.rr.com>
**Sent:** Monday, November 13, 2006 2:23 PM
**Subject:** comment card: wind

to: Carrie Hyke
Land Use Services Dept
San Bernardino County

Topic # #2, #6 Comment

The Environmental Impact Analysis is supposed to be based on scientific principle and rationale.

In Nursery Products DEIR the wind is analyzed using data from Daggett, CA, into a formula for calculating fugitive dust emissions from windrow turning. The DEIR states a mean wind speed mph for the year is used for the calculations. The DEIR does not state the actual wind speed figure used for the formula doing these calculations. These calculations cannot be replicated due to this violation of scientific investigation.

The wind velocity is not considered in this analysis.

A mean wind speed is an average wind speed for the year. An annual average is totally inadequate to analysize the effects of wind on this sewage sludge facility. This is an erroneous calculation. There is not a direct increase in the amount of dust with each increase of wind speed. As the wind increases, the dust increases disproportionately in a larger amount than the wind increase. Particles of PM 10 and smaller are blown farther, lifted higher, and stay in the air longer as the wind increases.

These airborne particles are more than just dust. Pathogens are rafted in the microscopic craters of the dust particles. This enables transmission of disease great distances downwind from the Nursery Products sewage sludge composting facility.

The wind also transports airborne chemicals. Both the pathogens and the chemicals--such as ozone increases--cause diseases, especially lung damage and infection.

At the DEIR meeting on October 11th, conducted by the San Bernardino County Land Use Department, David Marx, hired by San Bernardino County to analyze Nursery Product's DEIR, stated that the windrows would not be turned if the wind was blowing. This statement has also baeen made by Nursery Products at other meetings.

The DEIR, however, states that Nursery Products will refrain from turning the windrows during eipsodes of high wind speeds (30 mph or higher) as a dust control measure. Thirty mph is a measurable statement and measurable is important for scientific investigation. However, "refrains in high wind speeds" is not the same as"not turning the windrows when the wind is blowing"!

Winds less than 30 mph can lift and blow considerable dust. What scientific principle is used to determine 30 mph wind--"a high wind"--as an appropriate stopping point? This is not an appropriate wind designation and must by clarified by proven scientific principles. **C100-3**

The DEIR also states that daily the Nursery Products facility will make wind measurements. The wind velocity in the High Desert can change quickly. What regulation is there that the appropriate wind measurement and the turning of the windrows coincide?

The DEIR also states that Nursery Products is doing all of the monitoring on their sewage sludge facility. We already know from the Adelanto facility that Nursery Products is not reliabe in their self monitoring.

In a communication from the State of California Department of Health Services, Investigations Branch, May, 2005, Tracy Barreau, REHS, regarding the Nursery Products Adelanto site:

1. Nursery Products exceeded water quality standards in surface water run-off due to large numbers of coliform, fecal coliform, and E-coli bacteria.
2. In hourly air monitoring of wind patterns and PM 10 measurements, that the California Ambient Air Quality was exceeded 68% of the time downwind from the Nursery Products facility.

Not only does Nursery Products have a history of untruthful, inadequate, health-risking monitoring in Adelanto, but San Bernardino County did nothing to require that Nursery Products met minimal standards to protect the healthof Adelanto residents.

In this new DEIR, Nursery Products does not use adequate Scientific rationale in their wind and air pollution discussion. They are to continue to do their own monitoring. And San Bernardino County is not taking responsibility for assuring that the monitoring is accurate and that the facility operations are appropriate.

San Bernardino County must take action to protect the health of the residents of the High Desert.

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531 Lance Drive
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11/13/2006

2/10

NOV-13-2006 04:38P FROM:PRINTING SOLUTIONS 760 256-3011 TO:19093873223 P.3

**Draft Environmental Impact Report** – Nursery Products
**PUBLIC COMMENT CARD**

If you would rather write your comments, you may turn this in to inform us of your comments regarding this Draft. The California Environmental Quality Act (CEQA) Draft Environmental Impact Report reviews several environmental issues as listed below.

Environmental Issues
1. Air Quality
2. Biological Resources
3. Cultural Resources
4. Hazards/Hazardous Materials
5. Hydrology/Water Quality
6. Transportation/Circulation

Topic # 1, 4, 6 Comment

The DEIR report of Nursery Products Sewage Sludge Windrow Compost facility discusses in detail the finished product as Mulch Class A and lauds the safety of this finished product.

But where is the discussion of the hazardous sewage sludge that is the start of this composting? Isn't the sewage sludge Hazardous Class B? Do the workers at the facility wear Haz-Mat gear to protect them from the hazards of the sewage sludge? Sewage Sludge is hazardous and the DEIR should address this. C100-4

The sewage sludge is hazardous--harboring pathogens that are not eliminated, only decreased, but still present and replicating, or if conditions are not right, retreating to the protective spore form that can protect the pathogen for years. These pathogens are eager to find hosts and vectors, to continue the destructive life of a pathogen to the detriment of their human and animal hosts.

At meetings regarding sewage sludge windrow composting, workers of these facilities have stated that the sewage sludge is so safe that they could (and have) eaten it.

If you view the photo of sewage sludge--black, slimy and odorous--that has oozed from its static pile, you cannot imagine any one eating this sludge. If they did, they are playing roulette with death. E-coli is one of the major bacterial contaminations in sewage sludge. We have all heard of the deaths from E-Coli.

There is also no discussion of health protection in the transport of this hazardous sewage sludge. The DEIR justs states 550 truck trips a day. In Los Angeles and Kern Counties this transport was in open top hopper trucks that did not prevent leakage of the sludge or the odor. Is placing a diamond sign on the side of the truck considered adequate protection? C100-5

There is totally inadequate evaluation of the Hazardous classification and the hazardous consequences of this Sewage Sludge--both in the transport and the handling--the DEIR is not addressing health protection.

San Bernardino must require implementation of safety in the handling of the sewage sludge in transport and the handling and processing on-site of this hazardous material. Transmission of pathogens and deteriorated air quality must be prevented.

Use additional pages if needed. Please turn in your comments at this meeting, *or:* Mail **on or before November 9, 2006** to: Carrie Hyke, Land Use Services Dept., San Bernardino County, 385 North Arrowhead Ave., San Bernardino 92415-0182 *or:*
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**Draft Environmental Impact Report** Nursery Products
**PUBLIC COMMENT CARD**

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5. Hydrology/Water Quality
6. Transportation/Circulation

**Topic #** 1 **Comment** p 1 Of 1

~~In Nursery Procucts~~ DEIR for the Sewage Sludge windrow composting site in Hinkley, in the construction phase, the equipment to be used and their emmissions are analysed and totaled. There is not a Water Truck listed to control the dust during the grading and bull dozing. This is a construction requirement to protect our Air Quality. Why is a Water Truck not included?

Nursery Products also states to control dust emmissions for the truck traffic delivering and hauling the sewage sludge to the site that the road will be watered to control the dust. But a water truck is still not listed as part of the equipment to be used at the windrow compost site.

Use of an additional truck will change the emmision calculations affecting Air Quality.

Also not discussed is where the water will be obtained to run this water truck.

An even bigger question is what else is missing from this DEIR analysis that should have been included?

C100-6

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**Draft Environmental Impact Report** Nursery Products
**PUBLIC COMMENT CARD**

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page 1 Of 2

**Topic #** 7274 **Comment**

~~In Nursery Products DIER they state that insects are not attracted to the sewage sludge windrows as there is no food source. Therefore, insects are no problem.~~

~~However, flies are insects. They are attracted to decaying~~ and dead matter, such as sewage sludge, where they lay their eggs so that the maggots when hatched have an available food source. Flies reproduce freely in these conditions.

Flies are also vectors that carry disease. And there were copious flies in Adelanto Restaurants closed, people sold their houses and moved. This is the first summer that Adelanto residents could Barbeque. People living five miles from the site had to vacuum the flies from their windows and sewage dust would coat the inside of their houses.

Increased respiratory and gastrointestional diseases occured in Adelanto, but the County of San Bernardino Health Department did no scientific investigations into these health complaints or did they require Nursery Products to curb the fly population. The County of San Bernardino did nothing to end the misery of the people in the Adelan area and in this new project proposal, Nursery Products is responsible to do all of their own monitoring. ( Cont.)

C100-7

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p 2 of 2

In this new DEIR Nursery Products proposes that a pest control company will be called if insects become a problem. Does this mean that poison will be sprayed over a 1/2 mile square? This is not discussed in the DEIR or the health problems associated with spraying. C100-8

Nursery Products also proposes to add lime. Windblown and breathed in lime causes respiratory illness that can progress to lung disease, scaring and cancer. The effects of lime on health is not discussed. C100-9

Does changing the pH of the sewage sludge windrows change the composting ability of the process? This is also not discussed. C100-10

Lucy's Market on Highway 58 is withing the distance that businesses and residences were affected by flies in Adelanto. There were no flies at the Market when I stopped there in August and September--none on the windows and none in the store. The store is spotless. Lucy's Market is the heart of the neighborhood, a gathering place for those who happen to live in the area of the proposed Sewage Sludge facility. This Market and the surrounding homes do not deserve to be overrun with flies and blowing sludge.

Complaints to San Bernardino county about the flies and the disease they carry, was not effective in Adelanto.

Will San Bernardino County and Nursery Products control the flies without creating worse health assalts? Who is responsible?

6/10

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**Draft Environmental Impact Report**
**PUBLIC COMMENT CARD**

Nursery Products

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1. Air Quality
2. Biological Resources
3. Cultural Resources
4. Hazards/Hazardous Materials
5. Hydrology/Water Quality
6. Transportation/Circulation

pg 1 of 3

**Topic #** 2,4,5 **Comment**

At the October 11, 2006 DEIRmeeting held by the SanBernardino County Land Use Dept, David Marks, hired by San Bernardino County to do an independent review on the enviornmental impact of the Nursery Products Sewage Sludge facility, described the mitigation to be done by Nursery Products for storm drainage run-off, would be to dig a run-off retention basin large enough to contain the 100 year flood. Actually there will be water run-off in this pit whenever it flash floods. And even in a drought year there can be flash floods.

We see these flood retention basins around Barstow -- at Barstow College, and Wal Mart. And we see water in them periodically--and pretty full after a thunderstorm flash flood. Two retention basins did not prevent Wal Mart from flooding.

There is a difference between the run-off that flooded Wal Mart, and the run-off from the Nursery Products Sewage Sludge facility. The sewage sludge at Nursery Products has pathogens and the water run-off is washing out pathogens from the sludge.

David Marx said that more than 90% of the bacteria has been killed when the sewage sludge is delivered to the facility. However, the State of California Department of Health Services in a letter dated May 5, 2005, about health concerns related to the Nursery Products (cont.)

C100-11

Use additional pages if needed. Please turn in your comments at this meeting, *or:* Mail on or before Extended 13th to **November 9, 2006** to: Carrie Hyke, Land Use Services Dept., San Bernardino County, 385 North Arrowhead Ave., San Bernardino 92415-0182 *or:*
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NOV-13-2006 04:40P FROM:PRINTING SOLUTIONS 760 256-3011 TO:19093873223 P.8

pg. 2 of 3

in Adelanto, written by Tracy Barreau, REHS, Senior Environmental Scientist, Environmental Health Investigations Branch, documents that samples of surface run-off water from the Nursery Procucts facility onto the adjacent Los Angeles Department of Water and Power Adelanto Converter Stateion property, from four different locations were collected and measured for total Coliform bacteria, fecal coliforms, and Escherichia Coli (E-coli) bacteria--these are the most common bacteria found in feces.

The laboratory analysis revealed high levels of these pathogens in all samples--total coliforms ranged from 300,000 to 1,100,00 per/100mililiters;fecal coliforms ranged from 50,000 to 8000.00 per/100ml; and E-coli ranged from 50,000 to 280,000 per/100ml. This bacterial contamination exceeded the water quality standards for pathogens that apply to storm drain and fresh water beaches. The environmental standards allow no more than 1000 total coliforms per/100 ml. The samples from Adelanto were at a high of 1,100,000 per/100 ml. If this had occured at a beach instead of Adelanto, the beach would have been closed.

These bacterial counts do not match Nursery Products claim of non-hazardous sewage sludge in windrows at their facility.

At the Hinkley Nursery Products site there will be a retention basin. When the contaminated run-off water collects in this pit, it will become a cauldron of pathogens. Bacteria multiply fast. An Eighth grade Biology experiment would be to place a measured sample of the sewage sludge liquid--count the number of bacteria per milliliter at the start and at intervals--how fast are the bacteria increasing? At what point do the bacteria exceed the water standard levels?

So to combat bacterial growth, Nursery Products plans to add lime to the water. So besides bacterial contamination--the water will be poisoned. C100-12

Anyone observing these retention basins is aware that the water stands for weeks--desert animals and birds come to drink and bathe in the water. Our desert mines are required to fence off their drainage water. If you observe these mine fences, there will be birds and animals that have died because they are caught in the fencing trying to get a drink. In the case of the Sewage Sludge retention basins, the animals will be drinking water high in pathogens and quicklime!

What is the run-off standard which decides the depth and diameter of the retention basins?

How much run-off water is actually being calculated as needing containment for a thunderstorm? And for a 100 year storm that may not agree to being spaced 100 years apart? C100-13

Thosein the desert know that one flash flood can move boulders more than 1/4 mile and capsize motorhomes. The same thunderstorm two miles away may only leave sprinkles.

8/10

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Pg. 3 Of 3

A retention basin full of standing water will leach that water deeper into the ground than if this same water ran down a wash. In an El Nino year the basin will be refilled frequently. Will the contaminated water in the retention basin reach the water table? An El Nino year occurs more than every 100 years. Two years ago Lake Manley in Death Valley filled with water from the Mojave River--in fact the string of Mojave Desert dry lakes have had water in them every 5 to 10 years--slightly less than every 100 years!

In the DEIR, phase one construction shows a smaller retention basin built west of the office and maintenance buildings. The storm drains, berms, and a second retention basin are not built until Phase two. Until these storm drains are built, it appears that Nursery Products is counting on two factors: C100-14

1. One third of the water above the Phase one retention basin will, with luck, flow into the retention basin.

2. That it won't rain!

After the initial construction Nursery Products states that it will bulldoze new ground for more windrows as needed for expansion. Phase two will not be constructed at one time...only in increments..

At what point will the storm drains and the second retention basin be built? How much water will run through the windrows before the storm drains are constructed? Who is in charge of seeing that this is done? C100-15

Are people and animals being protected? In Adelanto this run-off contamination from Sewage Sludge exceeded California Water Quality Standards. Just because Hinkley is rural, does that mean its residents need to be abandoned to another water contamination which is available for vectors to spread disease?

9/10

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**Draft Environmental Impact Report**
**PUBLIC COMMENT CARD** Nursery Products

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**Topic #** 1 **Comment**

In Nursery Products DEIR when Potential Odor Impacts are discussed Odor from the feedstock is discussed, but not the odor from the sewage sludge. Sewage Sludge has an offensive odor distinctive for Coliform and E-coli bacteria. This is not discussed or included in the analysis. C100-16

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10/10

V

## RESPONSE TO COMMENT LETTER C100

C100-1 As indicated in Appendix C, the agency databases were reviewed to identify special status species that are present in the project area. The species known to occur in the area are included in the EIR analysis.

C100-2 See response to comments USFWS-3, USFWS-6, USFWS-9, and USFWS-12.

C100-3 See response to comment B6-4.

C100-4 See comments B6-4 and RWQCB-8.

C100-5 See comment RWQCB-8.

C100-6 See response to comment B3-1and B4-29. The on-site equipment inventory on page 4-19 of the EIR, includes two off-highway trucks. One of these is a water truck.

C100-7 As indicated in Section 4.6.3.1, rodents are not attracted to biosolid/green material composting facilities. Flies can occur at composting operations, especially if excessive grass clipping are present in the green material. As indicated in Section 2.3.1, loads of green material with excessive grass clippings will be rejected. Additionally, Mitigation Measure HM-9 includes fly control measures when they become necessary.

C100-8 If flies become a problem, the Project will place fly bait/trap devices at appropriate locations. If any insecticide use were necessary, it would not be sprayed uniformly over the entire project site.

C100-9 See response to comment B6-4. If used, lime would be blended into compost material, which is expected to have sufficient field moisture to minimize the potential for windblown dust. A water truck will be on-site to dampen windrows if necessary for improved dust control.

C100-10 Regular monitoring of composting windrows will occur, and lime or other additives may be used to balance the pH, moisture, nitrate, and organic composition of the windrows, to improve the composting process.

C100-11 See response to comment MWA-2.

C100-12 See response to comment MWA-2.

C100-13 See response to comment MWA-2.

C100-14 See response to comment MWA-2.

C100-15 See response to comments B3-2 and COB-8.

C100-16 The potential for odor from the facility was evaluated in Section 4.3.3.3. As shown on Table 4.3.11, odors at the site boundary would be significant. However, odors at the nearest house (1.5 miles away) would be well below the thresholds established by the Air Quality Management District.

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## COMMENTS C101

Nov 13 06 05:28p D. Norman Diaz 760 253-7993 p.1

November 13, 2006

9 pages

909-387-3223

Carrie Hyke
Supervising Planner
Advance Planning Division
County of San Bernardino
385 N. Arrowhead Avenue
First Floor
San Bernardino, CA 92415

Re: DEIR NPLLC

Carrie:

Attached please find comments and additional information relating to the Nursery Products Proposed Facility DEIR..

Thank you.

Sincerely,

Norman Diaz

1/9

Nov 13 06 05:28p D. Norman Diaz 760 253-7993 p.2

I feel there is an environmental Justice issue. I am citing the Cerrell Report a reason we were chosen as a location. Please address our large Hispanic population and why they were not contacted and allowed to participate in the process. I asked multiple times in May 2006 and was denied. One letter on the scope was translated and it was done through a poor service like the free Alta Vista service. It is not a good translation. Finally in the extension of the DEIR comment period, the County finally did translate one cover sheet. No more than that was done even though I asked multiple County Agencies multiple times. Doesn't this acknowledge their obvious error? Enclosed is a legal document from the principle of the closest school. Over 50% are Hispanic and 35% need help with the education process without second language help. Please advise. You need to start over with a new scoping and do it in Spanish and English. C101-1

thanks

Norman Diaz

2/9

Nov 13 06 05:28p D. Norman Diaz 760 253-7993 p.3

Oct 27 06 02:27p D. Norman Diaz 760 253-7993 p.1

DECLARATION OF DENNIS HIRSCH

I, DENNIS HIRSCH, declare as follows:

1. I am the Principal of Hinkley School located at 37600 Hinkley Road, Hinkley, California, approximately 8 miles down wind from the proposed Nursery Products, LLC composting facility.

2. I have made my best efforts to notify parents by sending home with the children notices of various meetings.

3. I have never given out any of the notices in Spanish, despite the fact that over half (51%) of the children are Hispanic and that a little less than 35% cannot participate in the education process without English as a second language help.

4. At the recent meeting on the draft environmental report, it was clear that a Spanish version of the draft environmental report was not prepared, despite the heavy Hispanic percentage of residents in the Hinkley area.

5. I am willing to make the school auditorium available for any future meetings.

I declare under penalty of perjury under the laws of the State of California that above is true and correct.

Executed on October 27, 2006 at Hinkley, California.

DENNIS HIRSCH

3/9

Nov 13 06 05:29p D. Norman Diaz 760 253-7993 p.4

How does the information in this article on damage to the desert "skin" relate to this project. How will the 5 days of grading every month effect the surrounding desert? Can you address these issue? If winds are in excess of the limit to accept waste, the site will still produce dust. Will water trucks still be working. C101-2

Thanks

NORMAN DIAZ

4/9

SCIENCE NEWS Online
THE WEEKLY NEWSMAGAZINE OF SCIENCE

## Thin Skin

**Desert's fragile crust takes millennia to form but only moments to destroy**

**Sid Perkins**

As they barreled across the desert toward Baghdad during the U.S.-led invasion of Iraq last March, the tanks, trucks, and armored personnel carriers churned up huge clouds of dust. Iraqi vehicles mobilized to defend against the onslaught generated their own plumes of grit. In a literal sense at least, much of the dust in Iraq has begun to settle. If history is a guide, however, the ruts the combat vehicles left behind will spew prodigious amounts of dust for years. That airborne material can cause major environmental and health problems.

As the battalions maneuvered across the arid terrain, their vehicles often broke through a delicate crust known as desert pavement. This type of veneer covers as much as half of the world's arid lands. Despite the connotations of its name, desert pavement isn't robust. It's merely a thin shell of stones that lies atop the dust, soil, or sand. Multi-ton tanks easily breach these fragile mosaics, but so do dirt bikes and all-terrain vehicles. Even trudging hikers, grazing animals, and the scrabbling of rodents and birds can disrupt desert pavements, exposing subsurface material to erosion and disrupting fragile ecosystems of fungi and algae.

*DESERT DUST-UP. Military exercises in the Mojave Desert in the early 1940s, practice for World War II tank battles in northern Africa, left scars in desert pavements that are still visible today.*
U.S. Geological Survey

Damage can happen in a moment, but the processes that sculpt desert pavement typically act slowly, taking centuries to generate a surface resistant to wind erosion. Therefore, when desert pavements and their biota are wounded by human activity, it will take human action to heal them on a shorter timescale.

Scientists are currently developing large-scale experiments to determine what methods might be most effective for mending a scarred desert. Successful techniques, far from being of interest only in war-torn regions, might also address a plague of problems that could result from an increase in the recreational use of environmentally sensitive public lands in the American Southwest.

### Back to the future

In August 1990, Iraqi troops invaded and captured Kuwait. For the next 6 months, they dug pits in the desert to hide equipment, excavated trenches to protect soldiers, and built 2-meter-tall sand berms to slow opposing troops. Military maneuvers during the liberation of Kuwait in February 1991 scarred the desert further. A comparison of satellite images taken just before and after the conflict show that almost 950 square kilometers of desert pavement were destroyed by such activity, says Farouk El-Baz, a geologist at Boston University. The planting or removal of land mines denuded another 3,500 $km^2$ or so. In all, the desert pavement across more than 20 percent of Kuwait's land area was disrupted.

As a result, immense quantities of the area's fine-grained soil, previously locked beneath a stony blanket, were lofted by winds. Airborne dust reduced visibility and exacerbated a variety of health problems, such as asthma and other respiratory ailments, says El-Baz.

5/9

Within months, the fine sands accumulated in dune fields on the northern shore of Kuwait Bay. In western portions of the country, sheets of sand smothered some roads and farms.

All that material had been brought to the area over the eons by the Tigris and Euphrates Rivers, says El-Baz. Water flow in the rivers decreased when the region's climate changed about 5,000 years ago and wind began to winnow the river delta's dried sediments. Dust and sand in the upper layers of sediment were blown elsewhere, but gravel and pebbles were left behind and eventually compacted into a thin armor against further wind erosion.

With today's drier climate in Kuwait and southern Iraq, it would probably take millennia for the wind alone to resculpt a fully mature desert pavement over the regions damaged by this year's conflict in Iraq, says El-Baz. Restoration of the landscape to its original flat contours would probably limit erosion, minimize health problems related to dust, and decrease the amount of time needed to regenerate the war-torn desert pavement, he notes.

However, El-Baz doesn't hold much hope for the war-torn soils of Iraq. "Everybody's thinking about the security of the soldiers there, and rightly so," he notes. "Nobody's even thinking about the security of the soil."

### Floating rocks

Although the initial phases of a desert pavement's formation are characterized by the wind-driven removal of surface dust and sand, other factors sculpt the rocky shell.

When the surface of nascent desert pavement becomes rough enough to interfere with airflow, small, windborne particles can drop out of that slow-moving boundary layer and fall between the cracks of the pavement's stone mosaic. The trapped dust can even work its way underneath heavy pebbles, says Peter K. Haff, a geologist at Duke University in Durham, N.C. Any force that jostles surface pebbles—the impact of raindrops or the expansion and contraction of clay particles in the soil as they absorb and release moisture, for instance—can make the stones ride up on smaller particles that have recently fallen.

Even the footfalls of tiny animals can do the trick, says Haff. He once conducted an informal experiment in a terrarium on his desk, in which he placed a mixture of stones, pebbles, sand, and a few desert beetles large enough to budge marble-size stones as they propelled themselves across the ground.

Every few days, Haff scattered a little more sand in the terrarium. After a year, he'd added enough sand to create a layer 15 centimeters thick. The largest rocks remained buried at the bottom of the terrarium, and the smallest pebbles mixed throughout the sand. But a significant fraction of the medium-size stones—those measuring between 3 millimeters and 15 mm across—floated atop the steadily accumulating sand base.

Similar jostling of small stones across the surface of the ground can play a part in healing damaged desert pavements. In small-scale field experiments begun in 1983, Haff and his colleagues removed all surface stones from square patches of various sizes in the Mojave Desert. Over time, they noticed that surface pebbles 1 cm in diameter or smaller began to migrate into the vacant patches from surrounding areas. After a decade, the researchers' 10-cm-by-10-cm patches had repaved themselves, but the 20-cm and 40-cm plots weren't yet covered by the itinerant stones. Haff estimates that it would take 50 years for such pavementfree plots to mend.

That's a sluggish pace of renewal. If increasing human activity in these regions damages enough desert pavement, a plague of dust could result.

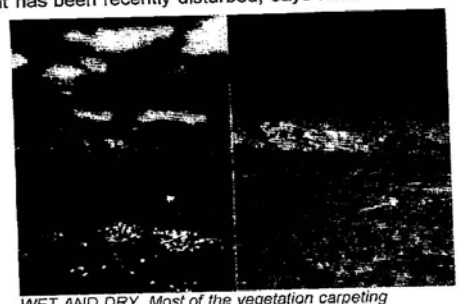
### Two-tone stones

Many rocks in arid areas sport desert varnish, a dark, shiny coating rich in iron oxides and manganese oxide. Although scientists debate how this natural glaze forms, they generally agree that the process takes a long time. Many petroglyphs left by ancient cultures were created when artists scraped away areas of dark desert varnish and exposed the lighter rock beneath. In some cases, desert varnish hasn't begun to form on the exposed rock, even though the petroglyphs were created millennia ago.

6/9

One testament to the age and stability of some desert pavements is the desert varnish that coats only the upward-facing exposed surfaces of the pebbles. While the rocks' sunny sides are dark and manganese rich, their ground-facing surfaces are often stained orange by iron oxides in the soil. That two-tone coloration enables scientists to recognize whether a desert pavement has been recently disturbed, says Haff.

In California's Greenwater Valley, just east of Death Valley National Park, much of the terrain is covered with a closely packed desert pavement that appears to have been undisturbed for centuries.



*WET AND DRY. Most of the vegetation carpeting California's Greenwater Valley in April 1998 (left), nourished by El Niño rains, had disappeared by the next spring (right). Animals foraging for the seeds subsequently disrupted as much as 40 percent of the desert pavement in some areas of the valley. Arrow marks reference point.*
Haff

In April 1998, after the El Niño climate phenomenon steered above-average rainfall to Greenwater Valley, the normally barren desert pavement became carpeted with short grasses and wildflowers. The following April, after a climatically normal year, that living vegetation had nearly disappeared, Haff says. He also noted broad patches of pavement, ranging from small patches to areas half the size of a football field, where as many as 40 percent of the palm-size stones had been overturned to now sit orange-side up. Only 10 percent of such stones on nearby areas that had been more sparsely vegetated had been turned over.

What made the stones turn? The roots of the grasses and wildflowers that had grown in the cracks of the pavement weren't strong enough to flip the stones, even if the vegetation were uprooted by strong wind, Haff argues. Human activity probably wasn't the culprit because the valley lies in a remote area and there weren't any footprints, vehicle tracks, or campfire remains.

Instead, Haff suspects, the stones had been flipped by rodents or birds rummaging for roots or seeds. In one instance, Haff observed a flock of more than 100 birds foraging among the dead weeds and later found a significant number of overturned rocks there.

If widespread enough, such disruptions of desert pavement could serve as long-lasting signs of even brief ecological changes, suggests Haff. Although the vegetation that triggered the purported feeding frenzies in the Greenwater Valley's desert pavements was ephemeral, the effects of foraging on the desert pavement have lingered much longer.

**Tanks, a lot**

The suddenly mobilized sand and dust that plagued Kuwait after the war 12 years ago—and still blot the landscape there today—were unleashed during a mere 6 months of military maneuvers. Now, imagine the dust that winds could loft from the U.S. Army's National Training Center, Fort Irwin's Rhode Island-size facility in the heart of the Mojave Desert in southern California. Ten months each year, the center hosts war games and other exercises involving heavy-infantry vehicles.

In places, a few decades of traffic have pounded the training center's grounds into a fine silt, just as if it had been exposed to centuries of natural weathering, says Jayne Belnap, a research ecologist at the U.S. Geological Survey in Moab, Utah. A lot of that loose material, which is calf-deep in spots, gets kicked up as dust. Elsewhere in the

7/9

*SCARRED FOR LIFE. Tank tracks from a military exercise in the early 1940s still blemish the Mojave Desert today.* U.S. Geological Survey

center, the soil has been packed to the point that rainfall doesn't infiltrate the surface, which increases runoff there and erosion from unpacked soils nearby. Also, the roots of desert plants often can't penetrate packed soils, and the plants therefore are slow to repopulate such areas.

The center is "like Kuwait on steroids," says Robert H. Webb, a hydrologist with the U.S. Geological Survey in Tucson. In severely compacted areas, it could take a century or so for natural geological processes, such as the expansion and contraction of clays, to restore just the upper 6 cm of soil to its previous consistency.

USGS studies of tank tracks at other Mojave Desert training areas used in the 1940s show that, even after more than 5 decades, soil density beneath the rut made by the single pass of a military tank is up to 6 percent higher than it is at a similar depth beneath undisturbed surfaces nearby. That difference may seem small, but investigators found that water seeps into the ground in the old tank tracks only half as quickly, on average, as it does into untouched soil.

With large-scale field experiments, scientists might determine which restoration practices are effective, says Eric V. McDonald of the Desert Research Institute in Reno, Nev. He is now in the early stages of designing potential restoration projects for two Fort Irwin sites, each about the area of nine football fields. At one site, where recently disrupted desert pavement had been in place for the past 10,000 years, researchers will look for inexpensive ways to repair damaged portions of the surface, restore the vegetation, and perhaps recapture many of the original soil characteristics. Sensors embedded in the soil beneath revamped surfaces should reveal whether the temperature and soil moisture content there match those beneath pristine pavements nearby.

At another Fort Irwin site, a low-lying area where the desert pavement isn't yet fully formed, scientists will probably look at a different set of techniques, says McDonald. One possibility is to deposit a gravel veneer and spray on chemical treatments that penetrate several centimeters into the ground and bind soil particles together. Such treatments sometimes are used to control dust at construction sites and on unpaved roads.

In field trials that McDonald hopes to implement at a military test site in Arizona, he would apply various combinations of added gravel, soil binders, and other treatments to small plots. Results from these experiments could guide efforts to create new desert pavements at the Fort Irwin sites, he notes.

This proposed research might reveal that it's impossible to artificially restore desert pavement, says McDonald, "but at least we'd be looking at [the issue] in a scientific way."

The results of these inquiries could affect more than distant war-torn lands and military training grounds here at home. Even four-wheel-drive pickups driven by weekend thrill seekers can wreak desert havoc. Although lighter than tanks, the trucks exert about four times as much pavement-busting pressure on the ground as tanks do, because the area truck tires occupy is much smaller than the footprint of a tank tread. That means the actual pressure per given patch of ground is higher for the smaller vehicles.

The burgeoning populations of large cities throughout the U.S. Southwest are venturing into arid, environmentally sensitive lands in ever-increasing numbers, McDonald notes. Regardless of whether those folks cross the desert in four-wheel-drive trucks, dune buggies, or hiking boots, they typically don't tread lightly enough to leave desert pavement intact. If they're not careful, they could churn up dust that could make life downwind miserable for generations.

********

**Letters:**
I find the language in this article to be judgmental and unscientific. For example, "desert pavement and their biota are wounded by human activity" is neither artistic nor scientific. Such narrow, biased views of ecology have no place in a scientific journal.

*Boone Mora*

8/9

**Further Readings:**

Haff, P.K. 2001. Desert pavement: An environmental canary? *Journal of Geology* 109(September):661–668. Abstract available at http://dx.doi.org/10.1086/321960.

Prose, D.V., and H.G. Wilshire. 2000. *The Lasting Effects of Tank Maneuvers on Desert Soils and Intershrub Flora*. U.S. Geological Survey Open-File Report 00-512. Full text available at http://geopubs.wr.usgs.gov/open-file/of00-512/.

Weiss, P. 2001. The Brazil nut effect gets more jumbled. *Science News* 160(Nov. 17):309. Available to subscribers at http://www.sciencenews.org/articles/20011117/fob4.asp.

**Sources:**

Jayne Belnap
U.S. Geological Survey
Canyonlands Field Station
BRD/SBSC
Moab, UT 84532-0278

Farouk El-Baz
Boston University
Center for Remote Sensing
725 Commonwealth Avenue
Boston, MA 02215

Peter K. Haff
Division of Earth and Ocean Sciences
Nicholas School of the Environment and Earth Sciences
103 Old Chemistry Building
Box 90230
Duke University
Durham, NC 27708

Eric V. McDonald
Desert Research Institute
2215 Raggio Parkway
Reno, NV 89512

Robert H. Webb
U.S. Geological Survey
Water Resources Division
Building 803, Tumamac Hill
Tucson, AZ 85745

From *Science News*, Volume 165, No. 1, January 3, 2004, p. 11.

9/9

## RESPONSE TO COMMENT LETTER C101

C101-1 Please see response to comment B4-37.

C101-2 Please see response to comment CDFG-6. The details of the operation of water trucks on the project property is detailed in Section 2 of the EIR.

## RESPONSE TO COMMENT LETTER C102

Nov 13 06 05:35p D. Norman Diaz 760 253-7993 p.1

Nov. 9th, 2006

Carrie Hyke
Supervising Planner
Land Use Services Department,
Advance Planning Division
County of San Bernardino
385 N. Arrowhead Ave., 1st Floor
San Bernardino, CA 92415-0182

Re: Inadequacy in Draft EIR for Nursery Products, LLC
State Clearinghouse Number 2006051021

Dear Ms. Hyke,

I am concerned about the impact of Nursery Products LLC's DEIR. There are so many things that need to be studied in more detail about the plant that is tenatively being planned for Hinkley. The health and welfare of so many people! Everyone that I know of here in Barstow, Grandview, Lenwood and Hinkley have swamp coolers. Have any studies been done in regards to the wind blowing air-born bacteria into our coolers and settling in the standing water? Once the cooler is turned on, all the pads will get wet and blow this contaminated, polluted air into our homes and our families lungs. When we start having respiratory problems from all this who will pay our medical bills? What about employees? Will they be properly trained and protected with proper clothing, respirators, emergency eye and body wash stations, fire protection gear and proper extinguishers for the

C102-1

C102-2

Garcia
1/3

Nov 13 06 05:35p D. Norman Diaz 760 253-7993 p.2

various toxic fires? What about our children and the elderly, do they matter or is the health and welfare of people lower on the list than Nursery Products LLC's profit margins? What will happen when one of the trucks has an accident in a residential area? How quickly can it be contained and cleaned up before hurting people, animals and the environment? These trucks carrying this toxic sludge, will they be using Route 66, I-15, Hwy 58 and Lenwood Rd.? We have family less than 1/2 mile from Lenwood Rd., about 1/2 mile from I-15 and Hwy 58. If it were your children and grandchildren would you want to take a chance that there would be deadly toxins or even harmful toxins in their air? I don't think so. What about the people driving to and from Los Angeles to Las Vegas, Laughlin, or to another state through the 15 or the 40, they go straight through here, like you, your family and friends? The winds blow out here and believe me, the dust will affect every car that drives through. In Adelanto, children had alot of nosebleeds, vomiting, asthma and the flies were all over the lunchroom at school, we don't want our children to suffer like they did. Have there been any testing for Salmonella, E. Coli, Hepatitis or HIV? These toxins could get into the groundwater and contaminate animals and people who depend on that water. With the Desert Tortoise and the Mojave Ground Squirrel on the Endangered Species List, this plant should not have even been considered

C102-3

C102-4

Garcia 2/3

Nov 13 06 05:35p D. Norman Diaz 760 253-7993 p.3

for this area, (not to mention the people who are here!). The Bottom Line is that we want a clean safe place to live, a positive growth in this area of San Bernardino County. This plant will bring the price of our homes down and businesses will not want to come into our area because we will be known as the Toxic Sludge Dump polluting the Southern California Desert Area. Please DO NOT permit this to go through. As an open plant it is possibly deadly, as a closed plant it is still very dangerous to our community. We don't want to take a chance on either, would you if it were in your community?

Thank You,

Patricia D. Garcia

Patricia D. Garcia
1150 Wisteria Dr.
Barstow, CA 92311-4960

3/3

## RESPONSE TO COMMENT LETTER C102

C102-1 See response to comments CDHS-4 and B6-4.

C102-2 Employee training and safety programs are discussed in Section 4 of the EIR.

C102-3 See response to comments COB-30, COB-31and B6-2.

C102-4 Impacts to endangered species are discussed in Section 4.4 of the EIR. See also response to comments USFWS-3, USFWS-6, USFWS-9, and USFWS-12.

Nov 13 06 05:38p D. Norman Diaz 760 253-7993 p.1

## COMMENTS C103

October 11, 2006

Carrie Hyke
Supervising Planner
Land Use Services Department,
Advance Planning Division
County of San Bernardino
385 N. Arrowhead Avenue, 1st Floor
San Bernardino, CA 92415-0182

Re: Inadequacy in Draft EIR for Nursery Products LLC
State Clearinghouse Number 2006051021

Dear Ms Hyke,

The list of equipment seems to be not enough to handle such a large amount of sludge. Where is it detailed what would happen if there is a back log of incoming sludge? Will it just pile up and blow in the wind? C103-1

Additional comments: I don't see you placing this Sludge and your Backyard, But you sure can stack it in ours. THIS TELLS ME you Know its Highly Toxic, that is the Reason you Don't DUMP this Toxic CRAP in your AREA. KEEP IT IN YOUR BACKYARD. C103-2

Yours Truly,

Nicholas Bogardus

Signature and Address

Nicholas Bogardus.
20571 GARNET AVE.
BARSTOW, CA 92311

## RESPONSE TO COMMENT LETTER C103

C103-1 See response to comment B5-6.

C103-2 Comment noted.

Nov 13 06 05:38p D. Norman Diaz 760 253-7993 p.2

## COMMENTS C104

October 11, 2006

Carrie Hyke
Supervising Planner
Land Use Services Department,
Advance Planning Division
County of San Bernardino
385 N. Arrowhead Avenue, 1st Floor
San Bernardino, CA 92415-0182

Re: Inadequacy in Draft EIR for Nursery Products LLC
State Clearinghouse Number 2006051021

Dear Ms Hyke,

The primary method of cooling homes in our area is swamp coolers. Has any studies been done to determine the effect of wind born bacteria and viruses and swamp coolers' standing water and wet pads? C104-1

Additional comments:

Take your "[redacted]" out of our County & Put it where the Sun don't Shine back in your own back yard where it Came from!!! C104-2

Yours Truly,

D. Kathy Bogart

Signature and Address

PO Box 2319

Barstow, CA 92312

## RESPONSE TO COMMENT LETTER C104

C104-1 See response to comments CDHS-4 and B6-4.

C104-2 Comment noted.

Nov 13 06 05:39p D. Norman Diaz 760 253-7993 p.3

## COMMENTS C105

October 11, 2006

Carrie Hyke
Supervising Planner
Land Use Services Department,
Advance Planning Division
County of San Bernardino
385 N. Arrowhead Avenue, 1st Floor
San Bernardino, CA 92415-0182

Re: Inadequacy in Draft EIR for Nursery Products LLC
State Clearinghouse Number 2006051021

Dear Ms Hyke,

It seems that the DEIR does not consider how the Desert Tortoise acts in the wild. It says that they will look for a tortoises and then move them from their burrows. Since the tortoises are territorial creatures wouldn't that hurt them? The DEIR doesn't seem to cover that. C105-1

Additional comments:

Yours Truly,

Bobby Tirrell

Signature and Address

1021 MADRONA dr
BARSTOW CA 92311

## RESPONSE TO COMMENT LETTER C105

C105-1 See response to comments USFWS-3, USFWS-6, USFWS-9, and USFWS-12.

Nov 13 06 05:39p D. Norman Diaz 760 253-7993 p.4

## COMMENTS C106

October 11, 2006

Carrie Hyke
Supervising Planner
Land Use Services Department,
Advance Planning Division
County of San Bernardino
385 N. Arrowhead Avenue, 1st Floor
San Bernardino, CA 92415-0182

Re: Inadequacy in Draft EIR for Nursery Products LLC
State Clearinghouse Number 2006051021

Dear Ms Hyke,

I am concerned about the workers working in such a toxic environment. Where is there mention of respirators, protective clothing, emergency showers, eye wash stations and other common sense safety equipment? C106-1

Additional comments:

Yours Truly,

Signature and Address
1020 Pine Ave
Barstow, CA

## RESPONSE TO COMMENT LETTER C106

C106-1 Please refer to Section 4.6 Hazards and Hazardous Materials of the DEIR. In addition, please refer to Mitigation Measure HM-8 of Section 5 of the FEIR

Nov 13 06 05:39p D. Norman Diaz 760 253-7993 p.5

## COMMENTS C107

October 11, 2006

Carrie Hyke
Supervising Planner
Land Use Services Department,
Advance Planning Division
County of San Bernardino
385 N. Arrowhead Avenue, 1st Floor
San Bernardino, CA 92415-0182

Re: Inadequacy in Draft EIR for Nursery Products LLC
State Clearinghouse Number 2006051021

Dear Ms Hyke,

It has been proven that human waste contains medicines. Where is the testing for these in the Nursery Products DEIR? C107-1

Additional comments:

Yours Truly,

Signature and Address

1141 Lotebush Ln.

Barstow, CA 92311-4951

## RESPONSE TO COMMENT LETTER C107

C107-1 See response to comment RWQCB-8. Please refer to Section 4.6 Hazards and Hazardous Materials of the DEIR.

In addition, see response to comments COB-22 and RWQCB-7.

Nov 13 06 05:39p D. Norman Diaz 760 253-7993 p.6

## COMMENTS C108

October 11, 2006

Carrie Hyke
Supervising Planner
Land Use Services Department,
Advance Planning Division
County of San Bernardino
385 N. Arrowhead Avenue, 1st Floor
San Bernardino, CA 92415-0182

Re: Inadequacy in Draft EIR for Nursery Products LLC
State Clearinghouse Number 2006051021

Dear Ms Hyke,

Sludge and green waste bring flies. In Adelanto Nursery Products was required to give fly traps to the neighbors and the county had to give fly swatters to their employees. Do you think this is an adequate solution to the problem? Wouldn't enclosing the site be a better solution? C108-1

Additional comments:

Yours Truly,

Virginia S. Garcia

Signature and Address

1141 Lotebush Ln.

Barstow, CA 92311-4951

## RESPONSE TO COMMENT LETTER C108

C108-1 As indicated in Section 4.6.3.1, rodents are not attracted to biosolid/green material composting facilities. Flies can occur at composting operations, especially if excessive grass clipping are present in the green material. As indicated in Section 2.3.1, loads of green material with excessive grass clippings will be rejected. Additionally, Mitigation Measure HM-9 includes fly control measures when they become necessary.

Nov 13 06 05:40p D. Norman Diaz 760 253-7993 p.7

## COMMENTS C109

October 11, 2006

Carrie Hyke
Supervising Planner
Land Use Services Department,
Advance Planning Division
County of San Bernardino
385 N. Arrowhead Avenue, 1st Floor
San Bernardino, CA 92415-0182

Re: Inadequacy in Draft EIR for Nursery Products LLC
State Clearinghouse Number 2006051021

Dear Ms Hyke,

There is a school in the wind path of the site. In Adelanto it was detailed that nearby schools had health problems with their children like nose bleeds, vomiting, files in the lunch room and asthma. How will these problems be addressed so we won't see a replay of Adelanto schools in Hinkley? C109-1

Additional comments:

Yours Truly,

V Chambers

Signature and Address

35010 Cedar Rd

Barstow, CA 92311

## RESPONSE TO COMMENT LETTER C109

C109-1 See response to comments CDHS-4, B6-4 and B2-2.

Nov 13 06 05:40p D. Norman Diaz 760 253-7993 p.8

## COMMENTS C110

October 11, 2006

Carrie Hyke
Supervising Planner
Land Use Services Department,
Advance Planning Division
County of San Bernardino
385 N. Arrowhead Avenue, 1st Floor
San Bernardino, CA 92415-0182

Re: Inadequacy in Draft EIR for Nursery Products LLC
State Clearinghouse Number 2006051021

Dear Ms Hyke,

Research from Arizona shows that bacteria and viruses from a site like this would spread in a radius of ten miles. Has this been considered for the people of Hinkley, Helendale and the animals and plants in the area? C110-1

Additional comments:

Yours Truly,

J Chambers

Signature and Address

35010 Cedar Rd

Barstow, CA 92311

## RESPONSE TO COMMENT LETTER C110

C110-1 See response to comments CDHS-4, B6-4, USFWS-3, USFWS-6, USFWS-9, and USFWS-12.

## COMMENTS C111

Nov 13 06 05:40p D. Norman Diaz 760 253-7993 p.9

October 11, 2006

Carrie Hyke
Supervising Planner
Land Use Services Department,
Advance Planning Division
County of San Bernardino
385 N. Arrowhead Avenue, 1st Floor
San Bernardino, CA 92415-0182

Re: Inadequacy in Draft EIR for Nursery Products LLC
State Clearinghouse Number 2006051021

Dear Ms Hyke,

It mentioned in the DEIR that there will testing for heavy metals. What about testing for biological problems like Salmonella and E Coli? **C111-1**

Additional comments:

Yours Truly,

S Chambers

Signature and Address

35010 Cedar Rd

Barstow, CA 92311

## RESPONSE TO COMMENT LETTER C111

C111-1 See response to comments CDHS-4, B6-4 and MWA-2.

## COMMENTS C112

Nov 13 06 05:40p D. Norman Diaz 760 253-7993 p.10

October 11, 2006

Carrie Hyke
Supervising Planner
Land Use Services Department,
Advance Planning Division
County of San Bernardino
385 N. Arrowhead Avenue, 1st Floor
San Bernardino, CA 92415-0182

Re: Inadequacy in Draft EIR for Nursery Products LLC
State Clearinghouse Number 2006051021

Dear Ms Hyke,

This site will generate a ton of traffic. What are the specific routes that trucks will take? C112-1 Will communities be notified that hundreds of smelly trucks will be going through their town? C112-2 Where is planning for the inevitable crashes and spills?

Additional comments:

Yours Truly,

Mary Cordova

Signature and Address

Box 376, Barstow, CA

## RESPONSE TO COMMENT LETTER C112

C112-1 See response to comment COB-30, COB-31, and B6-2.

C112-2 Please refer to the Mitigation Measure HM2 of the FEIR.

Truck routes would not pass through the community of Hinkley or Barstow.

The potential for odor from the facility was evaluated in Section 4.3.3.3. As shown on Table 4.3.11, odors at the site boundary would be significant. However, odors at the nearest house (1.5 miles away) would be well below the thresholds established by the Air Quality Management District.

## COMMENTS C113

Nov 13 06 05:48p D. Norman Diaz 760 253-7993 p.3

**Draft Environmental Impact Report**
**PUBLIC COMMENT CARD**

If you would rather write your comments, you may turn this in to inform us of your comments regarding this Draft. The California Environmental Quality Act (CEQA) Draft Environmental Impact Report reviews several environmental issues as listed below.

Environmental Issues
1. Air Quality
2. Biological Resources
3. Cultural Resources
4. Hazards/Hazardous Materials
5. Hydrology/Water Quality
6. Transportation/Circulation

**Topic #** 1 & 4 **Comment**

Please do not allow open air biowaste composting pollute our already compromized air. The desert is delicate. Nursery Products needs to use reasonable available technology. Sludge composting is a fact of our human population. Please insist it is done in a negative pressure contained manner. C113-1

Use additional pages if needed. Please turn in your comments at this meeting, *or:* Mail **on or before November 9, 2006** to: Carrie Hyke, Land Use Services Dept., San Bernardino County, 385 North Arrowhead Ave., San Bernardino 92415-0182 *or:*
● Fax: (909) 387-3223 ● Tel. 909-387-4147 ● E-mail: chyke@lusd.sbcounty.gov

Name: Sandra Hill Diaz

Mailing Address: 25749 Community Blvd Barstow CA 92311

Tel. /e-mail: 760 253 2445 sanddiaz1942@yahoo.com

## RESPONSE TO COMMENT LETTER C113

C113-1 Comment noted. Please see response to comment B4-43.

## COMMENTS C114

**Hyke, Carrie - Planning**

**From:** Will Tomlinson [junkmen45@san.rr.com]
**Sent:** Monday, November 13, 2006 5:58 PM
**To:** Hyke, Carrie - Planning
**Subject:** Comment Card for Nursery Products Facility

DEIR Public Comment Card for Nursery Products Facility
Topic # 4, #1
Comment:

In Nursery Products DEIR for Hazardous and Hazardous materials there is a discussion of pathogens and the fungus Aspergillus.

This discussion is an example of an incomplete analysis of the facts about Aspergillus and any of the viruses and bacteria that convert to a spore form when replication conditions are not favorable, then grow and proliferate when conditions are right.

The DEIR reports that Aspergillus is the most pathogenic fungus species to humans, obtains its nutrients from decaying organic matter, that Aspergillus spore counts at sewage sludge composting facilities are high and that risk of exposure is also high to workers at the facility.

Research into the pathogen Aspergillus is incomplete, but ongoing. There is difficulty in recognizing that the Aspergillus fungi is the cause of an illness. Part of this problem is lack of education in the health field; and the other facet making diagnosis difficult is that it mimics other respiratory illnesses.

There are studies that show that Aspergillus incidence is higher than the norm down-wind from composting facilities. The Aspergillus spores are rafted on the dust particles created at the Sewage Sludge Facility, especially during windrow turning, but also when a high wind picks up the dust from the dumping of the sewage sludge during the initial forming of the windrows, from sludge that oozes from the windrow piles and is not subject to the required heat, and just traffic within the facility. These pathogens and spores do not stay confined in the depths of the windrow.

These Aspergillus spores rafting on the dust particles can travel miles. When they reach a favorable environment, they will change from the spore and start growing. This favorable environment can be in your lungs or in the moisture of your swamp cooler pads. Fungus is difficult to remove--if the environment is made unfavorable, the fungus returns to its spore form for safety.

The difficulty in diagnosing Aspergillus infection is because it mimics the symptoms of asthma, bronchitis and flu. Aspergillus is difficult to culture for a definitive diagnosis due to the few laboratories that are prepared to complete the species identification. There is not time for this cultured identification when the ill person is progressing rapidly towards respiratory failure and then multiorgan failure. Treatment must be started before the pathogen identification or the person will die. **C114-1**

The DEIR lists the symptoms of Aspergillus exposure as skin rashes and burning eyes. There is a much more extensive array of symptoms than this. Commonly reported symptoms include respiratory infections, burning lungs, difficulty breathing, and gasterointestional problems. In some studies, workers have been shown to have higher rates of airway mucous membrane complaints, respiratory inflammation, skin rashes, and diseases involving immunological hypersensitivity reactions.

A previously perfectly healthy individual can develop a hypersensitivity reaction upon repeated exposure to an irritant such as Aspergillus--and this reaction can be fast--anaphylactic type shock. When Aspergillus colonizes in the lungs, it can become a disabling disease. Normally healthy individuals usually contact Aspergillus colonization in the lungs as a secondary infection to pneumonia or virus infection such as flu, when the immune system is compromised fighting the first infection. Aspergillus can cause a person to develop asthma; those with Asthma can exacerbate to life-threatening respiratory failure, and studies are begining to show that lung cancer follows the colonization of fungus in the lungs.

The young, the old, and other sensitive populations are the most suseptible to Aspergillus infection. The "young" means even healthy children. In Adelanto children had an increasing incidence of bloody discharge from the upper respiratory tract and respiratory illnesses including pneumonia and asthma. San Bernardino Health Department did not investigate this increase of respiratory tract illnesses among children in Adelanto. This is certainly a disease indicator in an area among a defined population in the vicinity of a Sewage Sludge facility. One of the biggest factors in diseases connected with sewage sludge facilities is the lack of data. San Bernardino County did not add to the data and the residents of the Adelanto area are suffering the results.

The Nursery Products DEIR has not done diligent research into increased diseases in the sphere of influence

11/14/2006

of a Sewage Sludge facility. The DEIR misses the research by Herr in 2002 on polluted airways on residents in Germany. And the studies by Gattie in 2004.
And the results of the National Research Council of the National Academy of Sciences in 2002.

The Nursery Products DEIR states only two deaths in the world have been attributed to Aspergillus. The number of deaths is incorrect. When a person contacts life-threatening Aspergillus infection, the toxins the Aspergillus produces become the critical pathological factor. The body goes to shock, frequently septic shock, then respiratory failure, and progresses to multisystem (multiorgan) failure. The death certificate usually reads Cardiopulmonary Failure or Multiorgan Failure, because this was the final overwhelming cause of death. Autopsy is rarely done to discover the Aspergillus colonies. C114-2

San Bernardino County needs to realize that illness consistent with bio-solid (sewage sludge) related exposures are documented in the scientific research.

San Bernardino County needs to realize that there are long-term serious health effects connected with sewage sludge.

San Bernardino County has a moral obligation to address the health of the residents of the High Desert which includes not approving the Sewage Sludge Windrow Composting Process which is being revealed as a cause of disease.

San Bernardino County has an obligation to use the Best Available Technology.

La Vella Tomlinson

531 Lance Drive
Barstow, CA 92311

760-256-8104

11/14/2006

## RESPONSE TO COMMENT LETTER C114

C114-1 See response to comments CDHS-4 and B6-4.

C114-2 Comment noted.

The EPA developed the biosolids regulations (40 CFR Part 503) after research on biosolids management. These regulations were based in part on a review of epidemiologic data that indicated that with proper controls (specified in Part 503), biosolids could be managed, and even applied to land on farms, without a significant risk from pathogens to the public or the environment. Composting was identified as one of the techniques to safely and properly reduce the pathogens in biosolids. The proposed Project is required to operate in accordance with the guidelines specified in Part 503.

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## COMMENTS C115

### Hyke, Carrie - Planning

**From:** Maureen Reilly [maureen.reilly@sympatico.ca]
**Sent:** Monday, November 13, 2006 5:14 PM
**To:** Hyke, Carrie - Planning
**Cc:** maureen.reilly@sympatico.ca; barstow@verizon.net; dnorm@earthlink.net; diana40355@msn.com; Adams, Jacquie; dcapjane@aol.com; jcoffey99@hotmail.com; leroy_standish@link.freedom.com
**Subject:** more comments on the Draft EIR Nursery Products

DraftScopingComments-final.doc... Big City Sludge - Small Town P...

Dear Carrie,

I have mailed you my comments on the Draft EIR, and here are my scoping comments for this EIR.

You will see that this Draft EIR didn't cover the issues I raised in my Scoping Comments.

Please include these scoping comments again as comments to demonstrate the inadequacy of this draft EIR to address the impacts posed by the Nursery Products LLC proposal for a composting site. C115-1

I am also resubmitting my comments on putting the proposal in Newberry Springs since that is the alternative site. I already emailed you the documents on pathogen regrowth in sludge.

As I said, the main body of my comments has been mailed to you today.

Sincerely

Maureen Reilly
416 801 4099

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July 4, 2006

Dear Carrie,
Here are the comments on the issues that need to be addressed in the EIR for Nursery Products LLC to establish a sludge composting facility APN **0492-021-24-0000 7 miles west of Hinkley.**

**Please keep me informed of progress on the file. Don't hesitate to call or email me if you have questions Or concerns or need further info. Other individuals and organizations may also be signing on to this list of concerns and recommendations for scoping.**

**Maureen Reilly**
**c/o 408 Pioneer St**
**Barstow Calif**
**92311**
**Phone: 416 801 4099**
**Email: maureen.reilly@sympatico.ca**

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## ISSUES THAT NEED TO BE ADDRESSED IN THE EIR
## URS Corp EIR Proposal for Nursery Products Compost Site

**Maureen Reilly**
**Sludgewatch**
**416 801 4099**
**Maureen.reilly@sympatico.ca**

### Understanding the Project

**APN:** **0492-021-24-0000**
APPLICANT: NURSERY PRODUCTS LLC

**1. Accurate description of the project…compostables?**

To do an EIR that has meaning, there needs to be a clear and unambiguous description of the project. It is not clear in the Initial Study whether the project refers to wet weight or dry weight tons.

Based on Ms Hyke's memo of this past week, I understand that the proposal intends that there is to be a maximum of 2,000 tons per day of compostable material measured in wet weight – as delivered- tons. Also it needs to be understood that sewage sludge weighs about 2 tons per cubic yard, and greenwaste is about half a ton per cubic yard, and that finished compost is about one ton per cubic yard. The last draft permit written by the LEA proposed equivalencies that a cubic yard of any of these materials weigh the same amount…one ton. This would serve to underestimate the true tonnage at a site.

From a phone call with Ms Hyke, I understand that there are to be a maximum of 522 truck trips meaning 261 trucks driving to the site and away from the site. This needs to be clarified in the proposal description.

**2. Biosolids and greenwaste and illegally dumped wastes**

WHAT kind of greenwaste is being considered? Bark?

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Grass clippings? Woodwaste? Treated or painted wood?

What kind of Biosolids? What criteria must be met regarding heavy metals, what quality regarding pathogens, what quality regarding dewatering? Again, there isn't enough information in the initial study proposal to provide effective input into the scoping of the EIR.

Already it seems that illegal chipped treated board has been dumped on or near the site. Is the proponent intending to incorporate this illegal material into the construction of the site, or the compostable material? Is illegal dumping going to be factored into the risk assessment?

These treated wood materials contain formaldehyde and other toxic compounds, and will need to be addressed in the EIR. I understand that the treated wood is already blowing around the site and are very likely to blow offsite (if they haven't already done so). The dispersion and contamination should be modeled.

What about the berms? What are they to be made of, and what is their environmental impact? Is it, like Adelanto, to consist of materials from the TPS Technology tailings from the contaminated soil processing facility? In that case we need to know what is the chemical composition of that soil residual, and whether it is likely to leach, or become windborne.

**3.Grass Clippings?**

Will the company be taking grass clippings and urban greenwaste? Jeff Meberg claimed that the plague of flies in Adelanto was from grass clippings and he would not allow them. Is this the case? Are there to be no grass clippings? If grass clippings and greenwaste are to be accepted the EIR needs to examine the mitigations for flies and other vector, and for plastic and trash that can blow off the site.

Apparently vector issues …particularly fly problems that may torment neighbors, will vary based on what materials are to be brought to the site.

**4. The biosolids and greenwaste would be dumped on a compost pad.**

Is this a mixing pad or is the whole windrow on a pad? What kind of pad? Constructed of what material? How permeable? Will the windrowed compost piles and storage piles be on a pad? Is it porous? Where is runoff directed and contained? What will be the impact of stormwater and leachate? Where will it go? This needs to be examined.

The public is at a disadvantage since the description of the project is so vague. Since it isn't clear what is arriving at the site, how can we suggest what needs to be in the EIR?

**5. The windrow is about 12 ft high, 15 ft wide but how long?**

Again…is it on a pad its whole length? How is the pad to be engineered? What will protect groundwater? Will there be an impermeable pad all along the length of the windrows? Or will the compost take place simply on the desert floor? Will leachate and contaminated stormwater move down into groundwater?

**6. Will this project be required to meet the composting pathogen reduction requirements set out in the 503 legislation ? We need an accurate and complete project description.**

2

Windrow turning…the EPA requires 5 turnings…this proposal, in its earlier iteration called for only 2 turnings. Where is the statement of the exact process to be undertaken – the precise composting technique and technology. The EIR must address the impacts based on those modeling parameters. This is impossible if they are not spelled out.
This does not meet EPA minimum requirements for Class A biosolids. Will the project be required to meet the composting requirements for windrow composting as Set forth in Part 503 32(a) Process to Further Reduce Pathogens page 51
http://www.epa.gov/ORD/NRMRL/pubs/625r92013/625R92013chap7.pdf

Nursery Products has had dreadful problems with flies, odor, and dust offsite. Small wonder since they didn't meet the minimum requirements of the EPA 503 requirements for composting sludge in windrows. There is no aeration. ..according to Jeff Meberg.
Los Angeles County staff claims sludge composts have to be turned as often as 12 -15 times

**7. Turning the windrows – particulate pollution, gases, bioaerosols**

It is my understanding from Lauren Fondahl, EPA, (Fondahl.Lauren@epamail.epa.gov) that the proponent will conduct a minimum of 5 windrow turnings. This means that the pile will be delivered, then mixed on the compost pad, then turned 5 times, then screened, then stored, then loaded.

Arrival, windrow turnings, screening, and loading are all likely to cause offsite dust, odor, and blowing plastics. Given high desert wind conditions, and people living as close as a mile and half away, how can an open unenclosed site protect the environment and the neighboring communities?

The EIR will need to model dust, fly and particulate, and blowing trash from the site… and examine the impact on the desert ecology as well as human receptors.

Also bioaerosols, viruses and bacteria and endotoxins, mold and fungus spores need to be be modeled…since they will impact endangered species like the desert tortoise as well as people.

**8. Screening and air pollution**

Screening causes a lot of air pollution. In California, projects are supposed to use best available technology. Best available technology for particulate, ammonia, and gasses escaping compost sites, would be a fully enclosed facility with air emissions controls and biofilters. This facility should be indoors.

Screen sludge compost – is it finished when it is screened? How long can it stay on the property before it is removed? There needs to be modeling for offsite impacts of new material, composting material, additives, composting agents, sludge turning equipment, trammel screen function and emissions, stored material, and loading and unloading.

**9. Water contamination at the site – Truck Cleaning**

Trucks arrive with sludge …..how are the sludge trucks cleaned? To put finished compost in a sludge truck would contaminate the finished compost with pathogens and flies.
Trucks hauling sludge drop it off at the site, and then they need to clean off the truck tires, wheel wells and undercarriage. Even if the truck leaves empty, it needs to be cleaned first. A truck washing station for 261 trucks per day will need thousands of gallons of water.
How would the sludge truck wash water be managed? EIR needs to address this.

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**Water and Road Access for Fire Fighting**

Where will the water come from for fire fighting if this site catches fire? How will the fire be contained? Where will fire trucks get access to all parts of the site? There would need to be roads built all around the site and through the sites so that fire trucks or other emergency vehicles could attend fires or accidents at all times.

What would be the impact of fire on the desert and surrounding homes and communities? What mitigation are required to address a fire at this site?

**Total water use at the site**

There will need to be water for sanitation – hand washing, showers for the staff and some handwashing etc for up to several hundred truckers.
- 100 gallons of water per employee per day

Water for fire fighting
- supply of at least 250,000 gallons of water on site at all times in an empoundment to provide for firefighting

Water for truck washing
- 200 gallons per truck per day

Water for dust control /composting to moisture content in the compost
- 2 acre feet per year would be need per acre of the site

In addition there will need to be storm water management.
- there would need to be retention ponds that are lined…or some other containment method.

Where will the water come from? Without electricity at the site, how will it be pumped up from the ground? Is this much water available to be taken from the ground? Where will the stormwater, washwater, truck wash water go?

**8. Initial study and Notice of Preparation**

The website for San Bernardino County misdirected the public who went to the Notices of Preparation page and clicked on Nursery Products Notice of Preparation. They were sent to a 2005 EIR that was utterly unrelated to Nursery Products. Those people would not have known to go the public meeting on the scoping for the EIR. Due to this failure to provide accurate notice of the meeting, the comment period needs to be extended another month.

Project No. 500644CU1 is the Project Number for this EIR.

**9. Air Quality Truck Emissions**

Truck Emissions …up to 522 trips will emit toxins, particulate and gases. These emissions need to be evaluated within the airshed of the proposed site and outside this airshed. Most of these trucks will be traveling, and emitting greenhouse gases, carbon monoxide, volatile organic compounds, smog initiating compounds, and other emissions all the way from Los Angeles to the site. These emissions need to be quantified and considered in the proposal.

Will the roads into the compost site be paved ? Will the roads inside the site, and around the site be paved to mitigate dust? Are there unpaved sections of Highway 58? If so, they should be paved to mitigate dust and provide driving safety.

4

**10. Air Quality Emissions from the sludge and composting operations**

Outdoor compost operations release greenhouse gases, particulate, ammonia, and other smog forming and dangerous emissions. These will need to be evaluated for environmental impact, climate change, habitat, and human health.

Also the sludge contains pathogenic bioaerosols….endotoxins, and other bacterial fragments that can impact human and animal health. The use of actinomycetes as a compost agent needs to be examined as this material becomes airborne in the surrounding lands…impacting desert tortoise habitat as well as the Harper Lake Bird Sanctuary, and may impact humans, crops, soil quality etc.

Greenhouse gases are emitted by sludge composting sites. Studies by the South Coast Air Quality Monitoring District show that each ton of composting sludge gives off 35 pounds of methane…a serious greenhouse gas. In addition there are the Volatile Organic Compounds and smog inducing ammonia and tailpipe emissions from trucks and also equipment on the site that need to modeled in the EIR.

**Work Study Needed to Look at Equipment**

In addition, they need a work study to see if the equipment that they propose at the site is adequate to do the work. Don't they need water trucks? Several windrow turners etc? They need to show that the on site equipment emissions includes adequate equipment to compost 400,000 tons of incoming materials.

**PM10**
This site is in a PM10 non attainment zone. What will the implications be for asthmatics or asthmatic children?

How can an open air facility protect against further erosion of public health from small particulate in the air? California law requires that 'all feasible measures' be used to protect air quality.
An open air compost site cannot be said to implement 'all feasible measures'.

An enclosed facility would be required to meet 'all feasible measures'.

Air emissions will also depend in part on how many times the windrows are turned, since each turning will release particulate, PM10, pathogens, viruses, gases and bioaerosols. Los Angeles Wastewater staff claim that sludge compost may need as many as 15 turnings of the windrow.

Is one windrow turner enough equipment to manage a site with 250,000 tons of active compost? How long are the windrows, and how many? Where is the site plan layout? Will the process include the use of actinomycetes? Will these desiccated biofragments become airborne? How will they be stored? What is in them? How much will there be in storage on site? Stored how? How will it be applied to the compostable material?

Again, an accurate description of the project needs to include a description of the composting technology that is to be used, and the EIR cannot proceed until there is a comprehensive, unambiguous articulation of the project and the technology. Once there is a full description there needs to be air modeling of these emissions to show their impact on endangered species, humans, and the desert environment.

**11. Public Services/ Transportation Traffic**

5

The project description calls for up to 522 sludge trucks trips on Highway 58. Plus some staff trucks, and visitors and inspectors. That is a huge amount of extra traffic on this highway. This means up to 522 stinky trucks stopped at stoplights in Kramer Junction. What mitigations are in place for highway safety and for odor?

**Accidents on Highway 58 and Highway 115**

If there is an overturned sludge truck on Highway 58, it is quite possible that fire trucks, police or other service vehicles could not continue to navigate the highway. This would pose a risk, since the high number of traveled truck miles, means that truck overturns will be a routine event.

Also a truck overturn on Highway 15 could mean seriously delayed traffic on this busy commuter route.

The fatality rates for large truck occupants was about .37 per 100 million vehicle miles. How many truck crashes can be anticipated from all these trucked miles? How many deaths and injuries? How many truck sludge spills can be anticipated in a month? In a year?

There have been highway deaths recently near Hinkley. The roadway is unpaved through some of the stretch. What will protect people from additional carnage from these millions of extra truck trips?

**12. Berm**

What will the berm around the site be made of? Local native soil? Imported soil? Soil from TPS Technology in Adelanto? Compost from Adelanto Nursery Products site?

What soil standard will be used for this material? How will it be audited for contaminants? Any contamination in the berm or any other soil amendments (topsoil, sand, etc) will need to be modeled in the EIR from air, soil water pollution perspectives, as well as from a stormwater runoff perspective.

**13. Occupational Health and Safety**

There will be as many as 261 truck drivers arriving at the site. Their shoes and boots are likely to get covered in sludge. They may need to shower or use the toilet and wash their hands. Where will the water come from? Where will the dirty water go?

**14. Desert Tortoise and Burrowing Owl and Mojave Ground Squirrel**

This EIR proposal suggests that there is burrowing owl habitat on the site, but goes on to suggest that desert tortoise habitat is only on property adjacent to this site, but that some tortoises might wander over and forage.

This means that the proposed site IS desert tortoise habitat. This is a Desert Wildlife Management Area and a waste facility would need a permit. It will need a federal as well as a state permit.

There would need to be mitigations - fencing to keep the tortoises out of the road. With as many as 522 truck trips per day, there could be significant danger to these three species. 2 Desert tortoises known to be subject to respiratory tract infections and exposure the viruses, pathogens and bioaerosols from sludge could be damaging to this endangered population over a very very large area. The bioaerosol impact should be modeled in the EIR.

6

There should be a Section 10 consultation for wildlife.

**15, Hydrogeology**

Further study of the water at the site is needed, since it seems that far more water is required than is indicated in the Initial Study. The groundwater is scarce, and is still under adjudication stemming from a lawsuit between Barstow and Victor Valley. The water under the site is threatened with contamination from a variety of toxic compounds, surfactants, sanitizers, pathogens, nutrients. There will be compost leachate, runoff from truck cleaning, staff washing facilities, rainwater and storm water inundation and contamination from seismic activity that need to be considered.

The water beneath the proposed site provides drinking water for the community and the risk of contamination from this kind of project is high.

**16. Seismic Risk**

Earthquakes move both soil and water. This is an area of high seismic activity and the disruption of the soil and cracks in containment facilities need to be considered. The County of San Bernardino, the Title 17, and the Part 503 sludge regulations all have requirements regarding sludge use and sludge composting on seismically active sites.

**17. Storm water**

Storm events and flooding are likely to create a disaster at this site. It isn't clear that this will be adequately addressed. The fecally contaminated water wash would recontaminate the composting piles and the contaminated wastewater would run all over the site…and maybe off site. We would need to see a hydrogeology report as well as a surface water management report for the site.

**18. Site Characterization Report**

Because this is an area that can be sensitive environmentally, there needs to be a full site characterization report…right down to first water.

**19. Existing contamination**

The neighbors health has already been impacted from exposure to toxic concentrations of Chromium 6, first in the well water and then in the surface soil and dust (after PG&E were allowed to get rid of contaminated water through evaporation). These citizens and the surrounding wildlife, both fauna and flora, will be further impacted by sludge insults that may compound their existing health issues. Heavy metal levels will only increase through windborne sludge residuals and the implications of the further sludge contamination with viruses, pathogens, trichlocarban, endocrine disruptors, dioxins and furans, hydrocarbons, and nutrients needs to be examined along with the synergistic effects.

Bioaerosols from sludge spreading have traveled as much as 10 miles away. The health and environmental impact of bioaerosols from the proposed site need to be part of the EIR.

**20. Sludge and Weeds**

Sludge has high levels of phosphorus and nitrogen. This promotes the growth of weeds and nonnative species into the desert. The weeds die off and lead to fire hazards…that can ruin desert

7

habitat and take away people's homes. The impact of the sludge nutrients and the weed seeds needs to be modeled and mitigated.

**21. Problematic Compounds in Sludge**

There are a number of compounds that are found in municipal sewage sludges that have not been evaluated for human health or environmental impacts by either the EPA or the California State government Biosolids EIR.
Some of these compounds (to name just a few) are:

Triclocarban – sterilizing agents that may cause the development of antimicrobial resistant pathogens, and may inhibit normal desert microbiota.

Pharmaceuticals – these may also be giving rise to antibiotic resistant bacteria and viruses that may be moving off site, through wind or on truck tires, or into groundwater or surface water runoff.

Viruses and Bacteria – Bioaerosols - may be moving off site, through wind or on truck tires, or into groundwater or surface water runoff. These may impact people over 10 miles away, according to recent research.

Antibiotic resistant organisms – through the digestion process at the sewage treatment plant, pathogens acquire antibiotic resistance. These disease organisms would arrive in the desert in the sludge, and could impact endangered species, wildlife, and humans.

The Nursery Products composting site in Adelanto sparked hundred of complaints, and even an investigation by Tracy Barreau ( tbarreau@dhs.ca.gov 510 622 4489 ext 620) Senior Environmental Scientist, Environmental Health Investigations Branch Agency for Toxic Substances and Disease Control

Given all the health complaints about the previous site, it does not make sense to suggest that human health impacts are not a serious issue for research under the proposed scope of the EIR. There must be no repetition of the health complaints, and the fly outbreak as there was at the previous operation,,,,an operation considerably smaller than this proposed project.

**22. Dairy Barns – Agriculture**

Dairy barns are fairly close to this site. The bioaerosols, viruses, bacteria, endotoxins and particulate, dust and odor and flies from the site could impact the dairy cattle. Mastitis, respiratory problems, and flies could pose health or veterinary risks.

**23. Cultural Resources**

This site is near Harper Dry Lake. The edges of the dry lakes waxed and waned with the years, and the shorelines, which are generally rich sites for artifacts from native habitation or early man, may be found in this area.

**24. Recreation**

Many tourists will be coming to the Barstow area for casinos and other recreation. Also the tourist traffic between Los Angeles area and Las Vegas means that the sludge trucks will be hauling on the tourist traffic routes. Odor, traffic accidents,and traffic congestion could mean that tourists will abandon this avenue of recreation in the face of competing sludge impacts ….odor, trucks, blowing

8

particulate, flies.

In Adelanto, people could smell the site for at least 5 miles away if the dweather conditions were right.

**25. Biological Resources**

The extra nutrient in the sludge can promote a richer soil than is normal in the Mojave Desert. This non typical enrichment can allow non native species to grow and may impact native species of plants and animals. Also the non native plants may grow in the wetter season and then die…leaving the desert vulnerable to fires which can destroy precious habitat.

The viruses and bacteria windborne away from the site might lie in a dormant state in the desert soil, but a rain event could remoisten and reactive these pathogens. When desert animals drink from the small ponds after a rain storm they may find these precious puddles contaminated with urban chemicals, drugs, and pathogens. These contaminated water sources could further destroy already endangered species.

**26. Manditory Findings of Significance**

With the closest residence only 1.5 miles away and a school only 8 miles away, this site could certainly have mandatory findings of significance for human health.

**27. Aesthetics**

Lights at night could certainly impact the view of the night sky in this part of the desert. Aesthetics need to include more than just visual. They need to consider the odor aesthetic of this community. If there is odor, especially evening, morning and night odors like the Adelanto site, then this could have a profound effect on the community.

It may have an effect on the fauna who may leave the area in search of better aesthetics.

28. High winds – wind bourne grit.

There is the issue of sludge grit in the eyes and the teeth when winds over 11 miles an hour blow sludge particles off site into neighboring homes and communities. Sludge on the cars in the morning. Sludge phlegm in the throat in the morning, and windborne sludge particles in the swimming pool or animal water trough.

These issues may also pose health risks, but their impact as on individuals can cause depression, anxiety, anger…and the exacerbation of diseases or conditions like high blood pressure and depression.

Many people moved to the desert to be far from the anthropogenic wastes of the city…and to have those urban waste aesthetics impact their environment can be traumatic. These impacts need to be considered in the EIR.

**Comments on the Initial Study**

I am aware of the comments on the Newberry Springs proposed Nursery Products project that gave rise to the EIR. Now that the proposed site has moved to the Hinkley area, what comments went into this proposed Initial Study? How was the project described to the URS consultants and

9

to the responsible agencies?

If they only got this description, how could they have commented meaningful on the scoping of the EIR, since there is so much confusion about so many issues?

**Conclusion:**

California requires facilities to adopt Best Available Technology. In the case of a composting facility, that means a fully enclosed facility with air emissions controls. This would stop greenhouse gases, would stop materials from blowing offsite, keep down disease, limit some of the damage to habitat. South Coast Air Quality Monitoring District requires an enclosed facility.

We need to look fully at the impacts of flies, odor, dust, water, pathogen movement off site and its impact on the ecology of the desert, green house gas emissions, and human health.

**Maureen Reilly**

**416 801 4099**

10

## RESPONSE TO COMMENT LETTER C115

C115-1 The comments received during the scoping period were reviewed prior to the preparation of the EIR. The environmental issues presented in the scoping comments were used to develop the environmental analysis conducted. In reviewing these scoping comments again, we believe that the EIR addresses all of the environmental issues identified. We are aware that you have also submitted a separate set of comments after your review of the Draft EIR (Comment Letter C207) and the responses to that letter are also applicable to the environmental issues presented here.

## COMMENTS C116



**Hyke, Carrie - Planning**

**From:** TED BACA [tbaca@msn.com]
**Sent:** Monday, November 13, 2006 4:53 PM
**To:** Hyke, Carrie - Planning
**Subject:** Opposition to sludge dump in Hinkley

To Whom it may concern:

I wish to join the thousands of other high desert residents overwhelmingly opposed to the flawed idea of building a sludge dump in Hinkler. The multitude of reasons for my opposition are too numerous to cite in this email, but I am certain that each will be clearly delineated in the parade of law suits that follow if this project is approved.

Suffice it to say that the majority of residents in Barstow and its surrounding communities **do not want** a sludge processing dump in their neighborhood polluting the air, threatening their health, and exposing their children to contaminants whose long term risk potential is poorly understood. Clearly, nobody wants another PG & E debacle in this area. **C116-1**

I urge the Board of Supervisors to find a location with less potential impact on local communities.

Thank You,

Ted Baca, Ph.D.
Former Professor,
Human Biolory and Environmental Health

11/14/2006

## RESPONSE TO COMMENT LETTER C116

C116-1 Comment noted.

## COMMENTS C117

### Nursery Products Composting Facility Project
### Public Scoping Meeting Comments

## Aesthetics

how something looks,
especially when considered in terms of how pleasing it is

In 1962, the California State Legislature established the California Scenic Highway Program that declared:

"The development of scenic highways will not only add to the pleasure of the residents of this State, but will also play an important role in encouraging the growth of the recreation and tourist industries upon which the economy of many areas of this State depend."

State Route 58, from Route 14 near Mojave to Route 15 near Barstow, has been designated by Caltrans as an Eligible State Scenic Hwy.

C117-1

The goal of the CA Scenic Highway Program is to preserve and enhance the natural beauty of California. Therefore, the merits of a nominated highway are evaluated on how much of the natural landscape a passing motorist sees and the extent to which visual intrusions **(e.g., UNSIGHTLY LAND USES)** impact the "scenic corridor."

Having a 50' pile of sewage sludge waste visible from Hwy 58 will hurt our chances of getting a scenic highway designation.

Why can't you do the decent thing and enclose this facility near the source?

Peg Diaz
25789 Community Blvd., Barstow, CA 92311
760-447-1507 www.helphinkley.org

1/6

## Nursery Products Composting Facility Project
## Public Scoping Meeting Comments

**PM 10**

The high desert is a PM10 area.

PM10 arises from such sources as road dust, diesel soot, tire and brake abrasion, construction operations and fires. It is also formed in the atmosphere from NO and SO2 reactions with ammonia. PM10 scatters light and significantly reduces visibility.

How can you add a business to the high desert which is going to increase the particulates in the area, when it is already a health hazard. C117-2

Too many people have asthma and allergies. How can you add to their health problems by conducting business in an irresponsible manner? Why can't you do the right thing and inclose this facility at the source?

Peg Diaz
25789 Community Blvd., Barstow, CA 92311
760-447-1507 www.helphinkley.org

2

## Nursery Products Composting Facility Project
## Public Scoping Meeting Comments

### Land Use and Planning

Property values will decline if this proposed facility comes into our community. No one wants to buy property near a business that may harmi their family members and pets.

A compensation policy needs to be in effect for families who's property values decline as a result of this facility moving into their area. C117-3

Peg Díaz
25789 Community Blvd., Barstow, CA 92311
760-447-1507 www.helphinkley.org

3

## Nursery Products Composting Facility Project
## Public Scoping Meeting Comments

### Pathogens

According to the website Environmental Health Perspective, sewage sludge recycling is governed by a regulation of the clean Water Act known as "Part 503" regulation, issued in 1993 by the Office of Water. **The goal of the rule is to maintain or improve environmental quality and protect human health!**

The most characteristic potential health hazard of biosolids are the wide range of pathogenic microbes carried in sewage. The list includes **Salmonella and Shigella bacteria, the hepatitis A and Coxsackie viruses, the Giardia and the Cryptosporidium protozoans, and helminthes (parasitic worms) that cause roundworm, tapeworm and hookworm.**

What process are your going to use to insure that pathogens are not in the area? Does the sewage sludge have Class A or Class B status? **C117-4**

You need to be more specific about what is in the material in your proposal and what process would be used to compost it.

It is not clear in your scope exactly what you are doing. We need to know.

Peg Diaz
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760-447-1507 www.helphinkley.org

4

## Nursery Products Composting Facility Project
## Public Scoping Meeting Comments

### Harper Lake Watchable Wildlife Site

Information from the BLM/Barstow Field Office website lists Harper Lake as a **Watchable Wildlife Site**. It is also been designated as an **Area of Critical Environmental Concern.** Harper Lake, which lies just north of the proposed Nursery Products site contains one of the largest marches in the Mojave Desert. This area attracts resident wildlife and thousands of migratory waterfowl, shorebirds and wading birds. It is a prime birdwatching spot. BLM reports more than 250 types of birds have been reported in this area.

Fremont Peak, Black Mountain, gravel hills and fossil beds are in the area for viewing and enjoying.

What is Nursery Products going to do to insure that this wildlife continues to thrive in the area? How will airborne particles affect these birds. C117-5

Peg Díaz
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760-447-1507 www.helphinkley.org

5

## Nursery Products Composting Facility Project
## Public Scoping Meeting Comments

**Air Quality Emissions from the sludge and composting operations**

PM10: This site is in a PM10 non-attainment zone. What will the implications be for asthmatics or asthmatic children?

How can an open air facility protect against further erosion of public health from small particulate in the air? California law requires that 'all feasible measures' be used to protect air quality. An open air compost site cannot be said to implement 'all feasible measures'. An enclosed facility would be required to meet 'all feasible measures'.

Air emissions will also depend in part on how many times the windrows are turned, since each turning will release particulate, PM10, pathogens, viruses, gases and bioaerosols. Los Angeles Wastewater staff claim that sludge compost may need as many as 15 turnings of the windrow. What is the exact process? Who will monitor it? C117-6

Peg Díaz
25789 Community Blvd., Barstow, CA 92311
760-447-1507 www.helphinkley.org

6

**Will this project be required to meet the composting pathogen reduction requirements set out in the 503 legislation? We need an accurate and complete project description.**

Windrow turning...the EPA requires 5 turnings...this proposal has 2 turnings. It does not meet EPA minimum requirements for Class A biosolids. **C117-7**

Will the project be required to meet the composting requirements for windrow composting as set forth in Part 503 32(a) Process to Further Reduce Pathogens page 51 http://www.epa.gov/ORD/NRMRL/pubs/625r92013/625R92013chap7.pdf **C117-8**

Nursery Products has had dreadful problems with flies, odor, and dust offsite. They didn't meet the minimum requirements of the EPA 503 requirements for composting sludge in windrows. There is no aeration. according to Jeff Meberg. Los Angeles County staff claims sludge composts have to be turned as often as 12 -15 times

Page 8 of 44

**Accidents on Highway 58 and Highway 15**

If there is an overturned sludge truck on Highway 58, it is quite possible that fire trucks, police or other service vehicles could not continue to navigate the highway. This would pose a risk, since the high number of traveled truck miles, means that truck overturns will be a routine event. Also a truck overturn on Highway 15 could mean seriously delayed traffic on this busy commuter route. C117-9

c

The fatality rates for large truck occupants was about .37 per 100 million vehicle miles. How many truck crashes can be anticipated from all these trucked miles? How many deaths and injuries? How many truck sludge spills can be anticipated in a month? In a year?

Our community has recently experienced deaths from collusions of trucks. What measures will you take to protect the community in the future?

**Aesthetics**

Lights at night could certainly impact the view of the night sky in this part of the desert. Aesthetics need to include more than just visual. They need to consider the odor aesthetic of this community. If there is odor, especially evening, morning and night odors like the Adelanto site, then this could have a profound effect on the community.

C117-10

There are the aesthetics of sludge grit in the eyes and the teeth when winds over 11 miles an hour blow sludge particles off site into neighboring homes and communities. Sludge on the cars in the morning. Sludged phlegm in the throat in the morning, and windborne sludge particles in the swimming pool or animal trough.

These aesthetic issues may also pose health risks, but their impact as 'aesthetics' can cause depression, anxiety, anger...and the exacerbation of diseases or conditions like high blood pressure and depression.

Many people moved to the desert to be far from the anthropogenic wastes of the city...and to have those urban waste aesthetics impact their environment can be traumatic. These impacts need to be considered in the EIR.

**Accurate description of the project...compostables?**

To do an EIR that has meaning, there needs to be a clear and unambiguous description of the project. It is not clear in the Initial Study whether the project refers to wet weight or dry weight tons, whether the 522 truck trips are 522 trucks and over a thousand return trips or whether it means 261 return trips (ie, there and back). C117-11 C117-12

Based on Ms. Hyke's memo, I understand that the proposal intends that there is to be a maximum of 2,000 tons per day of compostable material measured in wet weight – as delivered- tons. Also it needs to be understood that sewage sludge weighs about 2 tons per cubic yard, and greenwaste is about half a ton per cubic yard, and that finished compost is about one ton per cubic yard. The last draft permit written by the LEA proposed equivalencies that a cubic yard of any of these materials weigh the same amount...one ton. This would serve to underestimate the true tonnage at a site. C117-13

Page 1 of 44

**Accurate Description of the Project**

An accurate description of the project needs to include a description of the composting technology that is to be used, and the EIR cannot proceed until there is a comprehensive, unambiguous articulation of the project and the technology. Once there is a full description there needs to be air modeling of these emissions to show their impact on endangered species, humans, and the desert environment. C117-14

Page 20 of 44

**Air Quality Emissions from the sludge and composting operations**

Outdoor compost operations release greenhouse gases, particulate, ammonia, and other smog forming and dangerous emissions. These will need to be evaluated for environmental impact, climate change, habitat, and human health. **C117-15**

Also the sludge contains pathogenic bioaerosols, endotoxins, and other bacterial fragments that can impact human and animal health. The use of actinomycetes as a compost agent needs to be examined as this material becomes airborne in the surrounding lands...impacting desert tortoise habitat and may impact humans, crops, soil quality etc. **C117-16**

Page 15 of 44

**Berm**

What will the berm around the site be made of? Local native soil? Imported soil? Soil
from TPS Technology in Adelanto? Compost from Adelanto Nursery Products site?

What soil standard will be used for this material? How will it be audited for contaminants?
Any contamination in the berm or any other soil amendments (topsoil, sand, etc) will need to be modeled in the EIR from air, soil water pollution perspectives, as well as from a stormwater runoff perspective.

C117-17

Page 23 of 44

## Air Quality

South Coast Air Quality Management District (SCAQMD), which covers Los Angeles County, requires their composting facilities be enclosed, compost aerated and emissions filtered. Why does the Mojave Desert Air Quality Management District (MDAQMD), which covers our area, not require the same for our district? How can you have different standards? **C117-18**

The desert is a fragile environment. Adding elements that will place more stress on our area is irresponsible. The MDAQMD, which is supposed to protect our air quality, should take every measure to do so.

Who is going to monitor the Nursery Products Facility as it goes through it composting process? **C117-19**
Who is going to make sure that not one speck of dust particles leaves it's property?
Who is going to shut down the facility when it does not comply with regulations?

We have seen what this company did in Adelanto. They do not care about the community they are setting up business in.

**Air Quality Truck Emissions**

Truck Emissions ...up to 522 trips will emit toxins, particulate and gases. These emissions need to be evaluated within the airshed of the proposed site and outside this airshed. Most of these trucks will be traveling, and emitting greenhouse gases, carbon dioxide, and other emissions all the way from Los Angeles to the site. These emissions need to be quantified and considered in the proposal. **C117-20**

Will the roads into the compost site be paved ? Will the roads inside the site, and around the site be paved to mitigate dust? **C117-21**

Page 14 of 44

**Berms**

What about the berms? What are they to be made of, and what is their environmental impact? Is it, like Adelanto, to consist of materials from the TPS Technology tailings from the contaminated soil processing facility? In that case we need to know what is the chemical composition of that soil residual, and whether it is likely to leach, or become windborne. C117-22

Page 4 of 44

**Biological Resources**

The extra nutrient in the sludge can promote a richer soil than is normal in the Mojave Desert. This non-typical enrichment can allow nonnative species to grow and may impact native species of plants and animals. Also the nonnative plants may grow in the wetter season and then die...leaving the desert vulnerable to fires which can destroy precious habitat. C117-23

Page 39 of 44

**California Requirements**

California requires facilities to adopt Best Available Technology. In the case of a composting facility, that means a fully enclosed facility with air emissions controls. This would stop greenhouse gases, would stop materials from blowing offsite, keep down disease, limit some of the damage to habitat. South Coast Air Quality Monitoring District requires an enclosed facility. This proposal needs to be an enclosed facility. C117-24

Page 43 of 44

**Burrowing Owl**

This EIR proposal suggests that there is burrowing owl habitat on the site. What measures are going to be taken to ensure the safety and continued life quality for this animal? C117-25

Page 26 of 44

**Biosolids and greenwaste**

What kind of greenwaste is being considered? Bark? Grass clippings? Woodwaste? Treated or painted wood?

C117-26

What kind of Biosolids? What criteria must be met regarding heavy metals, what quality regarding pathogens, what quality regarding dewatering? Again, there isn't enough information in the initial study proposal to provide effective input into the scoping of the EIR.

Page 2 of 44

**Comments on the Initial Study**

I am aware of the comments on the Newberry Springs proposed Nursery Products project that gave rise to the EIR. Now that the proposed site has moved to the Hinkley area, what comments went into this proposed Initial Study? How was the project described to the URS consultants and to the responsible agencies? C117-27

If they only got this description, how could they have commented meaningful on the scoping of the EIR, since there is so much confusion about so many issues?

Page 42 of 44

**The biosolids and greenwaste would be dumped on a compost pad.**

Is this a mixing pad or is the whole windrow on a pad? What kind of pad? Constructed of what material? How permeable? Will the windrowed compost piles and storage piles be on a pad? Is it porous? Where is runoff directed and contained? What will be the impact of stormwater and leachate? Where will it go? This needs to be examined.

C117-28

We are at a disadvantage since the description of the project is so vague. Since it isn't clear what is arriving at the site, how can we suggest what needs to be in the EIR?

Page 6 of 44

**Desert Tortoise**

This EIR proposal suggests that there is burrowing owl habitat on the site, but goes on to suggest that desert tortoise habitat is only on property adjacent to this site, but that some tortoises might wander over and forage.

C117-29

This means that the proposed site IS desert tortoise habitat. This is a Desert Wildlife Management Area and a waste facility would need a permit. It will need a federal as well as a state permit.

There would need to be mitigations - fencing to keep the tortoises out of the road. With as many as522 truck trips per day, there could be significant danger to these three species.

Page 25 of 44

**Desert Tortoise and Respiratory Tract Infections**

Desert tortoises known to be subject to respiratory tract infections and exposure the viruses, pathogens and bioaerosols from sludge could be damaging to this endangered population over a very large area. The bioaerosol impact should be modeled in the EIR. C117-30

There should be a Section 10 consultation for wildlife.

Page 28 of 44

**Cultural Resources**

This site is near Harper Dry Lake. The edges of the dry lakes waxed and waned with the years, and the shorelines, which are generally rich sites for artifacts from native habitation or early man, may be found in this area. C117-31

Page 37 of 44

**Dairy Barns – Agriculture**

Dairy farms are fairly close to this site. The bioaerosols, viruses, bacteria, endotoxins and particulate, dust and odor and flies from the site could impact the dairy cattle. Mastitis, respiratory problems, and flies could pose health or veterinary risks. C117-32

What will your do to prevent contamination of the local dairies?

Page 36 of 44

**Work Study Needed to Look at Equipment**

A work study is needed to see if the equipment that they propose at the site is adequate to do the work. Don't they need water trucks? Several windrow turners etc? They need to show that the on site equipment emissions includes adequate equipment to compost 400,000 tons of incoming materials. C117-33

**Water and Road Access for Fire Fighting**

Where will the water come from for fire fighting if this site catches fire? How will the fire be contained? Where will fire trucks get access to all parts of the site? There would need to be roads built all around the site and through the sites so that fire trucks or other emergency vehicles could attend fires or accidents at all times.

What would be the impact of fire on the desert and surrounding homes and communities? What mitigations are required to address a fire at this site?

C117-34

Page 12 of 44

**Fire issues for the Nursery Products LLC Proposal**

The sewage sludge is toxic waste and must be fought as such with Hazardous Materials teams.
Where will HazMat teams come from?
What is the response time?
What is the delay time?
What is in the smoke that will blow onto Hinkley and Barstow humans and beyond? How will it affect the people, crops, gardens, dairies and animals?
What are the hazards of the ash from the fire?
When will Hinkley get manpower and equipment to address these issues?
Where is the closest water?
If other fires occur simultaneously, what is priority?
The scope says there is no need for additional fire services? How can that be?
Who will pay for the needed upgrade?
How will local community be informed of fire and dangers of smoke?

C117-35

**Existing contamination**

The neighbors health has already been impacted from exposure to toxic concentrations of Chromium 6, first in the well water and then in the surface soil and dust (after PG&E were allowed to get rid of contaminated water through evaporation). These citizens and the surrounding wildlife, both fauna and flora, will be further impacted by sludge insults that may compound their existing health issues. Heavy metal levels will only increase through windborne sludge residuals and the implications of the further sludge contamination with viruses, pathogens, trichlocarban, endocrine disruptors, dioxins and furans, hydrocarbons, and nutrients needs to be examined along with the synergistic effects. C117-36

Bioaerosols from sludge spreading have traveled as much as 10 miles away. The health and environmental impact of bioaerosols from the proposed site need to be part of the EIR.

**Grass Clippings**

Will the company be taking grass clippings and urban greenwaste? Jeff Meberg claimed that the plague of flies in Adelanto was from grass clippings and he would not allow them. Is this the case? Are there to be no grass clippings? If grass clippings and greenwaste are to be accepted the EIR needs to examine the mitigations for flies and other vector, and for plastic and trash that can blow off the site. C117-37

Apparently vector issues ...particularly flies offsite, will be differently depending on what materials are to be brought to the site.

Page 5 of 44

**Greenhouse Gas Emissions**

Greenhouse gases are emitted by sludge composting sites. Studies by the South Coast Air Quality Monitoring District show that each ton of composting sludge gives off 35 pounds of methane...a serious greenhouse gas. In addition there are the Volatile Organic Compounds and smog inducing ammonia and tailpipe emissions from trucks and also equipment on the site that need to modeled in the EIR. **C117-38**

Page 16 of 44

**Illegally dumped wastes**

Already it seems that illegal chipped treated board has been dumped on or near the site. Is the proponent intending to incorporate this illegal material into the construction of the site, or the compostable material? Is illegal dumping going to be factored into the risk assessment? These materials contain formaldehyde and other toxic compounds, and will need to be addressed in the EIR. C117-39

Page 3 of 44

**Hydrogeology**

Further study of the water at the site is needed, since it seems that far more water is required than is indicated in the Initial Study. The groundwater is scarce, and is still under adjudication stemming from a lawsuit between Barstow and Victor Valley. The water under the site is threatened with contamination from a variety of toxic compounds, surfactants, sanitizers, pathogens, nutrients. There will be compost leachate, runoff from truck cleaning, staff washing facilities, rainwater and storm water inundation and contamination from seismic activity that need to be considered. C117-40

The water beneath the proposed site provides drinking water for the community and the risk of contamination from this kind of project is high.

What measures will be taken to ensure the safety of the drinking water?

Page 29 of 44

**Manditory Findings of Significance**

With the closest residence only 1.5 miles away and a school only 8 miles away, this site could certainly have mandatory findings of significance for human health. C117-41

Page 40 of 44

**Occupational Health and Safety**

There will be as many as 261 truck drivers arriving at the site. Their shoes and boots are likely to get covered in sludge. They may need to shower or use the toilet and wash their hands. Where will the water come from? Where will the dirty water go?

C117-42

Page 24 of 44

**Monitoring Controls**

Illegal wastes in the form of chipped treated wood has already been dumped at the compost site. See the photos at the Locations link below. This bodes very poorly for environmental compliance. It has to be assumed that this operator will not respect the requirements of the permits, and will need close supervision. C117-43

**Pathogens**

According to the website Environmental Health Perspective, sewage sludge recycling is governed by a regulation of the clean Water Act known as "Part 503" regulation, issued in 1993 by the Office of Water. **The goal of the rule is to maintain or improve environmental quality and protect human health!**

The most characteristic potential health hazard of biosolids are the wide range of pathogenic microbes carried in sewage. The list includes **Salmonella and Shigella bacteria, the hepatitis A and Coxsackie viruses, the Giardia and the Cryptosporidium protozoans, and helminthes (parasitic worms) that cause roundworm, tapeworm and hookworm.**

What process are your going to use to insure that pathogens are not in the area? Does the sewage sludge have Class A or Class B status? **C117-44**

You need to be more specific about what is in the material in your proposal and what process would be used to compost it.

It is not clear in your scope exactly what you are doing. We need to know.

**Public Services/ Transportation Traffic**

The project description calls for up to 522 sludge trucks trips on Highway 58, plus some staff trucks, visitors and inspectors. That is a huge amount of extra traffic on this highway. This means up to 522 stinky trucks stopped at stoplights in Kramer Junction. What mitigations are in place for highway safety and for odor? **C117-45**

Page 21 of 44

**Problematic Compounds in Sludge**

There are a number of compounds that are found in municipal sewage sludges that have not been evaluated for human health or environmental impacts by either the EPA or the California State government Biosolids EIR. Some of these compounds (to name just a few) are:

Triclocarban – sterilizing agents that may cause the development of antimicrobial resistant pathogens, and may inhibit normal desert microbiota.

Pharmaceuticals – these may also be giving rise to antibiotic resistant bacteria and viruses that may be moving off site, through wind or on truck tires, or into groundwater or surface water runoff.

Viruses and Bacteria – Bioaerosols - may be moving off site, through wind or on truck tires, or into groundwater or surface water runoff. These may impact people over 10 miles away, according to recent research. C117-46

Antibiotic resistant organisms – through the digestion process at the sewage treatment plant, pathogens acquire antibiotic resistance. These disease organisms would arrive in the desert in the sludge, and could impact endangered species, wildlife, and humans.

The Nursery Products composting site in Adelanto sparked hundred of complaints, and even an investigation by Tracy Barreau ( tbarreau@dhs.ca.gov 510 622 4489 ext 620) Senior Environmental Scientist, Environmental Health Investigations Branch Agency for Toxic Substances and Disease Control

Given all the health complaints about the previous site, it does not make sense to suggest that human health impacts are not a serious issue for research under the proposed scope of the EIR. There must be no repetition of the health complaints, and the fly outbreak as there was at the previous operation,,,,an operation considerably smaller than this proposed project.

Page 35 of 44

**Recreation issues**

Will the Off-Highway Vehicle use in the area be safe?

Will dust be dangerous for OHV use in the area?

Private land next to the site is used by owners for recreation.

How will you protect them? C117-47

How will NPLLC deal with the dangers from dust, flies and odor for these parties?

How will site be secured for these landowners, children and pets?

If wildlife visits NPLLC site then travels by ground or air to adjacent property and camps, will those animals carry contaminated dirt, dust or residue with them?

**Recreation**

Many tourists will be coming to the Barstow area for casinos and other recreation. Also the tourist traffic between Los Angeles area and Las Vegas means that the sludge trucks will be hauling on the tourist traffic routes. Odor, traffic accidents,and traffic congestion could mean that tourists will abandon this avenue of recreation in the face of competing sludge impacts ....odor, trucks, blowing particulate, flies. C117-48

In Adelanto, people could smell the site for at least 5 miles away if the weather conditions were right.

Page 38 of 44

**Site Characterization Report**

Because this is an area that can be sensitive environmentally, there needs to be a full site characterization report...right down to first water. C117-49

Page 32 of 44

**Seismic Risk**

Earthquakes move both soil and water. This is an area of high seismic activity and the disruption of the soil and cracks in containment facilities need to be considered. The County of San Bernardino, the Title 17, and the Part 503 sludge regulations all have requirements regarding sludge use and sludge composting on seismically active sites. C117-50

Page 30 of 44

**Screening and air pollution**

Screening causes a lot of air pollution. In California, projects are supposed to use best available technology. Best available technology for particulate, ammonia, and gasses escaping compost sites, would be a fully enclosed facility with air emissions controls and biofilters. This facility should be indoors. There is a facility scheduled to open in Redlands that would be fully enclosed. Biofilters would be used to control odor and dust issues. This is the process that should be used instead of causing more pollution to truck this material to our community which did not generate the waste in the first place. C117-51

Screen sludge compost – is it finished when it is screened? How long can it stay on the property before it is removed? There needs to be modeling for offsite impacts of new material, composting material, additives, composting agents, sludge turning equipment, trammel screen function and emissions, stored material, and loading and unloading.

Page 10 of 44

**Sludge and Weeds**

Sludge has high levels of phosphorus and nitrogen. This promotes the growth of weeks and nonnative species into the desert. The weeds die off and lead to fire hazards...that can ruin desert habitat and take away people's homes. The impact of the sludge nutrients and the weed seeds needs to be modeled and mitigated. C117-52

**Storm water**

Storm events and flooding are likely to create a disaster at this site. It isn't clear that this will be adequately addressed. C117-53

Page 31 of 44

**Traffic Issues**

Will they improve any roads over BLM land or the Hawes access? Is this legal? **C117-54**

Will they keep access roads wet? Will they keep roads on site wet? **C117-55**

The scope says they will use under 1000 gallons of water a day, what if they go over that? Who monitors the amount? **C117-56**

How will trucks be marked, placards? **C117-57**

Will they be marked at the wastewater plant denoting the level of hazard for that load? **C117-58**

Will trucks leaving site be cleaned, tires, bed or bodies? Will wash water be contained? **C117-59**

If trucks are not washed, the trucks may drop uncomposted material along their route. Everyone along the truck's route will be subject to pathogens and prions from the uncomposted material.

**Traffic Issues**

522 truck trips a day will cause significant traffic and dangers to travelers on Hwy 58 and Route 66

How will this site affect tourists and locals from using this route?

How will these trucks merge onto Hwy 58 safely? This is a busy road and trucks will have difficultly merging into traffic.

When there is a truck wreck, who will be responsible for the clean up?

How much will it cost?

**C117-60**

How will these additional trucks be justified with the Govenor's Greenhouse Gas Emission Reduction Targets executive order #S-3-05, June 1, 2005

**C117-61**

How many additional truck trips will be from water, wood chips, fuel, waste removal or port-a-potty service?

Why is there so much discrepancy from 522 to 45 trucks?

If truck trips go over the 522 limit, will they discontinue bringing new material?

**C117-62**

**Total water use at the site**

There will need to be water for sanitation – hand washing, showers for the staff and some handwashing etc for up to several hundred truckers.- 100 gallons of water per employee per day

Water for fire fighting - supply of at least 250,000 gallons of water on site at all times in an empoundment to provide for firefighting

Water for truck washing - 200 gallons per truck per day

C117-63

Water for dust control / composting to moisture content in the compost - 2 acre feet per year would be need per acre of the site

In addition there will need to be stormwater management. - there would need to be retention ponds that are lined...or some other

Where will the water come from? Without electricity at the site, how will it be pumped up from the ground? Where will the stormwater, washwater, truck wash water go?

Page 13 of 44

**Traffic Issues**

How will Kramer Jct traffic be affected? Hwy 395? Hwy 14?, Hwy 58?

Where will trucks buy fuel?

Scope says no added hazards due to truck traffic?

School kids and buses cross Hwy 58 every school day, we lost some kids to a truck accident this year. How will this additional truck traffic not add to an already dangerous highway?

Both Helendale and Hawes Road are controlled by stop signs onto Hwy 58. How will that not affect traffic?

C117-64

If wet or raining, will trucks stop delivery or pick up?

Will the uncompostable and hazardous waste final product be trucked to Barstow Landfill? Will clean trucks be used?

C117-65

This route will travel by schools, gardens, hospitals and playgrounds. Will trucks be marked for dangerous contents?

C117-66

Which wastewater facility will be used? Which route?

**Water contamination at the site – Truck Cleaning**

Trucks arrive with sludge; how are the sludge trucks cleaned? To put finished compost in a sludge truck would contaminate the finished compost with pathogens and flies.

C117-67

Trucks hauling sludge drop it off at the site, and then they need to clean off the truck tires, wheel wells and undercarriage. Even if the truck leaves empty, it needs to be cleaned first. A truck washing station for 261 trucks per day will need thousands of gallons of water.
How would the sludge truck wash water be managed? EIR needs to address this.

Page 11 of 44

**Water issues for Nursery Products Proposal LLC**

If native soil is used for composting pads, how will seepage be kept from getting under piles?

4" rain is average, what about 2004 when there was over 20"? Will they stop accepting trucks during a wet year?

Last August 15th, our area received 8" of rain in one hour. There was 14" of standing water on flat ground. 6" of hail. How will you deal with these uncommon, but occurring storms here in the desert?

How will you catch that much rain? How will you store that much water once it is contaminated?

Will dirty tucks track waste back into desert?

C117-68

**The windrow is about 12 ft high, 15 ft wide but how long?**

Is it on a pad its whole length? How is the pad to be engineered? What will protect groundwater? Will there be an impermeable pad all along the length of the windrows? Or will the compost take place simply on the desert floor? Will leachate and contaminated stormwater move down into groundwater? **C117-69**

Page 7 of 44

**Turning the windrows – particulate pollution, gases, bioaerosols**

It is my understanding from Lauren Fondahl, EPA, that the proponent will conduct a minimum of 5 windrow turnings. This means that the pile will be delivered, then mixed on the compost pad, then turned 5 times, then screened, then stored, then loaded.

Arrival, windrow turnings, screening, and loading are all likely to cause offsite dust, odor, and blowing plastics. Given high desert wind conditions, and people living as close as a mile and half away, how can an open unenclosed site protect the environment and the neighboring communities? C117-70

The EIR will need to model dust, fly and particulate, and blowing trash from the site... and examine the impact on the desert ecology as well as human receptors.

Also bioaerosols, viruses and bacteria and endotoxins, mold and fungus spores need to be modeled...since they will impact endangered species like the desert tortoise as well as people.

Page 9 of 44

**Windrows & Compost Process**

Is one windrow turner enough equipment to manage a site with 250,000 tons of active compost? How long are the windrows, and how many? Where is the site plan layout? Will the process include the use of actinomycetes? Will these desiccated biofragments become airborne? How will they be stored? What is in them? How much will there be in storage on site? Stored how? How will it be applied to the compostable material? **C117-71**

Page 18 of 44

## RESPONSE TO COMMENT LETTER C117

C117-1 Please refer to section 5.1 Aesthetics of the DEIR.

C117-2 See response to comments CDHS-4, B6-4, and RWQCB-8. Please refer to section 4.6 Hazards and Hazardous Materials of the DEIR. In addition, please refer to the Mitigation Measures Section for Hazardous and Hazardous Materials in the FEIR.

C117-3 The land surround the site is vacant for at least a mile in all directions. An evaluation of impacts to property value from the project would be speculative and is not included in the EIR.

C117-4 The EPA developed the biosolids regulations (40 CFR Part 503) after research on biosolids management. These regulations were based in part on a review of epidemiologic data that indicated that with proper controls (specified in Part 503), biosolids could be managed, and even applied to land on farms, without a significant risk from pathogens to the public or the environment. Composting was identified as one of the techniques to safely and properly reduce the pathogens in biosolids. The proposed Project is required to operate in accordance with the guidelines specified in Part 503.

The sludge that will be delivered to the site will be Class A and Class B status. However, after the composting process is complete the final product will be considered a Class A status compost. Furthermore, pathogen concentrations will actively be reduced throughout the occurring composting activities onsite.

In addition, see comments CDHS-4, B6-4, CDF-6, RWQCB-8, and B4-24. Please refer to the Mitigation Measures Section for Hazards and Hazardous Materials in the FEIR.

C117-5 Please refer to the Mitigation Measures Section for Biological Resources in the FEIR. In addition, please refer to Section 4.4 Biological Resources in the DEIR.

C117-6 Please refer to Section 2.3.2 Project Description – Processing Operation of the DEIR. In addition, please refer to Section 2.3.3.Project Description – Monitoring and Testing of the DEIR.

C117-7 Please refer to Section 2.3.2 Project Description – Processing Operation of the DEIR.

C117-8 See response to comment B4-24.

C117-9 See response to comments COB-30, COB-31, and B6-2.

C117-10 Please refer to Section 5.1 Aesthetics of the DEIR.

C117-11 Please refer to Section 2.3 Design and Operations of the DEIR.

C117-12 The 522 truck trips include 261 return trips.

C117-13 Comment noted.

C117-14 Please refer to Section 2.3 Design and Operations of the DEIR.

C117-15 See response to comment B4-43.

C117-16 Please refer to Section 4.6.3.1 of the DEIR.

C117-17 Predominantly native soil will be used in the development of the berm.

C117-18 Air Quality Management Districts have their own standards and regulations which pertain to their specific covered areas.

C117-19 Monitoring of the composting process will be conducted periodically by the LEA (County of San Bernardino Health and Services). Air quality standards will be monitored by the MDAQMD.

C117-20 See response to comment B3-1.

C117-21 Please refer to Mitigation Measure A2 of the FEIR.

C117-22 See response to comment C117-17.

C117-23 See response to comment USFWS-10.

C117-24 See response to comment CDHS-1, B3-3, and B3-5.

C117-25 As indicated in Appendix C, the agency databases were reviewed to identify special status species that are present in the project area. The species known to occur in the area are included in the EIR analysis.

C117-26 Please refer to Section 1.4 Basics of a Composting Process and the Project in the DEIR.

C117-27 The applicant had to prepare and submit a Land Use Application along with a Preliminary Report of Composting Facility Information to the County of San Bernardino. The County of San Bernardino then forwarded the package to URS for the preparation of the EIR.

C117-28 Please refer to Section 2.3.1 and 2.3.2 of the DEIR which discuss receiving and processing operation standards.

C117-29 See response to comments CDFG-6, USFWS-3, USFWS-6, USFWS-9, and USFWS-12.

C117-30 See response to comment USFWS-9.

C117-31 Please refer to Section 4.5 Cultural Resources of the DEIR. In addition, please refer to

the Mitigation Measures Section for Cultural Resources in the FEIR.

C117-32 The potential for odor from the facility was evaluated in Section 4.3.3.3. As shown on Table 4.3.11, odors at the site boundary would be significant. However, odors at the nearest house (1.5 miles away) would be well below the thresholds established by the Air Quality Management District.

C117-33 Please refer to Section 2.2 Site Description of the DEIR.

C117-34 Please refer to Mitigation Measure HM3 in the FEIR.

C117-35 See response to comments RWQCB-8. In addition, please refer to Mitigation Measure HM3 in the FEIR.

C117-36 See response to comments CDHS-4, B6-4, CDFG-6, and RWQCB-8.

The potential for odor from the facility was evaluated in Section 4.3.3.3. As shown on Table 4.3.11, odors at the site boundary would be significant. However, odors at the nearest house (1.5 miles away) would be well below the thresholds established by the Air Quality Management District.

C117-37 Please refer to Section 2.3.2 Receiving Operation in the DEIR.

C117-38 See response to comment B4-43.

C117-39 The proponent does not intend to incorporate any waste that has been illegally dumped onsite into the composted material. If any contaminated material is found onsite it will have to be properly removed and prepared for proper disposal.

C117-40 See response to comments B4-29, MWA-2, RWQCB-7, RWQCB-9, COB-22, and CIWMB-3, and B4-28.

C117-41 See response to comments CDHS-4, B6-4, and CDFG-6.

As indicated in Section 4.6.3.1, rodents are not attracted to biosolid/green material composting facilities. Flies can occur at composting operations, especially if excessive grass clippings are present in the green material. As indicated in Section 2.3.1, loads of green material with excessive grass clippings will be rejected. Additionally, Mitigation Measure HM-9 includes fly control measures when they become necessary.

The potential for odor from the facility was evaluated in Section 4.3.3.3. As shown on Table 4.3.11, odors at the site boundary would be significant. However, odors at the nearest house (1.5 miles away) would be well below the thresholds established by the Air Quality Management District.

C117-42 The applicant will provide potable water and chemical toilets for their workers. Water

will be provided by an on-site well or be purchased and stored, or a combination of both.

C117-43 See response to comments B3-2 and COB-8.

C117-44 See response to comment C117-4.

C117-45 See response to comments COB-30, COB-31, and B6-2.

The potential for odor from the facility was evaluated in Section 4.3.3.3. As shown on Table 4.3.11, odors at the site boundary would be significant. However, odors at the nearest house (1.5 miles away) would be well below the thresholds established by the Air Quality Management District.

C117-46 Please refer to Section 4.6.3.1 Impacts of the DEIR. In addition, please refer to the Mitigation Measures for Hazards and Hazardous Materials in the FEIR.

As indicated in Section 4.6.3.1, rodents are not attracted to biosolid/green material composting facilities. Flies can occur at composting operations, especially if excessive grass clippings are present in the green material. As indicated in Section 2.3.1, loads of green material with excessive grass clippings will be rejected. Additionally, Mitigation Measure HM-9 includes fly control measures when they become necessary.

C117-47 The potential for odor from the facility was evaluated in Section 4.3.3.3. As shown on Table 4.3.11, odors at the site boundary would be significant. However, odors at the nearest house (1.5 miles away) would be well below the thresholds established by the Air Quality Management District.

As indicated in Section 4.6.3.1, rodents are not attracted to biosolid/green material composting facilities. Flies can occur at composting operations, especially if excessive grass clippings are present in the green material. As indicated in Section 2.3.1, loads of green material with excessive grass clippings will be rejected. Additionally, Mitigation Measure HM-9 includes fly control measures when they become necessary.

The facility is closed to the public and “no trespassing” signs will be posted surrounding the property.

C117-48 The potential for odor from the facility was evaluated in Section 4.3.3.3. As shown on Table 4.3.11, odors at the site boundary would be significant. However, odors at the nearest house (1.5 miles away) would be well below the thresholds established by the Air Quality Management District.

C117-49 Comment noted.

C117-50 See response to comment COB-15.

C117-51 Please refer to section 2.3.2 Processing Operation of the DEIR.

C117-52 See response to comment USFWS-10.

C117-53 The project is designed to properly withstand a 100 year flood in a 24 hr. period.

See response to comments MWA-2, CIWMB, and B4-28.

C117-54 See response to comment BLM-1.

C117-55 Please refer to Mitigation Measure A2 of the Air Quality in the FEIR.

C117-56 The applicant is required to comply with all regulations and requirements set forth by the Conditional Use Permit authorized by the San Bernardino County Department of Health and Services.

C117-57 The applicant is required to comply with all regulations and requirements set forth by the Conditional Use Permit authorized by the San Bernardino County Department of Health and Services.

C117-58 The applicant is required to comply with all regulations and requirements set forth by the Conditional Use Permit authorized by the San Bernardino County Department of Health and Services.

C117-59 Please refer to the Mitigation Measure HM-9 for Hazards and Hazardous Materials in the FEIR which requires all vehicles and equipment for onsite operations to be washed regularly. This mitigation measure does not require trucks leaving or arriving from the site to be washed.

C117-60 See response to comments COB-30, COB-31, and B6-2.

C117-61 See response to comments B3-1.

C117-62 The applicant is required to comply with all regulations and requirements set forth by the Conditional Use Permit authorized by the San Bernardino County Department of Health and Services.

C117-63 Please refer to Section 2.6 Site Improvement of the DEIR. In addition, see response to comments MWA-2 and RWQCB-9. All washdown water from onsite vehicles and equipment will be contained in the onsite retention basin.

C117-64 See response to comments COB-30, COB-31, and B6-2.

C117-65 See response to comments RWQCB-8 and CIWMB-8.

C117-66 Trucks will be required to comply with all Federal, State, and Local agency requirements in identifying cargo.

C117-67 Please refer to the Mitigation Measure HM-9 for Hazards and Hazardous Materials in the FEIR which requires all vehicles and equipment for onsite operations to be washed regularly. This mitigation measure does not require trucks leaving or arriving from the site to be washed.

See response to comments MWA-2 and RWQCB-8.

C117-68 The Project is designed to withstand a 100 year flood in a 24 hr. period with runoff flowing into a retention basin for collection.

In addition, please refer to Section 5.3 Geology and Soils of the DEIR.

C117-69 The lengths of the windrows are not to exceed 1,000 feet. The composting will take place on natural terrain and any runoff will be designed to flow into the onsite retention basin.

In addition, see response to comments MWA-2 and RWQCB-9.

C117-70 See response to comments CDFG-6, CDHS-4, and B6-4.

As indicated in Section 4.6.3.1, rodents are not attracted to biosolid/green material composting facilities. Flies can occur at composting operations, especially if excessive grass clippings are present in the green material. As indicated in Section 2.3.1, loads of green material with excessive grass clippings will be rejected. Additionally, Mitigation Measure HM-9 includes fly control measures when they become necessary.

The potential for odor from the facility was evaluated in Section 4.3.3.3. As shown on Table 4.3.11, odors at the site boundary would be significant. However, odors at the nearest house (1.5 miles away) would be well below the thresholds established by the Air Quality Management District.

In addition, please refer to Section 4.6.3.1 of the DEIR.

C117-71 There will be 4 front end loaders to assist in the windrow turning. The size of each windrow-shaped pile may vary, with the height not to exceed 12 feet, the width not to exceed 30 feet, and the length not to exceed 1,000 feet. The number of windrows will fluctuate per supply and demand. The use of actinomycetes is not part of the Project but might be included with modified static piles with approval from the LEA

11/13/2006 17:01 7602560660 LAWOFFICEOFRDCONAWAY PAGE 08/12

## COMMENTS C118

October 11, 2006

Carrie Hyke
Supervising Planner
Land Use Services Department,
Advance Planning Division
County of San Bernardino
385 N. Arrowhead Avenue, 1st Floor
San Bernardino, CA 92415-0182

Re: Inadequacy in Draft EIR for Nursery Products LLC
State Clearinghouse Number 2006051021

Dear Ms Hyke,

I noticed no mention of sensitive persons in our area in the DEIR. How will we protect our people who have asthma, immunity problem or will develop these problems in the future? C118-1

Additional comments:

Yours Truly,

Helen Garcia

Signature and Address

P.O. Box 165

Barstow, CA 92312-0165

## RESPONSE TO COMMENT LETTER C118

C118-1 See response to comments CDHS-4 and B6-4.

11/13/2006 17:01 7602560660 LAWOFFICEOFRDCONAWAY PAGE 11/12

## COMMENTS C119

October 11, 2006

Carrie Hyke
Supervising Planner
Land Use Services Department,
Advance Planning Division
County of San Bernardino
385 N. Arrowhead Avenue, 1st Floor
San Bernardino, CA 92415-0182

Re: Inadequacy in Draft EIR for Nursery Products LLC
State Clearinghouse Number 2006051021

Dear Ms Hyke,

It very unclear where the sewage sludge is coming from. At one point it mentions that the sludge will come from San Bernardino, Riverside counties, and the Inland Empire area. Other times it says different. How can the sludge be studied for the DEIR when the source for the stuff is not listed clearly? C119-1

Additional comments:

Yours Truly,

Linda Meade

Signature and Address

16035 Vanargh R.C.
Hi. Ca 92327

## RESPONSE TO COMMENT LETTER C119

C119-1 See response to comment RWQCB-8.

11/13/2006 17:01 7602560660 LAWOFFICEOFRDCONAWAY PAGE 10/12

## COMMENTS C120

October 11, 2006

Carrie Hyke
Supervising Planner
Land Use Services Department,
Advance Planning Division
County of San Bernardino
385 N. Arrowhead Avenue, 1st Floor
San Bernardino, CA 92415-0182

Re: Inadequacy in Draft EIR for Nursery Products LLC
State Clearinghouse Number 2006051021

Dear Ms Hyke,

Hauling sludge would seem to be a sloppy business. The EIR doesn't seem to cover the procedure for cleaning trucks and where the dirty water goes after the washing is done? **C120-1**

Additional comments:

Yours Truly,

Signature and Address

P.O. Box 423
Barstow CA 92312

## RESPONSE TO COMMENT LETTER C120

C120-1 Please refer to Mitigation Measure HM-7 of the FEIR.

In addition, washdown water from the vehicles and equipment will be collected in the onsite retention pond.

11/13/2006 17:01 7602560660 LAWOFFICEOFRDCONAWAY PAGE 09/12

## COMMENTS C121

Carrie Hyke
Supervising Planner
Land Use Services Department,
Advance Planning Division
County of San Bernardino
385 N. Arrowhead Avenue, 1st Floor
San Bernardino, CA 92415-0182

Re: Inadequacy in Draft EIR for Nursery Products LLC
State Clearinghouse Number 2006051021

Dear Ms Hyke,

This document is very vague. It is full of "if a problem arises then we may form a plan". There seems to be a lot wiggle room and unfocused planning. Is this proper in an important document like a EIR?

Additional comments:

Haven't we had enough of stuff like this, with the chromium 6 in Hinkley. We who live in Hinkley + Barstow, Lenwood, and all surrounding areas do not want this. We are a small town, get out of here + leave us alone. Don't think we are stupid + TRY to take advantage of us.

C121-1

Yours Truly,

Deborah Garcia

Signature and Address

9908 Redwood Ave

Hesperia, Ca 92345

## RESPONSE TO COMMENT LETTER C121

C121-1 Comment noted.

## COMMENTS C122

Nov 13 06 06:06p D. Norman Diaz 760 253-7993 p.1

Where are the customers of the "high quality" compost? What standards are NPLLC using? Can they put the compost on site and then not count it in the tons that are allowed in the yearly maximum tons? What standards are they using? C122-1

If they do not have anywhere to take this do they still get permit. How much can they hold on site of "finished" product. Does it ever become something that does not count in the total weight allowed? C122-2

How does it compare to these standards from CIWMB? C122-3

thanks

Norman

1 of 2

## RESPONSE TO COMMENT LETTER C122

C122-1 See response to comments RWQCB-8 and CIWMB-5.

The maximum capacity of biosolids/green material received at the facility will not be allowed to exceed 400,000 tons a year with a daily capacity of 2,000 tons a day.

Standards will be set forth in the Composting Facility Permit authorized by the County of San Bernardino Department of Health and Services.

C122-2 See response to comment B5-6. In all cases, finished compost will not remain on site for more than 720 days.

In addition, please refer to Section 2.3 Design and Operations of the DEIR.

C122-3 The facility is required to operate with conformance to 14CCR17867.

## COMMENTS C123

DEIR Public Comment Card for Nursery Products Facility
Topic # 4, #1
Comment:

In Nursery Products DEIR for Hazardous and Hazardous materials there is a discussion of pathogens and the fungus Aspergillus.

This discussion is an example of an incomplete analysis of the facts about Aspergillus and any of the viruses and bacteria that convert to a spore form when replication conditions are not favorable, then grow and proliferate when conditions are right.

The DEIR reports that Aspergillus is the most pathogenic fungus species to humans, obtains its nutrients from decaying organic matter, that Aspergillus spore counts at sewage sludge composting facilities are high and that risk of exposure is also high to workers at the facility.

Research into the pathogen Aspergillus is incomplete, but ongoing. There is difficulty in recognizing that the Aspergillus fungi is the cause of an illness. Part of this problem is lack of education in the health field; and the other facet making diagnosis difficult is that it mimics other respiratory illnesses.

There are studies that show that Aspergillus incidence is higher than the norm down-wind from composting facilities. The Aspergillus spores are rafted on the dust particles created at the Sewage Sludge Facility, especially during windrow turning, but also when a high wind picks up the dust from the dumping of the sewage sludge during the initial forming of the windrows, from sludge that oozes from the windrow piles and is not subject to the required heat, and just traffic within the facility. These pathogens and spores do not stay confined in the depths of the windrow.

These Aspergillus spores rafting on the dust particles can travel miles. When they reach a favorable environment, they will change from the spore and start growing. This favorable environment can be in your lungs or in the moisture of your swamp cooler pads. Fungus is difficult to remove--if the environment is made unfavorable, the fungus returns to its spore form for safety.

The difficulty in diagnosing Aspergillus infection is because it mimics the symptoms of asthma, bronchitis and flu. Aspergillus is difficult to culture for a definitive diagnosis due to the few laboratories that are prepared to complete the species identification. There is not time for this cultured identification when the ill person is progressing rapidly towards respiratory failure and then multiorgan failure. Treatment must be started before the pathogen identification or the person will die. C123-1

The DEIR lists the symptoms of Aspergillus exposure as skin rashes and burning eyes. There is a much more extensive array of symptoms than this. Commonly reported symptoms include respiratory infections, burning lungs, difficulty breathing, and gasterointestional problems. In some studies, workers have been shown to have higher rates of airway mucous membrane complaints, respiratory inflammation, skin rashes, and diseases involving immunological hypersensitivity reactions.

A previously perfectly healthy individual can develop a hypersensitivity reaction upon repeated exposure to an irritant such as Aspergillus--and this reaction can be fast--anaphylactic type shock. When Aspergillus colonizes in the lungs, it can become a disabling disease. Normally healthy individuals usually contact Aspergillus colonization in the lungs as a secondary infection to pneumonia or virus infection such as flu, when the immune system is compromised fighting the first infection. Aspergillus can cause a person to develop asthma; those with Asthma can exacerbate to life-threatening respiratory failure, and studies are begining to show that lung cancer follows the colonization of fungus in the lungs.

The young, the old, and other sensitive populations are the most suseptible to Aspergillus infection. The "young" means even healthy children. In Adelanto children had an increasing incidence of bloody discharge from the upper respiratory tract and respiratory illnesses including pneumonia and asthma. San Bernardino Health Department did not investigate this increase of respiratory tract illnesses among children in Adelanto. This is certainly a disease indicator in an area among a defined population in the vicinity of a Sewage Sludge facility. One of the biggest factors in diseases connected with sewage sludge facilities is the lack of data. San Bernardino County did not add to the data and the residents of the Adelanto area are suffering the results.

The Nursery Products DEIR has not done diligent research into increased diseases in the sphere of influence of a Sewage Sludge facility. The DEIR misses the research by Herr in 2002 on polluted airways on residents in Germany. And the studies by Gattie in 2004.

11/13/2006

And the results of the National Research Council of the National Academy of Sciences in 2002.

The Nursery Products DEIR states only two deaths in the world have been attributed to Aspergillus. The number of deaths is incorrect. When a person contacts life-threatening Aspergillus infection, the toxins the Aspergillus produces become the critical pathological factor. The body goes to shock, frequently septic shock, then respiratory failure, and progresses to multisystem (multiorgan) failure. The death certificate usually reads Cardiopulmonary Failure or Multiorgan Failure, because this was the final overwhelming cause of death. Autopsy is rarely done to discover the Aspergillus colonies.

San Bernardino County needs to realize that illness consistent with bio-solid (sewage sludge) related exposures are documented in the scientific research.

San Bernardino County needs to realize that there are long-term serious health effects connected with sewage sludge.

San Bernardino County has a moral obligation to address the health of the residents of the High Desert which includes not approving the Sewage Sludge Windrow Composting Process which is being revealed as a cause of disease.

San Bernardino County has an obligation to use the Best Available Technology.

La Vella Tomlinson La Vella Tomlinson

531 Lance Drive
Barstow, CA 92311

760-256-8104

Extended to Nov 13

Use additional pages if needed. Please turn in your comments at this meeting, *or:* Mail **on or before November 8, 2006** to: Carrie Hyke, Land Use Services Dept., San Bernardino County, 385 North Arrowhead Ave., San Bernardino 92415-0182 *or:*

- Fax: (909) 387- 3223
- Tel. 909-387-4147
- E-mail: chyke@lusd.sbcounty.gov

11/13/2006

Nov 13 2006 7:53PM BARSTOW HOSPITAL ICU 9573027 p.1

## RESPONSE TO COMMENT LETTER C123

C123-1 This comment provides additional information related to the fungus *aspergillus.* A general concern is expressed over the possibility of remote transmittal of fungal spores by wind from the proposed composting operation to residents miles away. U.S. EPA and the State WRCB have regulations that address pathogens in biosolids and composting, respectively. Composting is one of several techniques commonly used to reduce concentrations of pathogens. The commenter notes the remaining potential for untreated spores of this pathogen to escape the treatment or composting process, and adversely affect workers handling biosolids or compost materials and members of the general public. The regulatory agencies define the procedures for pathogen reduction, and the Project will comply with these procedures. Remaining comments express opposition to the Project.

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## COMMENTS C124

RECEIVED
NOV 14 2006
ADVANCE PLANNING DIVISION

**Draft Environmental Impact Report**
**PUBLIC COMMENT CARD**

If you would rather write your comments, you may turn this in to inform us of your comments regarding this Draft. The California Environmental Quality Act (CEQA) Draft Environmental Impact Report reviews several environmental issues as listed below.

Environmental Issues
1. Air Quality
2. Biological Resources
3. Cultural Resources
4. Hazards/Hazardous Materials
5. Hydrology/Water Quality
6. Transportation/Circulation

**Topic #** **Comment**

The Beautiful Mojave Desert is my home; it is not a dumping ~~collection~~ station for someone else

I am opposed to open air composting any where.

C124-1

Use additional pages if needed. Please turn in your comments at this meeting, ***or:*** Mail **on or before November 9, 2006** to: Carrie Hyke, Land Use Services Dept., San Bernardino County, 385 North Arrowhead Ave., San Bernardino 92415-0182 ***or:***
● Fax: (909) 387- 3223 ● Tel. 909-387-4147 ● E-mail: chyke@lusd.sbcounty.gov

Name: Julianne Russell

Mailing Address: PO Box 37 Hinkley CA 92347

Tel. /e-mail: _____ / _____

## RESPONSE TO COMMENT LETTER C124

C124-1 Comment noted.

## COMMENTS C125

www.helphinkley.org

RECEIVED
NOV 14 2006
LAND USE SERVICES DEPT.
PLANNING DIVISION

**Draft Environmental Impact Report**
**PUBLIC COMMENT CARD**

If you would rather write your comments, you may turn this in to inform us of your comments regarding this Draft. The California Environmental Quality Act (CEQA) Draft Environmental Impact Report reviews several environmental issues as listed below.

Environmental Issues
1. Air Quality
2. Biological Resources
3. Cultural Resources
4. Hazards/Hazardous Materials
5. Hydrology/Water Quality
6. Transportation/Circulation

**Topic #** **Comment**

This is a Project I could never support
Did we learn nothing with the PG&E mess?
I believe the pollutants from this facility
will adversely affect the host community
all the way to Newberry Springs and beyond.
The desert is not a place to dump garbage
and toxic waste, it is a place to preserve
nature, wildlife and human rights

C125-1

Use additional pages if needed. Please turn in your comments at this meeting, *or:* Mail **on or before November 9, 2006** to: Carrie Hyke, Land Use Services Dept., San Bernardino County, 385 North Arrowhead Ave., San Bernardino 92415-0182 *or:*
● Fax: (909) 387- 3223 ● Tel. 909-387-4147 ● E-mail: chyke@lusd.sbcounty.gov

Name: Peggi Fries

Mailing Address: 845 Virginia Way

Tel. /e-mail: pfries@sanvr.com

## RESPONSE TO COMMENT LETTER C125

C125-1 See response to comments CDHS-4, B6-4, and CDFG-6.

The potential for odor from the facility was evaluated in Section 4.3.3.3. As shown on Table 4.3.11, odors at the site boundary would be significant. However, odors at the nearest house (1.5 miles away) would be well below the thresholds established by the Air Quality Management District.

As indicated in Section 4.6.3.1, rodents are not attracted to biosolid/green material composting facilities. Flies can occur at composting operations, especially if excessive grass clipping are present in the green material. As indicated in Section 2.3.1, loads of green material with excessive grass clippings will be rejected. Additionally, Mitigation Measure HM-9 includes fly control measures when they become necessary.

## COMMENTS C126

**Draft Environmental Impact Report**
**PUBLIC COMMENT CARD**

If you would rather write your comments, you may turn this in to inform us of your comments regarding this Draft. The California Environmental Quality Act (CEQA) Draft Environmental Impact Report reviews several environmental issues as listed below.

RECEIVED
NOV 14 2006
LAND USE SERVICES DEPT.
ADVANCE PLANNING DIVISION

Environmental Issues
1. Air Quality
2. Biological Resources
3. Cultural Resources
4. Hazards/Hazardous Materials
5. Hydrology/Water Quality
6. Transportation/Circulation

**Topic #** **Comment**

#1 What control will be used for particulate movement from Dust-Devils And high winds? 40 mph and 50 mph — C126-1

#1 Who will monitor and perform VEE inspections of the dirt roads to the plant? — C126-2

#1 What engineering standard was used for calculating wind velocity in that area?

#5 What monitoring standard and process will be used to monitor Nitrates? — C126-3

#3 Who will respond to a manure fire? Where will that water come from? — C126-4

Use additional pages if needed. Please turn in your comments at this meeting. ***or:*** Mail **on or before November 9, 2006** to: Carrie Hyke, Land Use Services Dept., San Bernardino County, 385 North Arrowhead Ave., San Bernardino 92415-0182 ***or:***
● Fax: (909) 387- 3223 ● Tel. 909-387-4147 ● E-mail: chyke@lusd.sbcounty.gov

Name: Richard Ziegler

Mailing Address: 37898 Coon Canyon Rd. Hinkley CA 92347

Tel. /e-mail: 760 253-7675 / rkziegler@mindspring.com

## RESPONSE TO COMMENT LETTER C126

C126-1 See response to comment RWQCB-8. In addition, please refer to the Mitigation Measure Section for Hazards and Hazardous Materials in the FEIR.

C126-2 Dirt roads accessing the site are private roads and will be maintained by the Applicant.

C126-3 Monitoring of nitrates is not required for composting facilities under the State of California Regulations.

C126-4 Please refer to Section 5.8 Public Services of the DEIR. In addition, please refer to the Mitigation Measure Section of Hazards and Hazardous Materials in the FEIR.

## COMMENTS C127

The DEIR only addresses a few bird species. This is inadequate. Please look at this list of birds that are known to visit the Harper lake Bird Sanctuary copied from the BLM handout. Please let me know if all or any of these are more susceptible to problems or issues with the extra VOCs, truck traffic, extra dust, any vector issues. What are the long-term effects of these issues on migratory paths, breeding, food sources and vectors? **C127-1**

Will the retention ponds be accessible to any of these? What measures will be taken to keep any animal or bird life from getting in toxic water help for up to 30 days in these ponds? **C127-2**

Retention ponds need to be covered at least. The water should be captured in tanks and tested for toxicity. Ponds need to be lined. How will a flock of ducks or a hummingbird or an eagle know the difference between your toxic pond and Harper Lake 6 1/2 miles away no the north?

How will ravens be controlled? They are a problem with tortoises. If an animal gets into sludge, will it carry any away? How much is expectable? **C127-3**

We currently have a very rare mockingbird Jay here in Hinkley from Southern Mexico. Please address all these rare but normal birds that may visit the site.

Thanks

Anonymous
1 of 3

# HARPER DRY LAKE

## AREA OF CRITICAL ENVIRONMENTAL CONCERN

## BIRD LIST

*Individual species within family groups listed in order of decreasing size.

| BIRDS OF PREY | W | Sp | S | F | Habitat |
|---|---|---|---|---|---|
| *EAGLES* | | | | | |
| Bald Eagle | x | - | - | - | A,P,SB,AM |
| Golden Eagle | c | u | u | c | A,P,SB,AM |
| *HAWKS* | | | | | |
| Ferruginous Hawk | u | u | - | u | A,AM,P,SB |
| Rough-legged Hawk | u | u | - | r | A,AM,P,SB |
| Red-tailed Hawk | c | c | c | u | A,AM,SB |
| Swainson's Hawk | u | u | - | u | A,AM |
| Northern Harrier | c | c | c | c | A,AM,SB, |
| Osprey | - | r | - | r | A,AM |
| Cooper's Hawk | u | - | - | - | A,SB,SC |
| Red-shouldered Hawk | x | - | - | - | A |
| Black-shouldered Kite | r | u | - | u | A,AM |
| Sharp-shinned Hawk | x | - | - | - | A,SC |
| *FALCONS* | | | | | |
| Peregrine Falcon | x | - | - | - | AM,P |
| Prairie Falcon | c | o | o | c | A,AM,P |
| Merlin | o | c | - | r | A,SC |
| American Kestrel | u | c | c | c | A,AM,SB |
| *AMERICAN VULTURES* | | | | | |
| Turkey Vulture | c | c | c | c | A,SC |
| *OWLS* | | | | | |
| Great-Horned Owl | c | c | - | c | A,AM,SB,SC |
| Barn Owl | c | c | - | c | A,AM,P,SB,SC |
| Burrowing Owl | c | c | r | c | A,SB |
| Long-eared Owl | c | u | - | u | A,AM,SC |
| Short-eared Owl | c | c | - | c | AM,SB,SC |
| KINGFISHERS, PHAINOPEPLA & WAXWINGS | | | | | |
| Belted Kingfisher | - | x | - | x | AM |
| Phainopepla | - | x | - | u | A,SC |
| Cedar Waxwing | - | u | - | c | A,SC |
| WATERFOWL | | | | | |
| Canada Goose | c | - | - | c | A,P |
| Great White-fronted Goose | - | - | - | x | A,AM |
| Snow Goose | x | - | - | x | A,AM |
| Ross Goose | - | - | - | x | A,AM |
| American Widgeon | c | o | o | c | AM,P |
| Blue-winged Teal | - | c | r | c | AM,P |
| Cinnamon Teal | c | c | c | c | AM,P |
| Gadwall | - | o | c | c | AM,P |
| Green-winged Teal | c | c | c | c | AM,P |
| Lesser Scaup | c | u | - | c | AM,P |
| Mallard | u | c | u | c | AM,P |
| Northern Pintail | c | c | c | c | AM,P |
| Shoveler | c | c | - | c | AM,P |
| Redhead | - | r | - | x | AM,P |
| Ring-necked Duck | r | - | - | r | AM,P |
| Ruddy Duck | x | u | - | r | AM,P |
| HERONS & IBISES | | | | | |
| American Bittern | r | - | - | r | AM,SC |
| Black-crnd. Night Heron | c | u | c | c | AM,SC |
| Great Blue Heron | c | c | u | o | AM,SC |
| Great Egret | c | c | u | c | AM,P |
| Snowy Egret | - | c | u | c | AM,P |
| Cattle Egret | x | r | - | x | A |
| Green-backed Heron | - | c | u | c | AM,SC |
| White-faced Ibis | - | c | u | c | AM,P |
| PLOVERS | | | | | |
| Black-bellied Plover | - | c | - | c | AM,P |
| Killdeer | c | c | c | c | A,AM,P,SC |
| Mountain Plover | - | c | - | c | AM,P |
| Snowy Plover | u | c | c | c | AM,P |
| Semi-palmated Plover | - | c | - | c | AM,P |
| DOVES | | | | | |
| Rock Dove | c | c | c | c | A |
| Mourning Dove | c | c | c | c | A,SC |
| JAYS, CROWS & MAGPIES | | | | | |
| Common Raven | c | c | c | c | A,AM,SB,3C |
| Scrub Jay | r | x | - | u | A,SB,SC |
| Pinyon Jay | - | - | - | x | A,SB |
| American Crow | - | - | - | r | A |
| WARBLERS & VIREOS | | | | | |
| Yellow-breasted Chat | - | x | - | - | AM,SC |
| Northern Waterthrush | - | - | - | x | AM,SC |
| Palm Warbler | x | x | - | - | SB,SC |
| Yellow-rumped Warbler | u | c | - | c | A,AM,SC |
| MacGillivray's Warbler | - | c | - | c | SB,SC |
| Hermit Warbler | - | x | - | - | AM,SC |
| Common Yellowthroat | - | c | c | c | AM,P,SB,SC |
| Townsend's Warbler | - | r | - | r | SB,SC |
| Orange-crowned Warbler | - | c | c | c | SB,SC |
| Yellow Warbler | o | c | u | c | SB,SC |
| Black-thrtd. Gray Warbler | c | - | c | c | SB,SC |
| Nashville Warbler | - | r | - | x | AM,SC |
| Wilson's Warbler | u | c | - | c | AM,SB,SC |
| Red-eyed Vireo | - | - | - | x | SC |
| Solitary Vireo | - | c | - | x | SC |
| Warbling Vireo | - | c | - | c | SC |
| BLACKBIRDS, ORIOLES & TANAGERS | | | | | |
| Western Meadowlark | c | c | c | c | A,AM,SC |
| Yellow-headed Blackbird | c | c | c | c | A,AM,SC |
| Brewer's Blackbird | c | c | - | c | A,AM |
| Red-winged Blackbird | c | c | c | c | A,AM,SC |
| Tri-colored Blackbird | c | c | - | c | A,AM,SC |
| Northern Oriole | - | c | c | c | A,SB,SC |
| Summer Tanager | - | - | - | x | SC |
| Western Tanager | - | c | x | c | AM |
| Brown-headed Cowbird | c | c | x | c | A |
| Bobolink | - | x | x | x | AM |
| Northern Mockingbird | c | c | - | c | A,SB,SC |
| GROSBEAKS, BUNTINGS, SPARROWS & LARKS | | | | | |
| Rufous-sided Towhee | x | - | - | - | SB |
| Black-headed Grosbeak | - | c | - | c | SB,SC |
| Rose-breasted Grosbeak | - | - | - | x | SB |
| Green-tailed Towhee | x | - | - | x | SB,SC |
| Golden-crowned Sparrow | x | r | - | u | A,SB,SC |
| White-crowned Sparrow | c | c | u | c | A,AM,SB,SC |
| Fox Sparrow | - | c | u | c | SB,SC |
| Lark Bunting | x | - | - | x | AM |
| Blue Grosbeak | - | x | x | - | SB,SC |
| White-throated Sparrow | - | - | - | x | SB,SC |
| Lark Sparrow | - | c | u | c | SB,SC |
| House Sparrow | u | c | - | c | A,AM,SB,SC |
| Lapland Longspur | - | - | - | x | SB,SC |
| Dark-eyed Junco | c | c | - | c | A,SB,SC |
| Song Sparrow | c | c | c | c | AM,SB,SC |
| Vesper Sparrow | c | r | u | c | SB,SC |
| Sage Sparrow | c | c | c | c | SB,SC |
| McCowen's Longspur | - | - | - | x | SB,SC |
| Chestnut-cllrd. Longspur | - | - | | x | SB,SC |
| Lincoln's Sparrow | - | x | - | c | AM,P,SB,SC |
| Lazuli Bunting | - | o | | o | A,SC |
| Chipping Sparrow | - | c | - | c | SB,SC |
| Black-throated Sparrow | - | c | c | c | SB,SC |
| Savannah Sparrow | c | c | u | c | AM,P,SB,SC |
| Brewer's Sparrow | c | - | - | c | AM,P,SB,SC |
| Horned Lark | c | c | - | c | A,SB |
| FINCHES | | | | | |
| House Finch | c | c | c | c | A,SB,SC |
| American Goldfinch | c | - | - | c | A,SC |
| Pine Siskin | - | - | - | u | A,SC |
| Lesser Goldfinch | - | x | - | c | A,SC |
| SWALLOWS,NIGHTJARS, & SWIFTS | | | | | |
| Lesser Nighthawk | - | c | - | x | AM,SB |
| Barn Swallow | - | c | - | c | A,AM |
| Tree Swallow | c | c | - | c | AM,SB,SC |
| Nrthn. Rough-wngd. Swallow | r | - | c | c | A,AM |
| Cliff Swallow | c | c | - | c | A,AM |
| Violet-green Swallow | c | - | - | c | A,AM |
| Vaux's Swift | - | x | - | x | A,AM,P |
| SHRIKES | | | | | |
| Northern Shrike | x | - | - | - | A,AM,SC |
| Loggerhead Shrike | c | c | c | c | A,AM,P,SC |

2 of 3

| | | | | | |
|---|---|---|---|---|---|
| **GULLS** | | | | | |
| Herring's Gull | - | - | - | x | AM,P |
| California Gull | - | c | o | c | AM,P |
| Ring-billed Gull | c | c | - | c | A,AM,P |
| Bonaparte's Gull | - | x | r | - | AM,P |
| **GREBES** | | | | | |
| Eared Grebe | c | c | - | c | AM,P |
| Pied-billed Grebe | c | c | - | c | AM,P |
| **TERNS** | | | | | |
| Black Tern | - | u | - | u | AM,P |
| Least Tern | - | x | - | - | AM,P |
| **WOODPECKERS** | | | | | |
| Nrthn. Flicker | c | c | - | c | A,SB,SC |
| Yellow-bellied Sapsucker | x | - | | r | SC |
| Red-napped Sapsucker | x | - | - | r | SC |
| White-breasted Nuthatch | - | - | - | x | SB,SC |
| Brown Creeper | - | - | - | x | SB,SC |
| Red-breasted Nuthatch | - | r | - | u | SB,SC |
| **KINGLETS, GNATCATCHERS** | | | | | |
| **THRUSHES & FLYCATCHERS** | | | | | |
| American Robin | c | c | - | c | A |
| Western Kingbird | - | c | c | c | A |
| Townsend's Solitaire | - | - | - | x | A |
| Ash-throated Flycatcher | - | c | - | c | A |
| Olive-sided Flycatcher | - | c | r | - | SB,SC |
| Say's Phoebe | c | c | c | c | A,AM,P,SC |
| Mountain Bluebird | r | r | - | c | A,SC |
| Swainson's Thrush | - | c | - | - | SB,SC |
| Hermit Thrush | - | u | - | u | SB,SC |
| Black Phoebe | c | c | - | c | AM,P |
| Western Wood-pewee | - | c | c | c | SB,SC |
| Gray's Flycatcher | - | - | - | r | SB,SC |
| Willow Flycatcher | - | c | c | c | SB,SC |
| Dusky Flycatcher | - | u | - | x | A |
| Hammond's Flycatcher | - | u | - | r | A |
| Western Flycatcher | - | c | r | c | A,AM,SC |
| Least Flycatcher | - | - | - | x | A,AM,SC |
| Blue-grey Gnatcatcher | x | - | - | x | A,AM,SC |
| Ruby-crowned Kinglet | c | c | - | c | SB,SC |
| Golden-crowned Kinglet | - | - | - | r | SB,SC |
| **SHOREBIRDS** | | | | | |
| *COOTS & RAILS* | | | | | |
| American Coot | c | c | u | c | AM,P |
| Yuma Clapper Rail | x | x | - | x | AM,P |
| Virginia Rail | c | c | - | c | AM,P |
| Sora-Rail | c | c | - | c | AM,P |
| *PHALAROPES* | | | | | |
| Wilson's Phalarope | - | c | - | c | AM,P |
| Red Phalarope | - | x | - | - | AM,P |
| Red-necked Phalarope | - | c | c | c | AM,P |

| | | | | | |
|---|---|---|---|---|---|
| *PIPITS* | | | | | |
| Water Pipit | c | c | - | c | A,AM |
| *STILTS & AVOCETS* | | | | | |
| American Avocet | c | c | c | c | AM,P |
| Black-necked Stilt | - | c | c | c | AM,P |
| *SANDPIPERS & DOWITCHERS* | | | | | |
| Long-billed Curlew | - | u | c | u | A,AM,P |
| Marbled Godwit | - | r | - | c | AM,P |
| Whimbrel | - | c | - | u | AM,P |
| Willet | - | u | - | u | AM,P |
| Common Snipe | u | c | - | c | AM,P |
| Greater Yellowlegs | c | c | c | c | AM,P |
| Long-billed Dowitcher | c | c | c | c | AM,P |
| Lesser Yellowlegs | - | u | - | c | AM,P |
| Ruddy Turnstone | - | - | - | x | AM,P |
| Pectoral Sandpiper | - | - | - | c | AM,P |
| Solitary Sandpiper | - | - | - | c | AM,P |
| Dunlin | c | c | - | c | AM,P |
| Sanderling | - | - | - | x | AM,P |
| Baird's Sandpiper | u | c | c | c | AM,P |
| Spotted Sandpiper | - | c | - | c | AM,P |
| Western Sandpiper | c | c | c | c | AM,P |
| Semi-palmated Sandpiper | - | x | - | x | AM,P |
| Least Sandpiper | c | c | c | c | AM,P |
| **STARLINGS** | | | | | |
| Starling | - | u | - | u | A |
| **HUMMINGBIRDS** | | | | | |
| Rufous Hummingbird | - | x | - | - | SC |
| Anna's Hummingbird | x | - | x | x | SC |
| **WRENS & VERDINS** | | | | | |
| Cactus Wren | x | - | - | - | AM,SB,SC |
| Rock Wren | c | c | - | c | A,AM,SB,SC |
| Bewick's Wren | u | u | - | x | AM,SC |
| Marsh Wren | c | c | c | c | AM,SC |
| Verdin | - | - | - | x | AM,SC |
| **QUAIL** | | | | | |
| California Quail | - | u | - | u | A,SB,SC |
| **CUCKOOS AND ANIS** | | | | | |
| Greater Roadrunner | c | c | c | c | A,P,SB,SC |

GUIDELINES FOR RESPONSIBLE BIRD VIEWING

ALWAYS VIEW ANY NESTING SPECIES FROM A DISTANCE.
You may spot nests in or near to the viewing area, but avoid the nests and never handle eggs or young.

DO NOT HANDLE "LOST" BABY BIRDS.
You may find young fledging birds that have just left the nest. Do not move these birds, often they are near the nest and their parents will find them!

LEAVE INJURED BIRDS WHERE YOU FIND THEM.
It is very seldom that these birds survive in captivity. If you find an injured raptor, contact the California Fish and Game. It is best to let trained personnel capture the birds to prevent further injury.

USE BINOCULARS TO AVOID DISTURBING BIRDS.

**Signs You Are Too Close!**

Repeated flushing and short flights.
Raised head, looking at observers.
Alarm calls and repeated chirping.
"Broken Wing" distraction displays.
Bird diving or swooping at you.

U.S. DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
Barstow Field Office
2601 Barstow Road
Barstow, California 92311
(760) 252-6000
http://www.ca.blm.gov/barstow

PARTNERS IN FLIGHT
A partnership of government agencies, educational institutions and conservation organizations in Canada, the U.S., Latin America and the Caribbean working for the conservation of neotropical migratory birds and their habitats

3 of 3

(3)

## RESPONSE TO COMMENT LETTER C127

C127-1 As indicated in Appendix C, the agency databases were reviewed to identify special status species that are present in the project area. The species known to occur in the area are included in the EIR analysis. In addition, please refer to the Biological Resources Section 4.4.2.1 of the DEIR.

C127-2 See response to comment USFWS-8. In addition, see response to comment RWQCB-9.

C127-3 Please refer to the Biological Resources Mitigation Measure B-9 of the FEIR.

## COMMENTS C128

www.helphinkley.org

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NOV 14 2006
LAND USE SERVICES DEPT.
COMMUNITY PLANNING DIVISION

**Draft Environmental Impact Report**
**PUBLIC COMMENT CARD**

If you would rather write your comments, you may turn this in to inform us of your comments regarding this Draft. The California Environmental Quality Act (CEQA) Draft Environmental Impact Report reviews several environmental issues as listed below.

Environmental Issues
1. Air Quality
2. Biological Resources
3. Cultural Resources
4. Hazards/Hazardous Materials
5. Hydrology/Water Quality
6. Transportation/Circulation

**Topic #** **Comment**

I would like to comment on most of the above Topics — all are important.

The draft EIR states that only air quality would be significantly impacted by this compost/sludge facility. Air is life! What more do you people in San Bernardino need to stop such a facility from dumping in a open area where winds are sometimes fierce, to say the least, and will carry smell and health hazards to many communities that are downwind from it. People downwind can't stop breathing! This facility must not be approved. The company, NPLLC was kicked out of Adelanto because of smell, health hazards and poor management. Newberry Springs didn't let them get started there. Why would we, the people of Hinkley, Barstow, Daggett and Yermo want such a facility even remotely near? We do not want the health hazards and smell in our air. The people of Hinkley have had enough of being dumped on. The P.G.&E. Chrome-6 was, and still is, enough. Air quality — I forgot adverse truck emissions!

We don't even know exactly where all this debris, material is coming from that NPLLC intends to dump on us. If the sludge comes from tertiary grade treatment plants that is one thing as the waste goes through a lot of treatment stages, but if NPLLC's sludge comes from primary

C128-1

C128-2

Use additional pages if needed. Please turn in your comments at this meeting, *or:* Mail on or before November 13, 2006 to: Carrie Hyke, Land Use Services Dept., San Bernardino County, 385 North Arrowhead Ave., San Bernardino 92415-0182 *or:*
● Fax: (909) 387-3223 ● Tel. 909-387-4147 ● E-mail: chyke@lusd.sbcounty.gov

Continued on back

Name: JOAN BIRD

Mailing Address: 24664 Hwy. 58, HINKLEY, CA 92347

Tel. /e-mail: (760) 253-4198 / peewee642000@aol.com

1 of 2

grade treatment plants, that's another story. We don't know what kind of bacteria may still be alive and well and dumped on us. Supposedly this sludge must mixed within 4 hours of arrival at the site for pathogen reduction and the greenwaste must be put into windrows within 2 hours. What if this doesn't happen? Everyone downwind will be exposed to any pathogens still lurking in these materials, not to mention the smell, flies etc. All this material is a health hazard if not enclosed. The winds around here are terrific at times and will carry the polluted air across the High desert. And NPLLC is to test and monitor themselves? Can we trust them to do that? Their track record in Adelanto was bad.

Next is water quality. There are many aquifers in this area that could be affected by this facility. Their "finished" product may be stored on site for up to 720 days (that's almost two years). When we have heavy thunderstorms in this area there is the potential of pathogens and chemicals leaching through the soil and into the ground water. Water is also life around here. It needs to be clean and free of health hazards. Speaking of water. Will NPLLC have water stored in case of fire? This type of waste material can be very volitile. The people of Hinkley do not need a fire that cannot be stopped and that might spread unchecked from this facility site. C128-3

In my opinion traffic will be a real problem. NPLLC proposes 500 trucks a day delivering sludge and greenwaste. And we don't have any idea which routes these trucks would be traveling. There are not many direct routes that these trucks could use to get to the NPLLC site. The viable routes would be, in part, over two lane roads. What kind of damage to these roads will be caused by 500 trucks per day? Is NPLLC going to pay for this damage? The accident rate is found to increase. If these trucks only run 12 hours per day that means at least 41 trucks will be entering and leaving the NPLLC site every hour. That's a lot of trucks! And what if NPLLC runs trucks 24/7? No one who lives along these routes wants that kind of traffic, noise, poor air quality, or accident potential.

What about desert tortoise or all the other animals and species that make the desert their home? The desert tortoise is to be protected by federal mandate as an endangered species. What will all this adverse material do to their homes. And NPLLC would be allowed to trample over acres of desert with 500 trucks/day to destroy tortoise habitat. What of the other creatures of nature living now on this site – snakes, rabbits, tarantulas, birds of all kinds, etc? They will certainly be impacted by NPLLC. C128-4

I say a big NO to allowing this project to proceed and so do many, many, many people who live in the communities of Hinkley, Barstow, Grandview, Lenwood, Daggett, Yermo, and Newberry Springs as well as people who live in outlying areas. NO, NO, NO, NO, NO!!! 2 of 2

## RESPONSE TO COMMENT LETTER C128

C128-1 See response to comments CDHS-4, B6-4, and CDFG-6.

The potential for odor from the facility was evaluated in Section 4.3.3.3. As shown on Table 4.3.11, odors at the site boundary would be significant. However, odors at the nearest house (1.5 miles away) would be well below the thresholds established by the Air Quality Management District.

As indicated in Section 4.6.3.1, rodents are not attracted to biosolid/green material composting facilities. Flies can occur at composting operations, especially if excessive grass clipping are present in the green material. As indicated in Section 2.3.1, loads of green material with excessive grass clippings will be rejected. Additionally, Mitigation Measure HM-9 includes fly control measures when they become necessary.

C128-2 See response to comments RWQCB-8.

C128-3 See response to comments COB-22, RWQCB-7, RWQCB-9, and MWA-2. In addition, please refer to Section 5.8 Public Services of the DEIR.

Also, please see response to comments COB-30, COB-31, and B6-2.

C128-4 See response to comments USFWS-3, USFWS-6, USFWS-9, USFWS-12, and CDFG-4.

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## COMMENTS C129

November 13, 2006

Carrie Hyke
Supervising Planner
Advance Planning Division
County of San Bernardino
385 N. Arrowhead Avenue
First Floor
San Bernardino, CA 92415

Re: DEIR NPLLC

Carrie:

Attached please find comments that were submitted with the scope that we feel were not adequately addressed.

Please address them again for the DEIR.

Thank you.

Sincerely,

Norman Díaz

*The primary goal of the Project is to provide cost-efficient local biosolid and green material composting capacity for the County of San Bernardino and the Inland Empire that complies with applicable Federal, State and local requirements for safely handling these materials.*

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ADVANCE PLANNING DIVISION

**This facility would not be "local" to the source of the waste.**

**Is the human health risk factored into the cost?**

C129-1

*AQ-1: Prior to facility operation, the applicant shall prepare an Odor Impact Minimization Plan (OIMP) to reduce potential odor impacts during operation of the compost facility. The OIMP shall be prepared pursuant to the requirements established by the CIWMB (14 CCR 17863.4) and would act as the overall program document for odor control at the compost facility. The OIMP shall include written procedures for reducing odors due to feedstock receipt, processing and handling and for compost processing. The OIMP shall be submitted to the Local Enforcement Agency, prior to operation. OIMP will include:*
*a) Odor-Screening and Load-Checking Procedures*
*b) Feedstock Storage and Processing Measures*
*c) Windrow Management Measures*
*d) Good Housekeeping Procedures*
*e) Odor Complaint Response System*

**Who will regulate OIMP?**

**What are the consequences if the OIMP is not followed?**

*Although long-term operation of the Project would not, by itself, exceed the SCAQMD's PM10 threshold, these* ***emissions are based on watering the road to minimize dust generation.*** *Without watering (or paving) the access road to reduce dust, the Project would result in significant dust impacts. Consequently, dust control mitigation measures are included.*

**Who will enforce the watering of the roads?**

C129-2

*AQ-2: Unpaved roads shall be watered as necessary to minimize visible dust. Alternatively roads may be paved.*
*AQ-3: Refraining from turning the windrows during episodes of high wind speeds (30 miles per hour or higher).*

**Who will regulate operations during windy times?**

**Who will decide when 30mpg winds are blowing?**

**What is the consequence if they operate during high wind times?**

**What is the consequence if particles are found blowing off site?**

Comments prepared by Norman Díaz November 13, 2006

1 of 55

*B-3: All employees, subcontractors, construction personnel, and other individuals who work on-site shall participate in a desert tortoise awareness program with educational materials provided by the West Mojave Implementation Team. The program shall be administered by the Authorized Biologist*

**Truck drivers bringing in the sewage sludge will need to participate in the desert tortoise awareness program.**

**Will the desert tortoise awareness program be available in other languages?** C129-3

**How will you monitor and show proof that truck drivers have participated in this program?**

**When will refresher courses be administered?**

**What will the penalties be when truck drivers are found to have not participated in the program.**

*B-9: All trash and discarded food items generated by construction and operation activities shall be promptly contained and regularly removed from the Project site to reduce the attractiveness of the area to ravens and other potential desert tortoise predators.*

**How regular would the trash and discarded food items be removed?**

**What happens if ravens do congregate in the area?** C129-4

**What other potential predators are you referring to?**

**How will you protect the tortoises from them?**

**How will you protect the predators from yourselves?**

*B-10: As defined by permit conditions and the Implementing Agreement associated with the permit,* ***adequate funding*** *must be set aside to manage the conserved habitat and to monitor the effects of the Project on the surrounding habitat.*

**What is adequate funding?** C129-5

*B-11: The Project proponent shall prepare a HCP and obtain an incidental take permit/authorization from the wildlife agencies prior to Project implementation.*

**Which wildlife agencies will you obtain an incidental take permit/authorization from?**

**Where will your Habitat Conservation Plan be available for viewing?** C129-6

Comments prepared by Norman Díaz November 13, 2006

2 of 55

*B-15: Preconstruction clearance surveys for desert tortoise and burrowing owl would be required 48 hours prior to commencement of proposed grading and periodically during construction. If tortoise is detected adjacent to the site, a tortoise proof construction fence shall be placed at the site boundary to prevent tortoise from entering*

**Who will be conducting the preconstruction clearance surveys?**

**What is their training**

**How often would the surveys be conducted during construction? What does periodically mean?**

**What happens if desert tortoise is detected?**

C129-7

*B-12: Mohave ground squirrel trapping surveys shall be conducted prior to construction of the Project to determine this species presence within the Project area.*

**Who will be conducting the preconstruction clearance surveys?**

**What is their training**

**What happens if Mohave Ground Squirrels are detected?**

*The Project may introduce invasive plants into adjacent natural habitat.*

*B-13: Baseline studies for invasive plants shall be done in the fire break on the property perimeter, as well as within a 500-foot buffer outside the fire break no later than 30 days after the facility opens. These surveys should be conducted in early spring 2007 if the facility would be expected to open later that year. All plant species that are present shall be identified and this area monitored annually (in the early spring) to detect any invasive species that may be present. An herbicide that is appropriate to the species shall be applied to prevent dispersal of exotic or invasive plant species onto BLM property and adjacent habitat. The monitoring frequency may be reduced to once every four years if no invasive are detected during the first five years of monitoring.*

**How big will the fire break be? It will be a perimeter within the 160 acres? What are the dimensions?**

C129-8

**Who will be conducting the surveys for the invasive plant baseline studies?**

**What is their training?**

**Where will the report be available for viewing?**

**What are the consequences if non-native plants are found growing in the desert?**

**What are the consequences if these same non-native plants are found to be spreading throughout the area.**

C129-9

**If monitoring is reduced to every four years after 5 years of no detection, invasive plants will have a chance to spread. Monitoring needs to happen more frequently.**

C129-10

Comments prepared by Norman Díaz November 13, 2006

3 of 55

*The Project may cause a fire on adjacent property that would degrade existing desert tortoise habitat.*

C129-11

**What is NPLLC going to do to make sure that a fire does not occur on existing desert tortoise habitat land**

*B-14: The Project site must maintain an adequate water supply and delivery capacity as well as clear aisles between windrows for easy access in case of fire.*

**Who will monitor that an adequate water supply is always available?**

C129-12

**Who will regulate the delivery capacity?**

**What are the consequences if the water supply is not adequate**

**What are the consequences if the delivery capacity is not adequate.**

*CR-1: Monitoring by a qualified archaeologist shall occur during grubbing, grading or any construction excavation that disturbs native soils. In the event that an unanticipated find is discovered during construction activities, the construction crew will stop work in the immediate vicinity of the discovery. Nursery Products will report the discovery to the San Bernardino Land Use Services Department (LUSD) and the San Bernardino County Museum. A qualified archaeologist will be required to assess the integrity and significance of any discovery prior to work proceeding in the area.*

**Who is this qualified archaeologist?**

**The archaeologist will be on site monitoring the whole time that grubbing, grading or other construction excavation that disturbs native soils occurs?**

C129-13

**If there is more than one grading, grubbing and excavating operation occurring at the same time, will there be more than one archaeologist to oversee the operations?**

**All grubbers, graders and excavators must be taught what to look for during their operations.**

**Who will be educating the workers as to what to look for?**

**The education must be provided in the language that is the workers native one (ie Spanish) so that there will be no misunderstandings.**

**If a site is discovered, will it be fenced off?**

**Will a team be brought in to study the area further?**

Comments prepared by Norman Díaz November 13, 2006

4 of 55

*CR-2 : Monitoring of excavation in areas identified as likely to contain paleontological resources by a qualified paleontological monitor is required for all excavation into undisturbed sediments of Pleistocene older alluvium (or the Lake Manix Formation for the Fort Cady Site Alternative) , both at the surface and in the subsurface. Paleontological monitors must be equipped to salvage fossils as they are unearthed, to avoid construction delays, and to remove samples of sediments that are likely to contain the remains of small fossil invertebrates and vertebrates. Monitors must be empowered to temporarily halt or divert equipment to allow removal of abundant or large specimens.*
*CR-3: Any recovered specimens shall be prepared and stabilized to a point of identification and permanent preservation, including washing of sediments to recover small invertebrates.*
*CR-4: Any small specimens collected shall be identified and curated into an established, accredited museum repository with permanent retrievable paleontological storage (e.g., SBCM). These procedures are also essential steps in effective paleontological mitigation (Scott and others, 2004) and CEQA compliance (Scott and Springer, 2003). The paleontologist must have a written repository agreement in hand prior to the initiation of mitigation activities. Mitigation of adverse impacts to significant paleontological resources is not complete until such curation into an established museum repository has been fully completed and documented.*
*CR-5: If any paleontological resources are found during excavation, a report of findings with an appended itemized inventory of specimens, shall be prepared and submitted to the County Museum and LUSD.*

**Who initially has determined where this paleontological resource area is?**

**Who is the qualified paleontologist who will be monitoring the paleontological resource area?**

**The palenontologist will be on site monitoring the whole time that excavation occurs?**

**If there is more than one excavating operation occurring at the same time, will there be more than one paleontologist to oversee the operations?**

**All grubbers, graders and excavators must be taught what to look for during their operations.**

**Who will be educating the workers as to what to look for?**

**The education must be provided in the language that is the workers native one (ie Spanish) so that there will be no misunderstandings.**

**If a site is discovered, will it be fenced off?**

**Will a team be brought in to study the area further?**

C129-14

*HM-1: The Project design includes guidelines for fuel transfer operations to minimize impacts associated with fueling areas and fuel transfer sites. An Emergency Contingency Plan shall be prepared and adopted for the composting facility. The Plan shall provide information such as emergency contact persons and numbers, the types of hazardous materials stored on-site, the correct emergency responders to contact for specific emergencies, and evacuation procedures and routes to use during an emergency event.*

**Who will prepare the guidelines for the fuel transfer.**

**Who will monitor that they are followed correctly?**

**Will the guidelines be in English as well as Spanish?**

**What are the consequences if the guidelines are not followed?**

C129-15

Comments prepared by Norman Díaz November 13, 2006

5 of 55

*HM-2: A Spill Prevention, Control, and Countermeasure Plan (SPCC) shall be prepared and certified prior to the commencement of on-site operations.*

**Who will prepare the SPCC?**

**Who will certify it?**

**Who will educate the workers about this SPCC?**

**Will the SPCC be in Spanish for workers whose native language is Spanish?**

C129-16

HM-3: The operator shall provide fire prevention, protection and control measures, including, but not limited to, temperature monitoring of windrows and piles, adequate water supply for fire suppression, and the isolation of potential ignition sources from combustible materials. A strip of sufficient width of cleared land must be maintained along the perimeter of site operations to act as a fire barrier or break. The applicant will consult with the local fire agency to determine the size of the fire break.

**How much water will be available?**

**Will there be enough water to fight a fire that encompasses 400,000 tons of compost?**

**What are the consequences if an adequate water supply is not available to fight a fire?**

**There should be no smoking on site to further reduce the possibility of already volatile compost piles catching on fire.**

**Who will be informed of the fire prevention, protection and control measures?**

**Will this information be in Spanish for those workers whose native language is Spanish?**

C129-17

*HM-4: Following each storm event or surface water discharge, no standing water shall be retained in the impoundment basin for more than 30 days. Water from the basin may be used for process water or for dust control on windrows.*

**30 days of standing water is too long.**

**This water basin must be covered to prevent migratory birds from stopping in the area.**

**What do you mean by process water?**

**Who is going to monitor the standing water?**

**What are the consequences if standing water is not responsibly regulated?**

C129-18

*HM-5: Compost leachate shall be captured and may be reused to maintain compost moisture levels.*

**How will the compost leachate be capturesd if the compost is on the ground?**

C129-19

Comments prepared by Norman Díaz November 13, 2006

6 of 55

*HM-6: Perform misting or spraying of compost piles when mixing to control airborne spore movement.*

**What does "control" mean in regards to "control airborne spore movement"?**

**What spores will be present?**

**Where will these spores be listed?**

**How will you test to see what spores are present?**

C129-20

*HM-7: Wash down vehicles and equipment at regular intervals to reduce dust and spore levels.*

**What water will be used to wash down vehicles and equipment?**

**How will this water be captured?**

**How will it be disposed of?**

C129-21

*HM-8: Employees engaged in moving or turning compost piles should be equipped with protective clothing, gloves, and facemask. Training programs shall be instituted to instruct employees on the necessary of wearing protective gear.*

**Who will teach the training programs?**

**The training program needs to be in Spanish if the worker's native language is Spanish, to avoid any possible errors in understanding.**

C129-22

*HM-9: Muscadine, or other suitable bait materials shall be distributed along the external Project boundaries of the composting pad if the LEA determines that periodic fly problems become an area nuisance.*

**What is Muscadine?**

**Is it safe to introduce to the desert environment?**

**Will it interfere with other wildlife or birds in the area?**

**How will the LEA determine when flies become a problem?**

**Who will monitor the LEA?**

**Will they listen to residents who file complaints about flies? No one listened to Adelanto residents.**

**What are the other suitable bait materials?**

**Are they environmentally safe for the desert and it's inhabitants?**

C129-23

Comments prepared by Norman Díaz November 13, 2006

7 of 55

*HM-10: Biosolids shall be mixed with suitable bulking agents within 4 hours after arrival.*

**What will the suitable bulking agents consist of?**

**Are they environmentally safe for the desert and it's inhabitants?** C129-24

**Who determines this?**

**Who monitors this?**

**If the so called "suitable bulking agents" run short, will the process stop?**

*HM-11: Employees shall be trained in procedures to prevent, detect, and remedy fly breeding areas.*

**Who will do the training?**

**Will the training be both in English and Spanish?** C129-25

*Runoff from biosolids windrows contains pathogens and sediment that could contaminate surface waters. The runoff also may contain constituents in concentrations that could exceed limits to be specified in Waste Discharge Requirements (WDRs) expected to be issued by the Regional Water Quality Control Board (RWQCB).*

**Is Lahontan the RWQCB?** C129-26

*W-1: The retention basin(s), designed and sized to contain the entire runoff from the windrow and compost storage area during a 24-hour, 100-year storm event is (are) essential to protect surface water and the public from runoff that would likely be contaminated with pathogens. The retention basin(s) must be included in any modification or redesign of the facility.*

**What is this retention basin(s) going to look like.**

**How is the water going to be channeled to it?** C129-27

**What is we have another El Niño year?**

**What are the contingency plans if we have an exceptionally wet year?**

**What if the retention basin(s) was to overflow?**

**What are the consequences?**

**Who will be monitoring this?**

Comments prepared by Norman Díaz November 13, 2006

8 of 55

*W-2: Prior to beginning operations at the site, in order to establish baseline soil conditions, at least ten samples shall be collected in the portion of the Phase 1 area that would be most frequently used for windrows. Two additional samples shall be collected from the lowest area of the retention basin after construction of the retention basin is complete. Samples shall be collected at each location using a drive sampler to a depth of approximately 1.5 feet. Samples collected at 0.5 and 1 foot shall be analyzed for nitrate, phosphate, chloride, arsenic, copper, lead, mercury, molybdenum, nickel, selenium and zinc. The same sampling program shall be conducted in Phase 2 prior to commencing operations in the Phase 2 area.*

**Who will be conducting the samples to establish baseline soil conditions?**

**An independent third party should be doing this since NPLLC has proven that they can not be trusted (ie, Adelanto).** C129-28

*W-3: Soil beneath the retention basin and the composting pad shall be sampled annually to confirm that the migration of constituents into subsurface soil is limited. Soil sampling shall be conducted at six different locations on the most frequently used portion of the composting pad. Two soil samples shall be collected at least 100 feet apart at the lowest area of each retention basin. Samples will be collected at each location using a drive sampler to a depth of approximately 1.5 feet. Samples collected at 0.5 and 1 foot will be analyzed.*

**The soil beneath the retention basin and the composting pad needs to be sampled more than one time per year.**

**Who collects and tests the samples? An independent third party needs to do this as NPLLC can not be trusted to be true to their word.** C129-29

**What does it mean "the migration of constituents into subsurface soil is limited"?**

**What are the constituents?**

**What if toxic elements are released into the subsurface soil?**

**What are the consequences?**

*The results will be compared to the levels listed in 40 CFR 503.13, Table 1 that specifies the ceiling metals concentrations at which the application of biosolids to land is not allowed. These ceiling concentrations currently are 85 mg/kg arsenic, 4,300 mg/kg copper, 840 mg/kg lead, 57 mg/kg mercury, 75 mg/kg molybdenum, 420 mg/kg nickel, 100 mg/kg selenium and 7,500 mg/kg zinc. These ceiling concentrations will be used as an indicator that further action is necessary. There are no ceiling concentrations for nitrate and phosphorous, therefore the analytical results for the site will be compared to those from the background location.*

**What is 40 CFR 503.13?** C129-30

**??????**

Comments prepared by Norman Díaz November 13, 2006

9 of 55

*If the sample results indicate that the limits in 40 CFR 503.13 have been exceeded or if the levels show a significant increase compared to the background conditions, the operator shall meet with the RWQCB and LEA to discuss an appropriate action plan. The additional action could include but are not limited to: removal of soil and replacement of compacted clean soil on the pad and/or retention basin, or lining the pads and/or basin with an appropriate liner.*

**Who is the RWQCB?**

**An appropriate action plan needs to be in place now to deal with the soils that are contaminated by the project. You can't wait until contamination happens to start thinking about what to do.**

**If you remove the soil, where is that going to go?**

**Why would you wait until soil is contaminated before deciding to line the retention basin. It makes sense from a health perspective to line the retention basin at the beginning to avoid the possibility of problems.** C129-31

**The same goes for the windrow. A cement pad would protect the environment better.**

**What is the deadline once soil is found to be contaminated?**

**What are the consequences if the soil is not clean up or cared for properly?**

**Are tests available for public viewing?**

*If there are no significant exceedances of the constituent concentrations after five years of monitoring, the operator may request a reduction in the sampling frequency or eliminate the monitoring program altogether. Upon closure of the facility sampling will be conducted and affected soil will be handled in accordance with applicable cleanup criteria.*

**Sampling and monitoring of the soil needs to happen as long as this composting operation is in business.** C129-32

Comments prepared by Norman Díaz November 13, 2006

10 of 55

*W- 4: Prior to construction of treatment facilities and storage reservoirs and prior to clearing and grading of the Project site, the applicant shall prepare a SWPPP to obtain coverage under the State-wide general construction storm water National Pollutant Discharge Elimination System (NPDES) permit. The BMPs outlined in the SWPPP shall be implemented.*

**How big are the storage reservoirs?**

**SWPPP (Storm Water Pollution Prevention Plan)**

**Storm Water Pollution Prevention Plan** (SWPPP): is a report that includes site map(s), an identification of construction/contractor activities that could cause pollutants in the storm water, and a description of measures or practices to control these pollutants. The SWPPP must be prepared and implemented before construction begins.

**NPDES (National Pollutant Discharge Elimination Systems** : is the national program for administering and regulating discharges to receiving waters according to the Clean Water Act (CWA). In California, the State Water Resources Control Board (SWRCB) has issued a general permit for storm water discharges associated with construction activities statewide (except for the Lake Tahoe Basin and Indian lands, which are covered by separate permits.

**What are the BMPs (Best Management Practices) that you will be implementing?**

**Who will be monitoring NPLLC to make sure that they comply with the BMPs?**

C129-33

*W-5: Prior to operation of the facility, the operator shall apply for coverage under the State-wide general storm water NPDES permit for industrial facilities or apply for an individual facility storm water NPDES permit.*

*W-6: If a groundwater well is installed to provide water for the site, a sample shall be collected quarterly for the first year and analyzed for the constituents listed in mitigation measure W-2 (at a minimum) to establish baseline groundwater conditions at the site.*

**You know you are going to need a well. Everyone knows you are going to need a well to provide all the water you say you will need.**

**Groundwater sampling needs to be done before construction begins to establish a baseline groundwater level.**

C129-34

*Grading of the storage and treatment areas would expose soils to erosion and may result in the transportation of sediment into local drainages.*

*Fuel spilled during re-fueling of heavy equipment during construction or operation of the facility could degrade water quality.*

**Fuel spilled during re-fueling will harm the soil and the air quality more than the water quality. You say you will use W-4 and W-5 to mitigate. What exactly will you do to prevent fuel from being spilled?**

**What exactly will you do with the spilled fuel?**

**Why can't you put in a cement pad to catch spills that you know will occur.**

**Who will monitor that you are following proper procedures.**
**Who will train your workers to transfer fuel properly?**

**Will this training be in Spanish?**

C129-35

Comments prepared by Norman Díaz November 13, 2006

11 of 55

*The proposed Nursery Products facility will introduce significant emissions of dust and ozone precursors (NOx and VOCs), which will contribute to regional nonattainment conditions for ozone and PM10. All mitigation measures identified in the Air Quality Mitigation measures would also apply to the cumulative impacts.*

**??????????**

*The site is located on private property, and there is a large patchwork of state-and federal-owned lands in the surrounding area. Adverse cumulative impacts include the potential opportunity to develop other private lands in the Project vicinity. A regional HCP, if approved, would address potentially significant cumulative impacts to biological resources in the Project vicinity. All mitigation measures identified in the Biology Mitigation Measures would also apply to the cumulative impacts.*

**HCP definition:**
To obtain a permit, the applicant must develop a *Habitat Conservation Plan* (HCP), designed to offset any harmful effects the proposed activity might have on the species. The HCP process allows development to proceed while promoting listed species conservation.

**What is a Habitat Conservation Plan and Incidental Take Permit?**
An incidental take permit is required when non-Federal activities will result in "take" of threatened or endangered wildlife. A habitat conservation plan (HCP) must accompany an application for an incidental take permit.

**What is take?**
"Take" is defined in the Endangered Species Act (ESA) as harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect any threatened or endangered species. Harm may include significant habitat modification where it actually kills or injures a listed species through impairment of essential behavior (e.g., nesting or reproduction).

**The U.S. Fish and Wildlife Service (FWS) personnel can also provide technical assistance to help you design your project so as to avoid take.**

**What needs to be in a HCP?**
The contents of a HCP are defined in section 10 of the ESA and its implementing regulations. They include:
An assessment of impacts likely to result from the proposed taking of one or more federally listed species;
Measures the permit applicant will undertake to monitor, minimize, and mitigate for such impacts;
The funding that will be made available to implement such measures; and the procedures to deal with unforeseen or extraordinary circumstances;
Alternative actions to the taking that the applicant analyzed, and the reasons why the applicant did not adopt such alternatives.
Additional measures that the FWS may require as necessary or appropriate.

**What kind of actions are considered mitigation?**
Mitigation measures are actions that reduce or address potential adverse effects of a proposed activity on species covered by a HCP. They should address specific needs of the species involved and be manageable and enforceable. Mitigation measures may take many forms, such as preservation (via acquisition or conservation easement) of existing habitat; enhancement or restoration of degraded or a former habitat; creation of new habitats; establishment of buffer areas around existing habitats; modifications of land use practices, and restrictions on access.

**What is the legal commitment of a HCP?**
The elements of a HCP are made binding through the incidental take permit. While incidental

take permits contain an expiration date, the mitigation identified in the HCP

**Who approves a HCP?**
The FWS Regional Director decides whether to issue a HCP permit based on findings that:
the taking will be incidental to an otherwise lawful activity;
the impacts will be minimized, and mitigated to the maximum extent practicable;
adequate funding will be provided;
the taking will not appreciably reduce the likelihood of the survival and recovery of the species; and
any other necessary measures are met.

If the HCP addresses all of these requirements and those of other applicable laws, the permit is issued.

What other laws besides the Endangered Species Act are involved?

In issuing an incidental take permit, the FWS must comply with the NEPA and all other statutory and regulatory requirements, including any State or local environmental/planning laws. HCPs may be categorically excluded from NEPA or may require either an EA or, rarely, an EIS.

**Who is responsible for NEPA (National Environmental Policy Act) compliance during the HCP process?**
The FWS is responsible for ensuring NEPA compliance during the HCP process. However, if the Service does not have sufficient staff resources to prepare the appropriate NEPA analysis in a timely fashion, an applicant may, within certain limitations, prepare draft Environmental Assessment analyses. This can benefit the applicant and the government by expediting the application process and issuance of the permit. When this is done, the FWS will provide the preparer with appropriate guidance concerning document preparation; and review the document within 30 days and take responsibility ultimately for its scope, adequacy, and content.

**NEPA, the National Environmental Policy Act**, requires all federal agencies to:
- Assess the environmental impacts of major federal projects or decisions such as issuing permits, spending federal money, or actions that affect federal lands.
- Consider the environmental impacts in making decisions.
- Disclose the environmental impacts to the public.

The President's Council on Environmental Quality (CEQ) oversees NEPA for all federal agencies.

Some examples of projects that require federal agencies to comply with NEPA are highway construction using federal funds; timber sales on Forest Service lands; permits needed to construct or operate dams, land management plans for the Bureau of Land Management (BLM), Forest Service (FS) and National Park Service (NPS); oil and gas development on federal lands; and decommissioning and/or cleanup of Department of Defense (DOD) or Department of Energy (DOE) sites.

Federal agencies prepare three types of environmental reviews under NEPA:
- Categorical Exclusions (CX) for small, routine projects with insignificant environmental impacts,
- Environmental Assessments (EA) for projects with no significant impacts, and Environmental Impact Statements (EIS) for projects with significant impact

**Is NEPA a requirement for every project?**
Only some environmentally significant projects invoke NEPA. Private, state and local government actions which do not require a federal action are exempt from NEPA. Typical exempt projects include mines, roads or land development activities (i.e. subdivisions) on private or state lands. Several states, including Montana in Region 8, have state NEPA laws.

Comments prepared by Norman Díaz November 13, 2006

13 of 55

*Cumulative Traffic Impacts*
*There will be cumulatively considerable traffic impacts in the Project area, mainly due to increased truck traffic at various times along SR 58 and local routes parallel to the highway.*

**There will be delay time on the travel route due to wrecks.**

**What is the backup delivery plan to meet the 4 hour mix requirement?**

**What are all the potential routes that these trucks will be traveling?** C129-36

**Residents of the high desert (greater Barstow area) need to be informed as to where these trucks will be traveling on their roads.**

**Efforts must be made to chose travel routes that will have the least impact on residents who live in and travel in the area.**

*1.2 EIR REVIEW PROCESS*
*Approval of the proposed Project requires* ***discretionary action by the County****. According to CEQA Guidelines, a discretionary action or project must be reviewed by the Lead Agency, to determine its potential effects on the environment.*

**What if we are not happy with how the County has dealt with this company in the past (ie, Adelanto?). There were over 100 complaints from residents in Adelanto. The County Health Department did not seem to address their concerns.** C129-37

**What are our options if we feel the County agencies are adequately addressing our concerns?**

**Is a Grand Jury Investigation the next step?**

*Pursuant to CEQA requirements, an Initial Study (IS) was prepared for this project in May 2006 as a scoping document to facilitate identification of potential environmental issues. A copy of the Initial Study is included in Appendix A.*

**There was no information prepared in Spanish. The greater Barstow area has at least 30% Hispanic population. All information should have been prepared in Spanish to allow residents of this community the ability to fully participate in the process.** C129-38

Comments prepared by Norman Díaz November 13, 2006

14 of 55

*1.2 EIR REVIEW PROCESS*
*As part of the EIR process, a Draft EIR is circulated for review and comment. In addition to comments received from the general public, agencies also may make substantive comments on the areas that are within the agency's area of expertise.*

**Why was Caltrans not contacted to make comments on this Project? 200+ additional trucks carrying potentially hazardous materials now traveling on an already dangerous road (Hwy 58) is not reason for comments?** C129-39

*As specified by the CEQA Guidelines, this EIR represents the independent judgment of the County of San Bernardino regarding the Project (CEQA Guidelines Section 15084[e]).*

**How independent is the County if the Board of Supervisor's Chairman has a former aid who has accepted campaign money from Nursery Products?**

http://www.electiontrack.com/lookup.php?committee=1273871

*The facility would compost biosolids and green material to produce agricultural grade compost.*

**Who will be purchasing and using the finished agricultural grade compost?**

**What happens if you run short of green material?** C129-40

*Green materials are any plant material that is separated at the point of generation, contains no greater than 1.0 percent of physical contaminants by weight, and meets the requirements of the State of California (as defined by the California Integrated Waste Management Board [CIWMB] in Title 14, Division 7, Chapter 3.1, Article 1, Section 17852.5 of the California Code of Regulations). Green material includes, but is not limited to, yard trimmings, untreated wood wastes, natural fiber products, and construction and demolition wood waste. Green material does not include food material, biosolids, mixed solid waste, material processes from commingled collection, wood containing lead-based paint or wood preservative, mixed construction or mixed demolition debris.*

**Who monitors what is in the green material?**

**Who is going to test that the green material contains no greater than 1.0 percent of contaminants by weight?** C129-41

**What are the contaminants that you are speaking about?**

**What are the consequences if hazardous elements are found in the green material?**

**How will it be disposed of?**

Comments prepared by Norman Díaz November 13, 2006

15 of 55

*Biosolids are solid, semi-solid, or liquid residue generated during the treatment of domestic sewage in a treatment works. Biosolids include, but is not limited to, treated domestic septage and scum or solids removed in primary, secondary, or advanced wastewater treatment processes.*

**Will you bring in liquid? How does that change the compost process?**

**Who regulates the ratio of liquid to solids?**

**What is the treatment process of the biosolids?**

**What are the primary, secondary or advanced wastewater treatment processes?**

**Are the biosolids tested to make sure they don't contain hazardous materials?**

**Who will do the testing? Will it be tested at the source or when the truck arrives at the Project?**

**What if a biosolid load is determined to contain hazardous materials? What are the consequences?**

**How is domestic septage treated? Are any harmful or hazardous chemicals used to treat the septage? Will that further affect the composting product?**

**In June 2006, WERF released the report *Examination of Reactivation and Regrowth of Fecal Coliforms in Centrifuge Dewatered, Anaerobically Digested Sludges*. This report investigated the hypothesis that fecal coliforms entered a viable but non-culturable state during digestion and could be reactivated and experience regrowth after dewatering. Phase 2 of this work, currently in progress, will verify and better understand the reactivation and regrowth phenomena and develop mitigation strategies. WEF completed a Technical Practice Update (TPU) in August 2006 that provides a summary of the state ofknowledge regarding the occurrence of reactivation and regrowth.**

**This suggests that there are still unanswered questions regarding the safety of residents in a high wind area. The fecal coliform can be reactived in swamp coolers, which most high desert residents use.**

**Additional studies need to be done to make sure this fecal coliform is not reactivated.**

C129-42

*Biosolids does not include ash generated during the firing of sewage sludge in a sewage sludge incinerator or grit and screenings generated during the preliminary treatment of domestic sewage in a treatment works (14 CCR 17852).*

**Who will regulate that the biosolids do not contain grit or screenings?**

**What are the consequences if grit or screenings are in the biosolids?**

**How will the grit and screenings be disposed of?**

C129-43

*The end product is usually a humus-like material (referred to as Class A compost) that can be applied as a soil conditioner and fertilizer to gardens, crops, and rangelands.*

**Who will be testing the end product to make sure that the material was composted properly.**

Comments prepared by Norman Díaz November 13, 2006

16 of 55

*The Project would have the capacity to compost approximately 200,000 tons per year (182,000 metric tons) of biosolids, and thus could serve the needs of most of the Inland Empire region.*

**Why do we in the greater Barstow area have to take care of the waste products of those outside or our area.**

**Why have you not looked into the alternative method of taking care of the waste next to the waste treatment facility?** C129-45

**Why have you not considered the alternative of spending the money you would use on trucking to building a facility next to the waste treatment plants?**
**You would reduce emissions by not trucking, save money on fuel by taking care of the waste at the source, and make people who produce the waste responsible for the treatment and disposal of the waste. The so called finished product would be available for the local citizens to use.**

*Green material recycling is a component of the source reduction and recycling efforts of most local jurisdictions in meeting the solid waste diversion goal of 50% set by the California Integrated Waste Management Act. San Bernardino County as a whole is currently diverting approximately 55% of its solid waste from landfill disposal. The unincorporated areas in the County, however, and several cities in the high desert area near the proposed Project site are still below the 50% diversion goal. For most areas that are predominantly residential, achieving the 50% diversion goal requires some form of green material recycling. The proposed Project will handle up to 200,000 tons of green materials per year. Thus, the Project will provide an environmentally sound way to recycle green materials.*

**Where did you get your information stating that the unincorporated areas in the County are still below the 50% diversion goal?**

**Which areas in particular are you speaking about?** C129-46

**We can improve our green material recycling without having this facility come in to take the waste. You can not use that as a reason to come into our area.**

*The desert climate, with low rainfall and low humidity, and the open windrow design of the Project also provide a cost-effective combination for the project operations*

**What about the health cost to the residents and visitors to the high desert? Where is that factored into your cost-effectiveness combination?** C129-47

*The applicant has proposed this location for the Project because of the following characteristics:*
*Proximity to main agricultural compost users in the Inland Empire;*
*Proximity to biosolids sources.*

**Where are these agricultural compost users in the Inland Empire? Who will buy this compost? How far will the trucks need to travel to reach these users?**

**Where are the biosolids sources?** C129-48

**How far will the trucks be traveling to reach the proposed site?**

Comments prepared by Norman Díaz November 13, 2006

17 of 55

*2.2 SITE DESCRIPTION*
*The proposed Project site can be accessed from SR 58 by using Hawes Ancillary Airport Road to the west and Helendale Road to the east. Surrounding land adjacent and near the site is vacant desert.*

**Have you seen what vacant desert looks like? How peaceful, beautiful and fragile it is? The land is not vacant. Vacant means empty, blank, unoccupied. This land is occupied by desert plants and animals. Your insufficient biological survey shows that this land is not vacant.** C129-49

*Limited signage is proposed, including a sign at the entrance to the facility that will include the name of the facility, the name of the operator, facility hours of operation, a phone number in case of an emergency, and a list of accepted materials.*

**What is the list of accepted materials?** C129-50

*Site Map*

The site map in the DEIR is not very legible. Where is the fire break boundary? C129-51

*Facilities Layout Map*

**How high will the retention walls be?** C129-52

**Is the retention basin large enough to accommodate our intense winter rains?**

*Equipment that will be used at the facility includes:*

| *Description* | *# of Units* | *Capacity* |
|---|---|---|
| *Front End Loader* | *Four* | *3-8 Cubic Yards* |
| *Tub Grinder* | *One* | *75 Tons Per Hour* |
| *Windrow Turner* | *One* | *10,000 Feet Per Day* |
| *Screen* | *One* | *70 Tons Per Hour* |
| *Water Truck* | *One* | *2,000 Gallons* |

**One windrow turner for this large of facility? Can it keep up with the composting requirements?**

**(1) 2000 gallon water truck to handle all the wetting down of the windrows, berms, roads and use for fires? That is not nearly enough.** C129-53

**Where is this water truck going to get it's water? What is the turn around time for filling the truck?**

*The Project would be constructed in phases. Phase 1 (Figure 2.5) has been designed to accommodate initial composting activities while avoiding drainage areas on the site and minimizing the need to manage storm water runoff. When the throughput of the facility increases to the point where additional land area is needed, the remainder of the site will be developed.*

**How would you be avoiding drainage areas on the site and minimizing he need to manage storm water runoff? What if we have another El Niño year like we did in December 1997?** C129-54

**In Adelanto, NPLLC never completed the CUP requirements. How do you know they will not fulfill their obligations here?** C129-55

**List Adelanto complaints.**

Comments prepared by Norman Díaz November 13, 2006

18 of 55

*The Project is expected to receive an average daily total of 1,100 wet tons of biosolids and green material (approximately 400,000 wet tons per year). The maximum quantity that the Project would receive on any given day would be 2,000 wet tons. Clean soil or other inert materials (i.e. sand, gypsum, sawdust) will be used as a bulking agent or amendment as needed and will not exceed 200 tons per day. The Project would produce a maximum annual volume of 400,000 cubic yards of compost annually. Once the composting process is complete, the end product is the finished compost, dark in color with an earthy smell. Non-recoverable or non-marketable residues are placed in a trash receptacle for transport and disposal at a permitted solid waste landfill. The finished product will be temporarily stored on-site prior to being transported off-site via trucks or used on-site for erosion control, or further processing.*

**When will the composting process be complete? Who monitors if the material is adequately and correctly composted?**

**Will a record be kept as to how long the material has been composted and how many times it has been turned?** C129-56

**Will temperatures of the compost be monitored? By whom?**

**What are the consequences if composted material has been shipped out that is not properly composted?**

**What is the list of non-recoverable or non-marketable residues?**

**The finished product may be used on-site for erosion control? What does that mean? How specifically will that be used?** C129-57

*Nursery Products will require that all customers provide complete documentation of the source, description and characteristics for all biosolids and green materials in advance of delivering loads to the facility. All loads are then given a delivery time schedule specifying when the trucks can be received. No biosolids will be accepted at the facility prior to receiving this documentation and, if required, supporting laboratory analysis. Each load of biosolids will have a complete manifest. Material will be received and weighed at the scale near the main office. Random load checks will be conducted daily, and a log maintained for each inspection. Under no circumstances will the proposed facility accept hazardous waste. Green material and amendments will be load-checked prior to utilization in the composting process. The facility may reject loads due to poor green material quality (i.e. excess grass, etc.), or any other reason.*

**Who will monitor the complete documentation of the source, description and characteristics for all biosolids and green material?**

**What are the consequences if the source material is found to contain hazardous elements not allowed in compost?** C129-58

**Supporting laboratory analysis should be required for all source materials so that the public is fully informed about what they are dealing with in their area.**

**How are in advance will this documentation be given to NPLLC.**
**Will the trucks have easily viewable placards on them showing that they are carrying sewage sludge?**

Comments prepared by Norman Díaz November 13, 2006

19 of 55

Information from the **National Biosolids Partnership** says that "sewage sludge is what's left after sanitation districts filter sewer water so it's clean enough to pour in the ocean. Sludge is treated to kill pathogens and bacteria, but it's known to contain heavy metals, industrial chemicals, pharmaceuticals, consumer products and other compounds rinsed down the drain".

*Laura Orlando, director of the ReSource Institute for Low Entropy Systems, told members of Friends of Merrymeeting Bay and others who came to hear her speak at BowdoinCollege on Tuesday night that sewage sludge is toxic and unpredictable. She concluded, therefore, that Brunswick officials and the scientific panel they have appointed to study the matter should reject any proposal to use it on Edwards Field or any other municipal field. "Sewage sludge is toxic and I think it shouldn't be land appropriate — whether it's called Class A or Class B or anything else," said Orlando, who was invited to weigh in on the affects of sewage sludge as a guest speaker in Friends of Merrymeeting Bay's monthly speaker series. "The material that comes out of sewage treatment plants is unpredictable and nothing can be done to make it predictable and safe."*

**The facility may reject loads due to poor green material quality? Where will you then send this truck. Why would excess grass be considered poor green material quality? Will this green material be tested for pesticides and other fertilizer components?** C129-59

In California, commercial composters are required to meet specific regulatory requirements to protect public health and safety. However, because no state or national standards exist for rating compost quality, agencies may need to perform their own quality assessment. Compost should have a pleasant aroma and be consistent throughout. In addition to a visual inspection, assessing other compost characteristics is important to ensure the product meets specific applications needs within a specified price range. The carbon to nitrogen ratio for finished compost should be less than 20. If ratios are too high, nitrogen can be tied up in the compost and unavailable to plants. The pH value of finished compost should be neither extremely acidic nor alkaline (acceptable range: 5.5 - 8.0 pH).

Concerns about physical contaminants in compost such as plastic, glass, and metal, can be addressed by requiring that the product contains no visible contaminants. Weed seeds and pathogens can be a problem unless the material is maintained, using a windrow composting process, at a temperature of 55 degrees Celsius (131 degrees Fahrenheit) or higher for a period of 15 days or longer, and there is a minimum of five (5) turnings of the windrow. Compost produced by an aerated static pile process, in which all active material is covered with six to 12 inches of insulating material, only requires that these temperatures be maintained for a period of three days.

Once performance requirements are determined (seed germination, erosion control, etc.), it will be easier to select a compost with appropriate characteristics for the application. See the CIWMB publication titled "Compost: Matching Performance Needs With Product Characteristics" for information on assessing compost products.

Comments prepared by Norman Díaz November 13, 2006

20 of 55

*The Project will use a combination of windrow and modified static pile composting methodologies. With the windrow method, the active composting stage generally can last up to nine weeks for biosolids composting, though it is expected to be completed much quicker in a hot, dry, arid environment.*

**Our desert is not hot and dry in the winter so your active composting stage will last much more than 9 weeks.** C129-60

*The modified static pile composting process will be a 60-day process. The windrow would be monitored for temperature and may remain undisturbed for up to thirty days. On approximately the thirtieth (30th) day and then again on approximately the forty-fifth (45th) day, the windrow would be turned such that the very bottom will be exposed. The pile will remain undisturbed for fifteen more days (until day 60), at which time the composting process is complete. The actual number of days and turns may be altered to maintain proper pile temperature and compost quality. Documentation of the time/temperature relationship will be maintained in daily records and by submitting samples for analytical testing. Windrows will also be monitored for pH (a measure of acidity or alkalinity). Based on the applicant's experience, an ideal initial porosity and moisture content can minimize the turnings of the pile.*

**How would a 1000' windrow be monitored for temperature? How far apart would these temperature readings be taken?**

**Who will monitor these readings? How do you take these readings?** C129-61

**Will the daily records of time and temperature be available for public viewing? Who will make sure that NPLLC is composting properly?**

**Where will submitted samples be sent for analytical testing?**

**Who will be taking the samples?**

**Will all the workers on-site be trained in proper composting procedures? English and Spanish? Will the workers know what to look for to make sure the composting process is working?**

Comments prepared by Norman Díaz November 13, 2006

21 of 55

*When the compost process is complete the windrow-shaped piles will be processed through screening equipment to remove wood pieces that are too large to be included in high-quality compost product. The screened wood chunks will be ground and re-introduced into future compost piles. The finished compost will be placed in the storage area for sale. On occasion the finished compost will remain in the windrowshaped piles for additional curing prior to screening. In all cases, finished compost will not remain on sit for more than 720 days.*

**If this material is dry enough to be processed through screening equipment, what is to prevent this material from dispersing over the nearby desert? The desert cannot use the nitrogen in this compost.**

**If this material is dry enough to be processed through screening equipment, what is to prevent this material from dispersing over the greater desert area?** C129-62

**On what occasion would the finished compost reming in the windrowshaped piles for additional curing. Why would it need additional curing. How is it going to cure more if it is allowed to dry out?**

**Where is all this finished compost going to sit if it might remain on site for 720 days? The finished compost will quickly take up existing space that is supposed to be used for the composting process.**

**How much of the finished and working material will be on-site (in tons?)**

*The frequency of windrow sampling will be based on the amount of biosolids compost feedstock as specified in CCR 17862.2, and will be conducted at a laboratory certified by the California Department of Health Services, pursuant to the Health and Safety Code. A composite sample will be representative and random from twelve locations. Temperature, moisture and pH monitoring of windrows will occur regularly.*

**Which laboratory will be used to sample the windrows? Who will obtain the sample from the windrows? Who will train them? Will the training be in English and Spanish?**

**The composite sample will be from twelve locations in one windrow? 1000' is a large amount of material. One sample taken from a windrow will not be representative of the whole windrow area.** C129-63

**Temperature, moisture and pH monitoring of windrows will occur regularly. How regular is regularly?**

**NPLLC has a history of noncompliance with respect to properly maintaining a facility (see Adelanto). Who will regulate this proposed facility?**

Comments prepared by Norman Díaz November 13, 2006

22 of 55

*Samples of the finished compost will be delivered monthly to a U.S. Composting Council-approved laboratory for analysis and quality control. The laboratory analytical results on parameters such as size, stability, maturity, nutrients, salts, pH, carbonates, and bulk density shall be available to the LEA. Analytical testing will verify that the compost meets the maximum acceptable metal concentration limits specified in 14 CCR 17852, and pathogen reduction requirements specified in 14 CCR 17868.3.*

C129-64

**Maximum acceptable metal concentration limits are specified in 14 CCR 17868.2 – not 17852 as you have specified.**

**Section 17868.2. Maximum Metal Concentrations.**
(a) Compost products derived from compostable materials that contains any metal in amounts that exceed the maximum acceptable metal concentrations shown in Table 2 shall be designated for disposal, additional processing, or other use as approved by state or federal agencies having appropriate jurisdiction.

**Table 2**
**Maximum Acceptable Metal Concentrations**

| Constituent | Concentration (mg/kg) on dry weight basis |
|---|---|
| Arsenic (As) | 41 |
| Cadmium (Cd) | 39 |
| Chromium (Cr) | 1200 |
| Copper (Cu) | 1500 |
| Lead (Pb) | 300 |
| Mercury (Hg) | 17 |
| Nickel (Ni) | 420 |
| Selenium (Se) | 36 |
| Zinc (Zn) | 2800 |

**Note:**
***Authority cited:***
*Sections 40502, 43020, and 43021 of the Public Resources Code.*

***Reference:***
*Sections 43020 and 43021 of the Public Resources Code.*

***Section 17868.3. Pathogen Reduction.***
*(a) Compost products derived from compostable materials, that contains pathogens in amounts that exceed the maximum acceptable pathogen concentrations described in Subdivision (b) of this section shall be designated for disposal, additional processing, or other use as approved by state or federal agencies having appropriate jurisdiction.*
*(b) Operators that produce compost shall ensure that:*
*(1) The density of fecal coliform in compost, that is or has at one time been active compost, shall be less than 1,000 Most Probable Number per gram of total solids (dry weight basis), and the density of Salmonella sp. bacteria in compost shall be less than three (3) Most Probable Number per four (4) grams of total solids (dry weight basis).*
*(2) At enclosed or within-vessel composting process operations and facilities, active compost shall be maintained at a temperature of 55 degrees Celsius (131 degrees Fahrenheit) or higher for a pathogen reduction period of 3 days.*

*(A) Due to variations among enclosed and within-vessel composting system designs, including tunnels, the operator shall submit a system-specific temperature monitoring plan with the permit application to meet the requirements of Subdivision (b)(2) of this section.*

*(3) If the operation or facility uses a windrow composting process, active compost shall be maintained under aerobic conditions at a temperature of 55 degrees Celsius (131 degrees Fahrenheit) or higher for a pathogen reduction period of 15 days or longer. During the period when the compost is maintained at 55 degrees Celsius or higher, there shall be a minimum of five (5) turnings of the windrow.*

Comments prepared by Norman Díaz November 13, 2006

23 of 55

*(4) If the operation or facility uses an aerated static pile composting process, all active compost shall be covered with 6 to 12 inches of insulating material, and the active compost shall be maintained at a temperature of 55 degrees Celsius (131 degrees Fahrenheit) or higher for a pathogen reduction period of 3 days.*

*(c) Alternative methods of compliance to meet the requirements of Subdivision (b) of this section may be approved by the EA if the EA determines that the alternative method will provide equivalent pathogen reduction.*
*(d) Compost operations and facilities shall be monitored as follows to ensure that the standards in Subdivision (b) of this section are met:*

*(1) Each day during the pathogen reduction period, at least one temperature reading shall be taken per every 150 feet of windrow, or fraction thereof, or for every 200 cubic-yards of active compost, or fraction thereof.*
*(2) Temperature measurements for pathogen reduction shall be measured as follows:*

*(A) Windrow composting processes and agitated bays shall be monitored twelve (12) to twenty-four (24) inches below the pile surface;*

*(B) Aerated static pile composting processes shall be monitored twelve (12) to eighteen (18) inches from the point where the insulation cover meets the active compost.*
***Note:***
***Authority cited:***
*Sections 40502, 43020, and 43021 of the Public Resources Code.*

***Reference:***
*Sections 43020 and 43021 of the Public Resources Code.*

Comments prepared by Norman Díaz November 13, 2006

24 of 55

*The facility will operate on a 24-hour basis, 365 days per year. A 24-hour/day contact number will beprovided and posted at the facility prior to operation of the facility.*
*Normal delivery and sales operations will occur between 7:00 a.m. and 7:00 p.m., but extended hours willbe available to accommodate delayed trucks or special circumstances.*

**What special circumstances?**
**Biosolids must be mixed with green waste within 4 hours of green waste being delivered?**
**2 hours to windrows?** C129-65

*The facilities that would be constructed as part of the Project are shown on Figure 2.4. The site will not be open to the general public. Chemical toilets will be provided by a licensed supplier for employee use; water for operations will be provided by an on-site well or be purchased and stored, or a combination of both. Telephone service will be cellular. Electricity will be supplied by a portable diesel-fueled generator and by solar equipment. Parking is designated in front of the main office trailer.*

**On-site well? When will this be done?** C129-66

*The Project will operate in a manner that maintains a proper green material to biosolids ratio in order to achieve an ideal porosity and moisture content. This will limit compost production at the facility and will also limit the amount of green material accepted so as to conform to the projected incoming biosolids quantities. Additionally, biosolids acceptance will be halted if adequate bulking materials are not available.*

**What is the list of acceptable bulking materials?**
**Will these materials be tested for hazardous elements?** C129-67

**Who will make sure that the biosolids acceptance will be halted if adequate bulking materials are not available?**

Comments prepared by Norman Díaz November 13, 2006

25 of 55

*A description of the proposed methods used to monitor and control leachate, litter, odors, dust, rodents, and insects are described as follows:*
***Odor:*** *Green material will be delivered on an "as-needed" basis to reduce green material odors. The facility will prepare and maintain an Odor Impact Minimization Plan, pursuant to 14 CCR 17863.4. In general, the Plan will require the following steps in the event of odors noticed at the site:*

**Your plan needs to be more specific. "In general" does not address your Odor Impact minimization Plan.**

• *Stop all operations that will cause off-site odor.*
**"Stop" all operations what will cause? What operations are you contemplating? Don't even start the operations that "will" cause off-site odor.**

• *Determine if on-site management practices [e.g. mixing odiferous materials with sawdust or other bulking agent, turning the windrow less frequently, remove odiferous material from the site, etc.] could remedy any odor problems and immediately take steps to remedy the situation.* C129-68

**You need to have a more specific plan in place that will address these concerns. NPLLC knows from their Adelanto facility what was causing odor problems.**

• *Determine whether or not the odor is traveling beyond the site by patrolling the site perimeter.*
**Who will be patrolling the site perimeter?**
**A person working at this site will not be able to smell anything along the perimeter. An independent third party (perhaps someone from the Hinkley community) should be hired to see if the odor is leaving the site.**

• *Determine whether or not the odor has moved off-site and if so, if it is significant enough to warrant contacting the adjacent neighbors and/or the LEA.*

**What is meant by significant enough?**
**How many complaints will the County Health Dept have to receive before they will respond?**

*Do not start operations again until the wind and meteorological conditions are favorable and will not promote off-site odors.*

**Here is CCR 17863.4 to refresh your memory:**

***17863.4. Odor Impact Minimization Plan.***
***(a) All compostable material handling operations and facilities shall prepare, implement and maintain a site-specific odor impact minimization plan. A complete plan shall be submitted to the EA with the EA Notification or permit application.***
***(b) Odor impact minimization plans shall provide guidance to on-site operation personnel by describing, at a minimum, the following items. If the operator will not be implementing any of these procedures, the plan shall explain why it is not necessary.***

***(1) an odor monitoring protocol which describes the proximity of possible odor receptors and a method for assessing odor impacts at the locations of the possible odor receptors; and,***
***(2) a description of meteorological conditions effecting migration of odors and/or transport of odor-causing material off-site. Seasonal variations that effect wind velocity and direction shall also be described; and,***
***(3) a complaint response protocol; and,***
***(4) a description of design considerations and/or projected ranges of optimal operation to be employed in minimizing odor, including method and degree of aeration, moisture content of materials, feedstock characteristics, airborne emission production, process water distribution, pad and site drainage and permeability, equipment reliability, personnel training, weather event impacts, utility service interruptions, and site specific concerns; and,***

Comments prepared by Norman Díaz November 13, 2006

26 of 55

*(5) a description of operating procedures for minimizing odor, including aeration, moisture management, feedstock quality, drainage controls, pad maintenance, wastewater pond controls, storage practices (e.g., storage time and pile geometry), contingency plans (i.e., equipment, water, power, and personnel), biofiltration, and tarping.*
*(c) The odor impact minimization plan shall be revised to reflect any changes, and a copy shall be provided to the EA, within 30 days of those changes.*
*(d) The odor impact minimization plans shall be reviewed annually by the operator to determine if any revisions are necessary.*
*(e) The odor impact minimization plan shall be used by the EA to determine whether or not the operation or facility is following the procedures established by the operator. If the EA determines that the odor impact minimization plan is not being followed, the EA may issue a Notice and Order (pursuant to section 18304) to require the operator to either comply with the odor impact minimization plan or to revise it.*
*(f) If the odor impact minimization plan is being followed, but the odor impacts are still occurring, the EA may issue a Notice and Order (pursuant to section 18304) requiring the operator to take additional reasonable and feasible measures to minimize odors.*
*Note:*
*Authority cited: Sections 40502, 43020, 43021 and 43209.1 of the Public Resources Code. Reference: Sections 43020, 43201 and 43209.1 of the Public Resources Code*

***Dust:*** *The moisture level in the compost keeps the compost from creating dust. Efforts will be made to control particulates during high wind episodes. There will be no turning of the piles during high wind episodes that exceed 30 miles per hour. Compost operations will be conducted behind a small berm and fence situated on the property perimeter, reducing wind. As needed, a water truck will be used to apply water to suppress dust. The entryway and often-traveled paths will be overlain with crushed rock.*

Construction workers cannot work in cranes when the wind is 25 mph. How can you wait until winds exceed 30 mph to stop the turning of the piles?

Once this site is graded, the dust coming off the site will be horrendous.

What is this berm made out of? Unless this berm is kept wet, it will blow all over the desert. How big is this small berm that is supposed to reduce wind? A small berm will do nothing to reduce wind over that large of an area. C129-69

What will the fence be made out of? A fence is not going to reduce the wind over that large of an area.

A 2000 gallon water truck will do nothing to suppress dust. It will have to work 24 hours a day. It is very dry here in the desert, and windy. Where is this water coming from? Have you calculated the emissions that will come off of these additional water truck trips?

Who will make sure that the entryway and often-traveled paths will be overlain with crushed rock? When will this happen? Before composting begins?

*Insects: A contract pest control company will be hired for insect control.*

Which pest control company will be hired?
What will they use to control insects? C129-70
Will this be allowed in the desert?
Will it make matters worse for the surrounding animanls who manage to survive the toxins from the compost?

Comments prepared by Norman Díaz November 13, 2006

27 of 55

***Rodents:*** *Biosolids and green material are not "food" sources for rodents. However traps will be purchased if needed.*

**What kind of rodents are you talking about?**

**What kind of traps will be purchased?**

**Traps for 160 acres?**

C129- 71

*Litter: Biosolids and green material to be received at the site will come from sources that generate this material and litter is not typically expected to be found in these feedstocks. The facility will reject and return to the generator any load that contains excessive litter. Covered trash containers will be provided in areas where employees and visitors might generate litter. Onsite litter will be collected routinely and disposed of properly.*

**You are supposed to obtain records as to what is in the biosolids and green material before you receive it.**

**What is considered excessive litter? Who will monitor this? What are the consequences if litter is found in the composted material?**

**On-site litter will be collected routinely. What is considered routinely?**

C129-72

Comments prepared by Norman Díaz November 13, 2006

28 of 55

*Site restoration would be performed in accordance with 14 CCR Section 17870. Written notice will be provided to the Local Enforcement Agency (LEA) of intent to perform site restoration, at least 30 days prior to beginning site restoration. Site restoration will be completed that is necessary to protect public health, safety, and the environment. The operation and facility grounds, ponds, and drainage areas will be cleaned of all residues including, but not limited to, compost materials, construction scraps, and other materials related to the operations. These residues will be recycled, reused, or disposed of at an authorized facility. All machinery will be cleaned and removed or stored securely. All remaining structures will be cleaned of compost materials, dust, particulates, or other residues related to the composting and site restoration operations.*

**Here is the site restoration 14 CCR17870 that needs to be followed.**

***17870. Site Restoration.***
*All compostable materials handling operations and facilities shall meet the following requirements:*
*(a) The operator shall provide the EA written notice of intent to perform site restoration, at least 30 days prior to beginning site restoration.*
*(b) The operator(s) and owner(s) shall provide site restoration necessary to protect public health, safety, and the environment.*
*(c) The operator shall ensure that the following site restoration procedures are performed upon completion of operations and termination of service:*
*(1) The operation and facility grounds, ponds, and drainage areas shall be cleaned of all residues including, but not limited to, compost materials, construction scraps, and other materials related to the operations, and these residues legally recycled, reused, or disposed of.*
*(2) All machinery shall be cleaned and removed or stored securely.*
*(3) All remaining structures shall be cleaned of compost materials, dust, particulates, or other residues related to the composting and site restoration operations.*
***Note: Authority cited:***
*Sections 40502, 43020, and 43021 of the Public Resources Code.*
***Reference:*** *Sections 43020 and 43021 of the Public Resources Code.*

Comments prepared by Norman Díaz November 13, 2006

29 of 55

*CEQA requires that the County consider alternatives that can attain most of the basic objectives of the project and would avoid or substantially reduce significant environmental effects of the project. Alternatives to be considered in this manner should be reasonable and feasible, and the County is not required to evaluate every imaginable alternative to the project.*

**Here is an alternative that you did not consider. It is being done in the Inland Empire and would reduce the amount of truck trips NPLLC is proposing. Waste should be handled as close to the source as possible. This would be a positive and feasible alternative that should be considered. The County is not required to evaluate every imaginable alternative to the project. However, they should legitimately look at solutions to problems that will be created by the proposed facility.**

From ***Brian Dooley, 5-24-06,*** bdooley@enertech.com. ***Riverside, CA Executes 20-Year Contract to Convert Biosolids to Renewable Fuel.*** The City of Riverside, CA (pop. 200,000) has signed a long-term biosolids supply agreement with EnerTech Environmental, Inc. to convert Riverside's 150 tons per day of biosolids into a renewable fuel. EnerTech converts biosolids into a renewable energy source using it unique SlurryCarb™ process. The final renewable fuel product can be used as a substitute for coal or other fossil fuels. C129-73

"Riverside is excited about the benefits that the regional facility will bring to our city and to the region. Our staff has determined that the city will save in excess of $20 million when compared to other alternatives available including composting and thermal drying," said Siobhan Foster, Riverside's Public Works Director. The Rialto facility will produce approximately 140 tons/day of renewable fuel, which will be exported to a local cement kiln as a replacement for coal use. "One hundred percent of our current biosolids production will be recycled in this project," said Steve Schultz, Riverside's Wastewater Systems Manager. "Not only will the heating value of the biosolids be realized, but the resulting ash will go into the cement product. There will be virtually no leftover residual for the city to worry about."

*Within the existing system facilities listed above, there are three potential alternatives to provide composting of green materials and biosolids at the scale proposed by this Project. These are (1) develop composting operations at one of the major County landfills, (2) promote the expansion of one or more of the existing private composting operations, or (3) rely on the developing Inland Empire Utility Agency (IEUA) facility starting up in Rancho Cucamonga.*

**No one wants to live near a landfill operation. Considering an area that is already undesirable to most people, that is set up to handle waste seems like a good option. It needs to be considered again.**
**Land next to landfills can be graded just like they are going to propose at the Hawes project.**

**You would save on trucking by going closer to existing facilities.**

Comments prepared by Norman Díaz November 13, 2006

30 of 55

*None of these three broad alternatives within the existing solid waste management system would be capable of providing the capacity to compost up to 400,000 tons per year, half of which would be biosolids, within a reasonable time frame and in a location that would be at least as removed from population centers as the proposed Product facility. Thus, the alternative of modifying the facilities in the existing solid waste system is not analyzed in detail or considered further in this EIR.* C129-73 (cont)

**What about the proposed enclosed facility in Redlands? ABT-Haskell?**

**Why is NPLLC not considering an enclosed facility of their own closer to the sources, as opposed to transporting the materials out of the production area to a pristine desert? You keep saying this is out of a population zone. There are a lot of people that will be effected by this facility, not to mention tourists to the high desert.**

*The development and implementation of conversion technologies has a high capital cost and requires both engineering and public acceptance changes that may extend over a long-term period. Additionally, the end product of conversion technology is fuel, not high grade compost that is needed for agricultural and nursery uses in the Inland Empire. In contrast, the Project accommodates an immediate need for biosolids management capabilities at a location that can efficiently serve the Inland Empire by producing compost.*

**We are not opposed to turning human waste into compost. We are opposed to all the other elements, known and unknown that are in biosolds. NPLLC does not have enough safeguards in place to insure that the finished product is a safe one. There are too many unknown factors. NPLLC is coming into our neighborhood, and not for our benefit. To be a good neighbor there must be trust understanding. There is nothing from NPLLC. No reaching out to the community it is going to affect. No good faith interaction. What do you expect from us? Did you think we would sit back while you potentially harm our children?** C129-74

The Project proposes to use conventional open windrows for its composting process. This approach uses mechanical turning of the composting piles to provide control of oxygen, moisture, and other parameters to maintain and control the composting process.

**Windrow don't allow for a lot of control. What are the other parameters?** C129-75

Alternative processes for composting projects include (a) aerated static piles, and (b) a variety of enclosed or "in-vessel" processes. There are advantages and disadvantages to each of the processes. In general terms, the in-vessel approaches can provide more complete control of air flow and can treat air to reduce odors and other emissions prior to release to the atmosphere. The equipment and operations to implement in-vessel facilities are more extensive. Depending on the types of equipment used, in-vessel operations may be less capable of handling heterogeneous material, and in any case the more extensive reliance on mechanical equipment leads to more expensive maintenance and operating costs.

**What is heterogeneous material?**

**The maintenance and operating costs may be more but the human health risk would be less. Which is more important?** C129-76

Comments prepared by Norman Díaz November 13, 2006

31 of 55

*Variations or combinations of these processes are also possible. Windrows or static piles can be enclosed within a building. This is the approach proposed by the IEUA project discussed above (Section 3.2.1), and is becoming more common for composting operations in urban or suburban areas. The IEUA project also will use a mechanical system of conveyors to move material within the large warehouse building where composting will occur, and an extensive air ducting system to control airflow and pass all exhaust air through large biofilters before release to the atmosphere. While providing state of the art material and odor control, this system is very expensive. Additionally, the electricity needed to power the conveyors and airflow systems can be substantial. The current estimate for the completed facility cost is over $60 million (IEUA 2006), which is about twice the original estimate for the building and equipment. The IEUA project is located in an industrial park in Rancho Cucamonga, near extensive populated areas, so the expense may be justifiable in this setting.*

**Waste is not going to go away. Safe methods must be used to compost biosolids, especially when we don't know exactly what is in the mix. We, as humans, need to start paying for the handling of our own waste. If it costs some money, that is the price of so many humans now occupying the earth. If should become standard practice.**

**Enclosed facilities seem like a step in the right direction, for humans, animals and the environment. Electricity needed to power conveyors and airflow systems could be generated by solar energy. That is not a reason not to build an enclosed facility.**

**Just because the IEUA facility is over-budget doesn't mean another one can't be built within budgetary constraints. You can use the IEUA model as a learning tool.**

**This alternative needs to be looked at again and reconsidered.** C129-77

*The particular approach proposed by Nursery Products—open windrows—has the advantage of being relatively less expensive, and is also more flexible in the sense of being able to accommodate wider variation in feedstock and being adaptable to different operating conditions.*

**What does that mean?**
**What is the wider variation in feedstock?**
**Why does it need to be adaptable to different operating conditions. What different operating conditions?** C129-78

*The immediate need to provide biosolids treatment and to produce compost for current Nursery Products customers, and the size and capacity objectives of the proposed Project cannot be met within the existing waste management system facilities or by reliance on conversion technologies. For these reasons, these broad alternatives are not analyzed in this EIR.*

**What Nursery Products customers?**

**We are supposed to ruin our health and our desert to provide for Nursery Products customers?**

**The broad alternatives must be analyzed before proceeding with this project. There is a better and safer way to handle biosolid composting. It may cost a little more but will benefit the air, earth, and people of this earth rather than NPLLC customers.** C129-79

Comments prepared by Norman Díaz November 13, 2006

32 of 55

*Absent the proposed composting facility, the project site would remain in RC zone subject to possible future development proposal. It is difficult to predict what sort of future development, if any, may be proposed on the site and when that may occur.*
*The site is recognized as high quality desert tortoise habitat, and is adjacent to BLM land, so it might be incorporated into a habitat preserve area if funding and administrative support for this purpose were available.*

**The desert tortoise is our California State reptile. Shouldn't an area that is recognized as high quality desert tortoise habitat remain that way? Shouldn't all alternatives, not based on cost, be considered before pristine desert land is destroyed, along with desert tortoise land in the process?** C129-80

*Locations in the high desert region are attractive for this use due to their relatively close driving distance to the Inland Empire generating areas (when compared to existing treatment or disposal sites in Kern County and in Arizona), the warm dry climate, and the agricultural uses in the region that can make use of the compost product.*

**Relatively close driving distance? What about an area next to where this waste is generated? This alternative must be looked at. We do not generate this waste that is coming to our area.**

**What are the agricultural uses in our area that can make use of the compost product? Has NPLLC asked anyone in the area if they would use the compost as it is currently being composted?** C129-81

*During the public scoping meeting for this Project, another alternative site in the general region to the north of Fremont Peak was suggested as a possible location. Fremont Peak is located about 20 miles to the northwest of Hinkley (or about the same distance north-northwest from the proposed project site). Highway 395 is about 10 miles to the west of Fremont Peak, and the general region includes Cuddleback Lake (dry) and is about midway between Barstow and Ridgecrest. In general terms, the region north of Fremont Peak is slightly more hilly than the larger basin along the Mojave River where the proposed project site is located. It is possible that a suitable parcel of private land could be found in this region to support a composting facility, but it would likely be a similar distance from isolated residences and would certainly be a greater driving distance from the anticipated market areas providing biosolids and green material. It is unlikely that such a location would have considerably different impacts than the sites analyzed in this EIR.*

**This location is not a similar distance from isolated residences.**

**Why would it be a greater driving distance from the anticipated market areas providing biosolids and green material? Where are these anticipated markets located?**

**There are less people, no tortoise and the road is less busy.** C129-82

**This location needs to be reconsidered as a possible alternative. Your reasons for not studying this area are not valid.**

**FRED STERN COMMENTS HERE?**

Comments prepared by Norman Díaz November 13, 2006

33 of 55

*Significant Impact: A significant impact is considered a substantial adverse effect, one that exceeds some critical and accepted threshold for negative environmental effects. CEQA defines a significant effect on the environment as "...a substantial, or potentially substantial, adverse (i.e., negative) change in any of the physical conditions within the area directly or indirectly caused by the Project, including effects on land, air, water, flora, fauna, ambient noise, and objects of historic or aesthetic "significance" (CEQA Guidelines, §15382). As recommended in the CEQA Guidelines, impacts are also identified as "potentially significant" prior to mitigation.*

*The MDAB averages between three and seven inches of precipitation per year (mostly occurring during the average 16 to 30 days with at least 0.01 inches of precipitation).*

**What is another El Niño year occurs as it did in 1997-98?**

**Last year we had 8" of rain fall in a matter of 15 minutes. You don't take heavy rains into consideration.**

C129-83

*In California, the California Air Resources Board (CARB), which is part of the California Environmental Protection Agency, has promulgated ambient air quality standards for O3, PM10, PM2.5, CO, NO2, SO2, and Pb that are more stringent than the NAAQS (shown in Table 4.3.1). In 2002, CARB revised the state annual PM10 standard and established a state annual PM2.5 standard. These standards went into effect July 7, 2004. In April of 2005, CARB approved a new 8-hour average state standard for ozone expected to go into effect in 2006. CARB has also developed standards for sulfates, hydrogen sulfide, visibility reducing particulates, and vinyl chloride.*

**How does Governor Schwarzenegger's new standards on greenhouse and emission stands affect projects in the state?**

C129-84

*PM10 affects breathing and the respiratory system, and, in particular, can damage lung tissue and contribute to cancer and premature death.*

**A baseline study is being done on the soil, plants and animals in the area. What about a baseline study for the health of people in the area?**

*CO forms through incomplete combustion of fuels in vehicles, wood stoves, industrial operations, and fireplaces. In San Bernardino County, vehicular exhaust is a major source of CO. CO tends to dissipate rapidly into the atmosphere and consequently is generally a concern at the local level, particularly at major road intersections*

**Who will monitor the combustion of fuels in the trucks transporting the biosolids? What is the affect of this increase in trucks to the area coupled with the proposed Walmart facility? What will the cumulative affect be? This needs to be looked at.**

**4 Corners (Hwy 395 and Hwy 58) is a major road intersection. With this increase in trucks to this intersection. how will it affect the businesses in that area? Have they been notified of this project? They will be affected.**

**With the proposed Casinos + Walmart Distribution Center + 9000 new housing units in Barstow, how will this affect the CO, NO2 and the SO2 thresholds? Individually and together?**

**What will be the SO2 affect on trees, crops, alfalfa, vegetables?**

C129-85

Comments prepared by Norman Díaz November 13, 2006

34 of 55

*Ozone [1-hour] Nonattainment Severe – 17* *Nonattainment*

**What is Severe – 17 Nonattainment for Ozone?**

**Will this facility increase to rating from Severe 17 to extreme any faster?**

C129-85 (ccont.)

| | TOG | ROG | CO | NOX | SOX | PM | PM10 | PM2.5 |
|---|---|---|---|---|---|---|---|---|
| *Fuel Combustion* | 17.5 | 2.2 | 10.8 | 58.2 | 1.2 | 7.8 | 7.8 | 4.4 |

**How much will the PM10 increase from the truck's fuel consumption while mobile and stationary?**

*The SIP is not a single document but a compilation of new and previously submitted plans, programs, district rules, state regulations, and federal controls. In the state of California, CARB is the lead agency for developing this SIP.*

**Were the most current documents used? What documents were included?**

*The MDAQMD's existing attainment plan for ozone submitted for the SIP includes Reasonably Available Control Technology [RACT] requirements for all applicable sources, a New Source Review program with a 25 ton per year major source level and a 1.3:1 offset ration requirement. There are no additional contro measures proposed for the MDAQMD to achieve state and federal standards. Applicable PM10 requirements outlined in the attainment plan include prohibiting visible emissions to migrate beyond property lines, and requirements to minimize trackout onto paved roads, cover haul trucks, minimize grading and soil movement when winds exceed 30 miles per hour, and development of a Dust Control Plan [DCP] from construction to address the following additional measures:*

**Why not use BACT requirements for applicable sources?**
**How are emissions from going to be stopped from going over the project boundary? Who will monitor this? What are the consequences when the emissions leaves the project boundary?**

C129-86

*Provide paved or stabilized access to construction site as soon as is feasible;*
**What is feasible? Who monitors that?**
*Maintain natural topography to the extent possible;*
**How much grading for ponds and runoff?**
*Construct parking lots and paved roads first, where feasible;*
*Construct upwind portions of project first, where feasible.*
**What is feasible?**
**Will NPLLC connect the dirt access road to Hawes Road? What permits are necessary for this?**

*During composting operations, emissions will be generated by on-site diesel equipment, volatilization of gases from the compost windrows, employee commute trips to and from the site, truck trips to deliver composting materials, and truck trips to haul away finished product.*
**What about the return truck trips after delivering the composting materials?**
**What about the to the site to pick up the finished product?**
**NPLLC can't be delivering composting materials, then deliver the finished product in these unwashed trucks?**

Comments prepared by Norman Díaz November 13, 2006

35 of 55

*Initial site preparation will entail cut and fill activities over about 25% of the site area which will be completed in one to two months, based on a five-day workweek, 8 hours per day. Specific sources of emissions associated with construction would include exhaust from diesel construction equipment at the site and dust generated by the mechanical disturbance of the soil due to equipment and truck travel within the site. In addition, there will be commuter trips to and from the site for construction employees.*

**Cut and fill over "about" 25% of the site area? Be more specific.**
**What is the elevation change where these cuts will be made? How deep will the cuts be?**
**How will activities be monitored to keep PM10 particles down? How much water will be used to control construction dust. Where will it come from?** C129-87

*Information provided by the applicant indicates that the fleet of equipment during the initial construction will include the following:*
- *One rubber tired loader (165 horsepower, diesel)*
- *One off-highway truck (430 horsepower, diesel)*
- *Two graders (250 horsepower, diesel)*

**Past projects (Adelanto) has shown that the applicant is not true to his word. How can we believe him this time? What are the consequences if he has different equipment then stated?** C129-88

*Daily emissions of criteria pollutants for on-road vehicle trips during the initial phase of construction were also calculated using emission factors computed for San Bernardino County using the CARB EMFAC2002 emissions model2. A workforce of 6 with 1.25 workers per commuting vehicle was assumed. All workers were assumed to travel from the Barstow area (100 mile roundtrip) in light duty vehicles or light duty trucks.*

**What about the experts that need to be on site to monitor activities? Paleontologist? Archeologist? Visitors? Owners? These people have not been factored in to the initial phase.** C129-89

*The estimated worst-case daily emissions of criteria pollutants due to the initial construction activities are summarized in Table 4.3.6. More detailed calculation development is given in Appendix B. The results indicate that emissions of all pollutants will be below MDAQMD thresholds. Therefore, air quality impacts from construction emissions are expected to be below a level of significance and no mitigation is required.*

**Are there new CARB thresholds that need to be followed?**
**If Walmart Distribution Center comes in what about the cumulative effect of both construction projects to the area?** C129-90

*Truck transport to deliver biosolids and green material to the site for composting and to deliver finished compost products to customers*

**How many trucks would be delivering the 1100, up to 2000 tons per day?**

**This statement does not factor in the return trip of the truck delivering the biosolids nor the arrival trip of the trucks picking up the finished compost.** C129-91

Comments prepared by Norman Díaz November 13, 2006

36 of 55

*Unloading/initial handling of composting materials: The proposed facility will receive a maximum of 400,000 tons of material per year, corresponding to an average of 1,100 tons of materials per day. Th maximum tonnage received on any single day will not exceed 2,000 tons of combined biosolids and green material. Fugitive dust emissions due to unloading of these materials at the site based on these feedstock delivery rates were calculated using AP-42 factors for bulk material handlings. The moisture content of incoming feedstock was conservatively assumed to be 55%, which has the effect of minimizing dust generation during the initial handling of these materials. At this point in the composting process, the feedstock is comprised of relatively fresh material, and VOC emissions resulting from the decomposition of the compost is not applicable. Emission rates attributed to each step in the composting process are given in Table 4.3.7.*

**Was our wind velocity factored in to the fugitive dust emissions?**

**What about the 4 hour rule/2 hour rule during high winds? Did you quantify the change?**

C129-92

*Estimated Total Maximum Daily and Annual Operational Emissions*

**What time of year were these emissions calculated for? What about the dryer, hotter summer months? How does wind and heat affect the calculated emissions?**

*Decomposition and fugitive dust by mechanical turning of windrows: The composting process involves the bulk mixture of the primary feedstock materials, i.e., biosolids and green materials, with bulking agents and amendments (sawdust, sand, gypsum and other similar materials). The mixture is placed in long windrows, which are typically several hundred feet long, with an initial width of up to 30 feet and initial height of up to 12 feet. The maximum annual compost production of the proposed facility is expected to be approximately 400,000 cubic yards. Composting of the feedstock materials received on any given day will occur over a period of about 60 days, during which time the volume of the material in the windrows will decrease substantially as decomposition of the source materials proceeds and moisture and other off-gases are released to the atmosphere.*

**Maximum annual compost is expected to be approx 400,000 cubic yards? Expected? Need a more specific amount or limit.**

**60 days is not long enough to compost this material. More time is need to make the compost into a quality product.**

C129-93

*Emissions factors for off-gases from windrow composting at several commercial composting facilities are available as a result of source testing studies conducted between 1996 and 2001 by the SCAQMD undertaken to establish the foundation for the District's Rule 1133, and a similar testing program conducted by the California Integrated Waste Management Board (CIWMB).*

**Are there newer studies that should be used for these emission factors?**

C129-94

Comments prepared by Norman Díaz November 13, 2006

37 of 55

*The tests conducted for the SCAQMD and CIWMB studies addressed a variety of composting mixtures and windrow turning procedures and demonstrated that off-gas emissions for a given composting process are highly variable with dependencies on ambient temperature and humidity, carbon to nitrogen ratio of feedstock materials and the frequency of windrow turning. Both studies show that facilities where the windrow piles are turned within the first two weeks in the composting process experience sharp peak short-term emissions, which would not occur at the proposed Project facility where turning is planned only on the 30th and 45th days of composting.*

**Were these tests conducted in the high desert? Our temperatures and wind velocity are different than the SCAQMD areas? Was the high desert factored into any of these equations?**

*Both studies show that facilities where the windrow piles are turned within the first two weeks in the composting process experience sharp peak short-term emissions, which would not occur at the proposed Project facility where turning is planned only on the 30th and 45th days of composting. However, over the course of the entire composting process, the total volume reduction and total emissions of off-gases is expected to be essentially the same for a particular type of composting feedstock regardless of the turning sequence and site conditions.*

**What about the different types of feedstock? They must factor in to the volume reduction and the total emissions? Why was this not looked at? Both the components of the biosolids and the green material will vary. Why was this not looked at? More test should be done.** C129-94 (cont.)

*The SCAQMD emission factors are based on measurements conducted throughout the entire composting process at several facilities, including composting facilities that use green material and biosolids feedstock, and are interpreted to represent emissions from all composting operations, including tipping piles, active composting piles and finished product piles. The CIWMB factors represent only testing on active windrows, but are considerably lower than the SCAQMD factors, despite the fact that they are based on tests completed only during the first two weeks of composting, when off-gas emissions would be expected to be at the highest levels. This analysis uses the average emission factors derived from the SCAQMD Rule 1133 Staff Report in order to provide conservative upper limit emission estimates for the proposed Project over the full composting process. However, interpretation of the resulting emissions estimates should include consideration that other tests have resulted in much lower emission estimates.*

**How can the volume of emissions be the same no matter what is used in the composting? If more scum or liquid biosolids are used, this would affect the tests.**

Comments prepared by Norman Díaz November 13, 2006

38 of 55

**Table 4.3.8**
**Estimated Daily and Annual Offgas Emissions from Composting Windrows**

| Pollutant | SCAQMD Factor lb/wet ton of feedstock mix (entire co-composing process) | Estimated Emissions for Nursery Products Facility Composting | |
|---|---|---|---|
| | | Daily average (lb/day) | Annual Total (tons/year) |
| VOC | 1.78 | 1,958 | 357 |
| $NH_3$ | 2.93 | 3,223 | 588 |

**How can you allow a process to take place that is so far over the accepted limit?**

**The allowable limit is 25.**

*Facility equipment fuel combustion and fugitive dust emissions: Worst-case daily emissions of criteria pollutants due to equipment fuel combustion from on-site equipment operations were calculated using CARB emission factors for off-road equipment. The facility will operate on a 24-hour basis 365 days per year; however, the equipment at the site will operate primarily during the day. The fleet of equipment and vehicles present during facility operations will include the following:*

**What if the equipment does not operate primarily during the day? NPLLC has not been true to it's word in prior operations. Why believe what they say now?**

**If equipment is used at night as well, does that change the emissions estimated here?** C129-95

Four (4), Rubber Tired Loaders (165hp, diesel)
- One (1), Miscellaneous Screen (190hp, diesel)
- One (1), Large Grinder (1000hp, diesel)
- Two (2), Off-Highway Trucks (425hp, diesel)
- One (1), Windrow Turner (550hp, diesel)

Worst-case daily and annual fugitive dust emissions caused by the movement of the mobile equipment (loaders, trucks, windrow turner) over unpaved areas, both on-site as well as over the access road, were also estimated using emission factors from the EPA AP-42 compendium-Table 11.9-1. Emissions from onsite equipment operations are summarized on Table 4.3.7.

**Will there be limits as to how many more emissions are acceptable? If they add more equipment than is listed here, what are the consequences?**

**Who will monitor what the facility is using? What are the consequences is they bring in more equipment than is listed in their permit?**

Comments prepared by Norman Díaz November 13, 2006

39 of 55

***Truck transportation:*** *The emissions from truck transport to deliver biosolids and green material to the site for composting and to deliver finished compost products to customers were calculated using emission factors calculated by the EMFAC2002 model for heavy duty trucks in San Bernardino County. The average capacity and round-trip travel distance for trucks delivering feedstock materials to the site and those hauling finished compost away from the site were estimated to be 23 tons and 200 miles, respectively, and the total daily vehicle miles traveled (VMT) were apportioned as follows:*
*– Empty outbound trucks: 1,354 VMT*
**Why is this number so low?**
*– Full inbound delivery trucks: 8,800 VMT*
*– Full outbound trucks: 7,446 VMT*
**Where are these trucks going? How many miles? Where are the customers who are requesting this material?** C129-96

*Table 4.3.9 shows the estimated emissions associated with the trucks hauling feedstock to the proposed Project and those removing finished compost. Fugitive dust emissions associated with travel of these trucks within the Project site calculated using AP-42 emission factors, are also included in this table. It should be noted that the fugitive dust emissions were based on the standard practice of watering unpaved roads to minimize dust. Consequently, the mitigation measures include a requirement to water unpaved roads.*

**How can you base fugitive dust emissions on the standard practice of watering unpaved roads to minimize dust when you only have a 2000 gallon water listed as part of your equipment? A truck this size will not be able to water all the roads and keep the dust down. Where is this water coming from? There is none on-site.** C129-97

Comments prepared by Norman Díaz November 13, 2006

40 of 55

*While the on-road emissions of NOx, CO and VOC are clearly substantial, they are not "new" emissions in the same sense as those from other source categories discussed in this section. Whether or not the proposed facility goes forward, biosolids and green material will continue to be generated regionally and will continue to require transport and disposal to other destinations.*

**This is a false statement. Why do biosolids and green material have to be transported and disposed of at other destinations? Waste needs to be dealt with at the source. There would be no need to transport anything. This needs to be studied. You can't assume that communities should be forced to deal with another community's waste.** C129-98

*Currently, it is estimated that the majority of biosolids currently generated in Southern California are delivered to facilities in either Arizona or Kern County, California, with roughly 44% sent to each destination. A rough calculation indicates that diverting these deliveries instead to the proposed Project would eliminate roughly 2 million miles of heavy truck travel annually.*

**If the waste was dealt with at the source, these emissions would be drastically reduced. Additional studies must be done.**

*Similarly, the best available information indicates that the green material component of the facility's feedstock is currently delivered to destinations as far or farther from the points of origin than would be necessary if this facility were available.*

**What facility's feedstock are you talking about?**

**This cannot be the only alternative just because NPLLC has set it's sites on pristine desert.**

*Therefore, the on-road trucking emissions in Table 4.3.9 would not be created by the proposed Project, and it is likely that on-road trucking emissions would be reduced due to shortened truck trips. Thus, only the fugitive dust emissions caused by the travel of these trucks at the proposed Project site are carried forward in the calculation of total Project emissions.*

**The assumption that opening this facility at the proposed location would help emissions is absurd. If the waste was handled at the source the emissions would be reduced, not just maintained at some "accepted" limit.**

*Estimated Daily and Annual Emissions From Truck Transportation During The Operational Period* C129-99

**Do these "On-road Truck transport" numbers include empty trucks which seem to be left out of most equations.**

*Employee commute trips:*

**Do these employee commute trips include the experts who need to monitor the construction? What about owners etc?**

*All workers were assumed to commute the from Barstow area (100 mile round trip).* C129-100

**What is the workers live outside the Barstow area? Will you restrict the employees to the Barstow area to keep your emission numbers in line? What are the consequences if the employees to come from outside the Barstow area?**

Comments prepared by Norman Díaz November 13, 2006

41 of 55

*Periodic grading of new areas: As noted previously, grading of additional areas of the site will be necessary at various times after facility operations commence to prepare for increased composting throughput. During such periods, which may average up to five days each month, there will be additional exhaust and fugitive dust emissions related to such grading. Equipment assumed to be devoted to this activity includes the following:*
*• One Rubber Tired Loader (165 horsepower, diesel)*
*• One Off-Highway Truck (430 hp, diesel)*
*• One Grader (250 horsepower, diesel)*

**What about the emissions from the water truck that will be needed to keep the fugitive dust to a minimum? This is not factored in. What about the additional workers that would be needed to run this additional equipment? What about the additional commuter miles?**

**What are the limits on grading? Grading should not be done in high wind situations. Who will be monitoring when this grading occurs? What are the consequences if facility does grade in a high wind situation and creates air problems for the area?**

**What if the wind blows towards Hwy 58 and obstructs the visibility of highway traffic? If an accident occurs because of this decrease in visibility, NPLLC should be held accountable.**

*The opportunities for mitigation of the VOC emissions from windrow composting are extremely limited.*

**That is a completely false statement. This facility should be built next to where the waste is generated. That would take care of a lot of emissions and not create further problems for the world. Be a part of the solution, not make further problems.** C129-101

**Look at all the other facilities that have enclosed structures and that use biofilters. That is a way to mitigate the VOC emissions. Money should not be a factor when the health of communities is at stake.**

*However, the temporary nature of windrows structures, the need to turn the windrows periodically, the large airflows that would need to be captured and the large area needed to accommodate a composting operation on the scale proposed by the applicant are factors that would make implementation of such controls economically infeasible.*

**Just because this size of operation is proposed by the applicant doesn't mean it has to happen the way the applicant wants. This method is not good for the environment. This method is not good for the people in this community who did not produce this waste.**

**How many enclosed facilities would be needed to equal what applicant is proposing to do. What if these facilities were right next to the source? No trucks would be needed to transport this waste, therefore, much less emissions. How much fuel would be saved. This alternative at least has to be looked at. CEQA requires that alternatives are seriously considered. Handling the waste at point of origin has not been adequately considered. Economic factors should not be the sole determination.**

Comments prepared by Norman Díaz November 13, 2006

42 of 55

*Additionally, based on data in SCAQMD Proposed Rule 1133.2, an enclosed composting facility in which all the compost and resulting emissions are contained within a building and forceably aerated during curing are estimated to reduce VOC and ammonia emissions by 80%. Even with an 80% emissions reduction, VOCs emissions are estimated to be 71 tons/year and would still exceed the significance threshold of 25 tons/year. Therefore, it is not technologically feasible to mitigate VOC emissions below the level of significance. Thus these composting off-gas emissions are considered to be significant and unmitigable*

**The 80% estimation is not correct. There are enclosed facilities that can capture more than 80%. Additional studies need to be looked at.**

**Even an 80% emission reduction, which would be 71 tons/year is still better than the 357 tons/year that the proposed facility will generate.**

**Look at the Harper Lake Energy Park for alternatives:**
**http://www.harperlakeenergypark.com/**

C129-102

*The primary sources of composting-related odors are: (1) feedstock management (e.g., delivery, storage and handling); (2) active composting (e.g., surface emissions, turning windrows, tearing down piles); and (3) curing (e.g., surface emissions, turning windrows, and tearing down piles). Other minor sources of composting-related odor include mixing of feedstocks into windrows; finished product loading; and poor site management conditions (e.g., runoff, leachate, surface ponding, and road spillage).*

**The finished product is not supposed to smell. Why is that included in the odor sources?**

**What about the screening process. If the finished product is going to smell, the screening process must be added to the odor producing list.**

**What about the diesel fumes from the on-site equipment. That will add to the odors.**

**What happens if there are poor site management conditions like NPLLC had in Adelanto? Who monitors this? What are the consequences if the site has poor management conditions? There must be pre-established conditions since NPLLC has proven that they don't follow the permit requirements (see Adelanto).**

C129-103

*Newly formed windrows containing fresh organic material can potentially generate intense odors when turned. Odors produced at this stage are principally the result of the decomposition or breakdown of proteins and fats that contain sulfur and nitrogen compounds. These compounds generally break down during the first 14 days of composting, and odor generation is significantly reduced after this initial stage of decomposition.*

**What is considered "intense"? How far away will these odors be noticeable? Where will the fat be from? Odor is significantly reduced after the first 14 days of composting? The facility will be constantly bringing in new material. The "first 14 days of composting" will never end. The smell will never end. The "stinky, sulfurous, fishy, ammonia" odor will never go away. It will always be present and will always blow towards the community.**

**What about the odors from the retention ponds? The ponds were not factored in to the odor considerations.**

**What about the odors from the trucks transporting and unloading the biosolids. Those odors were not factored in.**

Comments prepared by Norman Díaz November 13, 2006

43 of 55

*A dispersion modeling analysis was conducted to obtain a quantitative estimate of potential odor impacts from the windrow operations of the proposed Project. As stated earlier, active windrow composting emissions are considered to be the most important source of odors from this type of facility.*

**Who conducted the dispersion modeling analysis? What is their background. Is the report available for review?**

**As I stated earlier, the active windrow composting will be on going. It will never go away, therefore the odor will never go away. Was a study done on the accumulative effects of a large number of the windrows smelling at a time?**

*The next closest residents are located approximately 8 miles to the northeast, in the town of Hinkley.*

**A city council member lives 6.4 miles from the site to his street. Thus the calculations are incorrect in this study. Houses need to be remapped.**

*In order to reflect composting emissions for typical operations and varying stages of composting, one fifth of all windrows were assumed to be fresh compost, characterized by maximum odor intensity, and these were placed near the facility boundary for maximum off-site impact. The remaining windrows were assumed to have an average odor intensity of 37.5% of fresh compost.*

**What about varying weather conditions? How will this odor be different during the winter months with rain? The winter is not as warm as the summer. The odor will vary with these varying weather conditions. A different study needs to be done for the different seasons.** C129-104

*This odor level is well below the MDAQMD acceptable threshold of 10 D/T as well as the preferred threshold of 5 D/T, and will not likely impact the nearest existing residential areas frequently at levels that cause public complaints.*

**The odor level "will not likely" impact the nearest existing residential areas? The problems at the Adelanto facility prove that NPLLC does not care what the public thinks about. Adelanto School was 3 ½ miles upwind from the NPLLC facility and the kids were very sick. This odor level needs to be retested.**

*For this reason, and based on the numerous complaints received regarding odors from existing composting facilities, it is possible that the proposed facility could expose at least some members of the public to objectionable odors. This is considered a potentially significant impact that can be mitigated to a level below significance through implementation of the measures described in the mitigation measures subsection below.*

**Potentially significant? It will be significant.**

*No such emission factor is available for composting H2S emission and therefore any analysis of H2S would be speculative. To date, there is no accepted methodology or standard for measuring H2S resulting from composting facilities.*

**If no such emission factor is available for hydrogen sulfide then methodologies need to be done to figure it out. You can't just say there is not way to test for it and let it go. You must try harder to figure out a test.** C129-105

Comments prepared by Norman Díaz November 13, 2006

44 of 55

*As shown in Table 4.3.12, maximum predicted acute (1-hour) and chronic (annual average) concentrations of ammonia exceed the applicable health criteria established by the California Office of Emergency Health Hazard Assessment (OEHHA) at the Project boundary, but are well below these Reference Exposure Limits (RELs) at the distances of the nearest residences.*

**How will the workers at the facility be protected from this ammonia?**

**What will happen when there is a high wind situation? How far will the ammonia be dispersed during our daily wind situations?**

C129-106

*AQ-1 – Development of an Odor Impact Minimization Plan (OIMP) that will outline self-imposed operating requirements that will result in odor control and reduction.*

**Self-imposed operating requirements from a company that doesn't follow through with County requirements? (see Adelanto) Who will monitor this company? What are the consequences if these self-imposed requirements are not followed? How will we know?**

*AQ-2 – All unpaved on-site and access road shall be sprayed with water frequently enough to minimize the generation of visible dust. Alternatively, these roads may be paved to eliminate the watering requirement.*

**There has to be a more definite schedule as to when the roads will be sprayed, otherwise NPLLC will not do it. Also, there is not enough water nor water trucks listed to keep the roads sprayed. Who is going to monitor this dust on the road? What are the consequences if the roads are not properly sprayed? The amount of spraying will differ between the summer and winter months and during the windy months.**

C129-107

*AQ-3 – Refraining from turning the windrows during episodes of high wind speeds (30 miles per hour or higher).*

**This wind speed level needs to be lowered. 30 mph is very high. Crane operators cannot use their equipment when the wind is 25 mph.**

*Prior to facility development, the applicant shall prepare an OIMP to reduce potential odor impacts during operation of the compost facility.*

**How long prior to the facility development does the OIMP have to be prepared? Is this a matter of public record? Where can we see it?**

C129-108

Comments prepared by Norman Díaz November 13, 2006

45 of 55

*The OIMP shall be prepared pursuant to the requirements established by the CIWMB (14 CCR 17863.4) and would act as the overall program document for odor control at the compost facility. The OIMP shall include written procedures for reducing odors due to feedstock receipt, processing and handling, and for compost processing. While mitigation of odors could be achieved without implementation of all suggested measures, this document shall provide mitigation response to various operating scenarios. The OIMP shall be submitted to the LEA for review and approval, prior to operation.*

**Here is the 14 CCR 17863.4 that needs to be followed:**
17863.4. Odor Impact Minimization Plan.
(a) All compostable material handling operations and facilities shall prepare, implement and maintain a site-specific odor impact minimization plan. A complete plan shall be submitted to the EA with the EA Notification or permit application.
(b) Odor impact minimization plans shall provide guidance to on-site operation personnel by describing, at a minimum, the following items. If the operator will not be implementing any of these procedures, the plan shall explain why it is not necessary
(1) an odor monitoring protocol which describes the proximity of possible odor receptors and a method for assessing odor impacts at the locations of the possible odor receptors; and,
**This information needs to be in Spanish for Spanish-speaking workers**
(2) a description of meteorological conditions effecting migration of odors and/or transport of odor-causing material off-site. Seasonal variations that effect wind velocity and direction shall also be described; and, C129-109
(3) a complaint response protocol; and,
**This information needs to be in Spanish and English and needs to be distributed to the community that may be affected by the odors.**
(4) a description of design considerations and/or projected ranges of optimal operation to be employed in minimizing odor, including method and degree of aeration, moisture content of materials, feedstock characteristics, airborne emission production, process water distribution, pad and site drainage and permeability, equipment reliability, personnel training, weather event impacts, utility service interruptions, and site specific concerns; and,
(5) a description of operating procedures for minimizing odor, including aeration, moisture management, feedstock quality, drainage controls, pad maintenance, wastewater pond controls, storage practices (e.g., storage time and pile geometry), contingency plans (i.e., equipment, water, power, and personnel), biofiltration, and tarping. C129-110
**Tarping needs to be considered to reduce the odors. This would also help with the dust and pathogen dispersal.**
(c) The odor impact minimization plan shall be revised to reflect any changes, and a copy shall be provided to the EA, within 30 days of those changes.
(d) The odor impact minimization plans shall be reviewed annually by the operator to determine if any revisions are necessary. C129-111
**Who will make sure that NPLLC will do this?**
(e) The odor impact minimization plan shall be used by the EA to determine whether or not the operation or facility is following the procedures established by the operator. If the EA determines that the odor impact minimization plan is not being followed, the EA may issue a Notice and Order (pursuant to section 18304) to require the operator to either comply with the odor impact minimization plan or to revise it.
**This is not enough for a company that has proven that they are not in compliance with past activities.** C129-112
(f) If the odor impact minimization plan is being followed, but the odor impacts are still occurring, the EA may issue a Notice and Order (pursuant to section 18304) requiring the operator to take additional reasonable and feasible measures to minimize odors.
Note:
Authority cited: Sections 40502, 43020, 43021 and 43209.1 of the Public Resources Code.
Reference: Sections 43020, 43201 and 43209.1 of the Public *Resources Code*

Comments prepared by Norman Díaz November 13, 2006

46 of 55

*As feedstocks arrive at the proposed facility, the compost facility operator shall screen materials to assess the potential for the production of objectionable odors. If necessary, the compost facility operator would implement one or more of the following measures:*
*• Rejection or priority processing of loads that produce objectionable odors;*
**NPLLC is going to screen materials and then decide it may produce objectionable odors. It will then put the material back into the truck and send it away? Who is going to monitor this? They have proven in Adelanto that they will not be rejecting any loads. They make money by the load. They will not reject any.**

*• Blending or covering of feedstock producing objectionable odors;*
*• Treatment of feedstocks producing objectionable odors with a neutralizing agent such lime or other suitable chemical.*
**What do you mean by suitable chemical? Would these chemicals be safe for the desert environment and animals, plants?** C129-113

*Feedstock Storage Measures*

*• Incoming biosolids feedstocks shall be mixed and placed into windrows within two hours of arrival.*

**Biosolids and feedstocks mixed within 2 hours of arrival? How does that happen with so many trucks arriving? What happens when there is not enough green waste? Who will monitor this? What are the consequences if the mix is not as it should be?** C129-114

*Highly odorous materials received at the facility shall be sprayed, as necessary, with an odor neutralizer to control odorous compounds through adsorption and enzymatic action.*

**What kind of odor neutralizer? What are the possible names of odor neutralizers? Is it safe for the desert environment? People? Plants? Animals? Who regulates this?**
**Is this the best alternative for highly odorous materials. I thought it was stated above that the load would be rejected if it was too odorous?** C129-115

*Wind direction, weather conditions and time of day shall be taken into account when turning compost windrows and curing piles;*
**Who regulates this? What are the consequences if these conditions are disregarded?**

*When inversion conditions are forecasted, windrow turning should be avoided, if feasible. Meteorological equipment shall be installed on-site and the operator shall record wind direction, wind speed, and temperature at the site on a daily basis and will use that information to guide facility windrow management practices;* C129-116

**Windrow turning should be avoided, but will they? Who regulates this? What are the consequences?**
**Who is this operator who will be recording the daily meteorological information? Conditions change throughout the day and can change rapidly. Recordings need to happen more than once per day. Which weather forecast information will also be used?**
**How much training will this operator have? Will it be in English and Spanish?**
**Will it be a matter of public record?**

Comments prepared by Norman Díaz November 13, 2006

47 of 55

*Windrows and/or curing piles generating objectionable odors shall be sprayed with an odor neutralizer, when necessary; and*
**What kind of odor neutralizer? How can the minimal number of workers listed be available for all these tasks? Meteorological operator, odor neutralizer sprayer, windrow turner, equipment operator, water truck operator, receiver of biosolids. There are too many tasks and not enough workers listed.** C129-117

*When feasible, the ratio of carbon to nitrogen should be optimized by adding carbon-rich materials (e.g., woody waste) to high-nitrogen content feedstocks (e.g., grass clippings).*

**Malcolm Beck, a world-renowned composter out of Texas says that you need a 2 green to 1 biosolid combination to make high quality compost. What is the ration NPLLC will be using?** C129-118

*Prior to the rainy season (i.e., by October 1st of each year), the compost facility operator shall undergo pre-season site preparation to ensure that conditions that could result in ponding of stormwater runoff or leachates are minimized or eliminated; and*
**What about the monsoon season? We showed the Lahontan Water Board photos of our ranch that received 5-6 inches of rain in 20 minutes. This stormed occurred on August 15 of last year. Intense rains happen before October 1st.** C129-119

*If ponding occurs after a rain, the ponding shall be treated with lime or other suitable material and the feature causing the ponding shall be eliminated*

**What is the other suitable material that the ponds would be treated with? Is it safe for the desert environment, people, animals and plants? What about the soil?**

*Designation of an "odor impact coordinator" who would be responsible for responding to any complaints about odors;*
**Who is this odor impact coordinator. That is another position that the already small work force will have to deal with. How quickly would this coordinator have to respond to odor complaints? This coordinator will need to be able to speak Spanish.**

*• Establishment of a telephone hotline for nearby receptors to contact the compost facility. Complaints shall be recorded in writing and made available to the LEA and the CIWMB for review;*
**Will this phone number be the cellular phones that will be on site? How will this phone number be made available to the greater Barstow area? Instructions for reporting odor problems needs to be in Spanish as well as English** C129-120

*• If requested by the LEA, the odor impact coordinator shall immediately notify the LEA of any odor-related complaints; and*
**To maintain good relations with the community, the LEA should make sure that the coordinator notify the LEA of any odor-related complaints.**

*• The odor impact coordinator shall coordinate with the LEA to make any operational and/or technical modifications necessary to minimize the likelihood of future odors, redesigning portions of the facility to employ different technologies, or other such measures as necessary to minimize objectionable odors.*

**How many times does NPLCC get to "fix the problem". They showed in Adelanto that they don't care to do business correctly. They do not care about being a good neighbor. They did not listen to Adelanto. They did not listen to DWP. Will they listen to a Grand Jury?**

Comments prepared by Norman Díaz November 13, 2006

48 of 55

*However, biosolids and green materials will continue to be generated throughout Southern California and these wastes will need to be transported to alternate use or disposal sites.*
**You are not considering the option of taking care of the waste at the origin.**

C129-121

*Depending on the manner of their distribution among other locations and the nature, sizes and proximity to sensitive areas of these alternate receiving sites air quality and odor impacts at individual sites could be less than, comparable to or greater than those predicted for the proposed Project.*
**That statement does not make sense.**

*Total regional emissions associated with the processing of these materials will likely be comparable to those described for the proposed Project.*
**This statement is not true. Total regional emissions would be reduced if these materials were composted in an enclosed facility like the one in Rancho Cucamonga. Additional studies need to be done to show that enclosed facilities are the way to adequately deal with waste and maintaining a healthy environment.**

*Table 4.3.13 shows that expected emissions resulting from reduced annual compost production would not reduce to levels below the significance threshold.*
***You need to give the numbers in tons.***
**Applicant says that 320,000 per year is the lowest amount that would be profitable. Why that number? Why not 200,000?**

C129-122

*It should be noted that in order for the alternative facility to establish VOC emissions below the significance thresholds, compost production would have to be reduced to no more than about 28,000 tons per year over approximately 11 acres (~ 76 tons per day), less than 7% of the proposed Project capacity. This reduction would not produce enough compost product to offset the cost of operation, making a facility of this size economically infeasible.*

**This sounds like a healthier option for people, the land, air, birds in the area. Look into this further.**

Odor for this alternative would be similar to the proposed Project. The magnitude of odor impacts for specific events would depend more on the characteristics of individual loads of feedstock materials and the management practices employed to address high odor materials than on the change in facility capacity. Thus, while the decrease in the quantity of materials handled would lower the probability of occurrence for releases of strongly odorous materials to the atmosphere, the potential for significant odor impacts still exist. These impacts would be reduced to less than significant with the implementation of mitigation measure AQ-1.

**How can 7% of the proposed capacity have similar odor? That does not make sense. Can you explain this statement and also model it? Can you also model ¼, 1/3, ½, and ¾ capacity.**

Comments prepared by Norman Díaz November 13, 2006

49 of 55

Consequently, the air quality impacts related to VOC emissions would be significant and unmitigable. The principal difference from an air quality perspective would be the location of the site relative to nearby sensitive receptors. Based on building permits and assessors' records, there are about 8 residences within a 2-mile radius of the Fort Cady site, with the closest residence about one-half mile from the sit boundary. Thus, there would be a marginally larger potential for increased exposure to higher concentrations of air pollutants and dust emitted at the facility than for the proposed Project and a significantly increased likelihood that the nearest few neighbors to the facility will experience noticeable odors

**These residences are closer to the proposed site than the Adelanto School was in Adelanto. They will have major health problems similar to complaints in Adelanto.** C129-123

The Project area is located in the Mojave Desert in gently rolling open terrain dominated by desert scrub vegetation. The Mojave Desert is the driest desert in the continental United States with precipitation ranging from 2.23 to 2.5 inches a year, with much of the rain falling between October and March, and temperatures ranging from 40 to 110 °F. Perennial and intermittent rivers and streams are rare, and mostwater flow occurs in washes and flood-flow paths during major winter rain events that occur rarely.

**As mentioned earlier, our ranch had 5-6 inches of rain in 20 minutes in August of last year. When major winter rain events do occur, they are huge. This needs to be taken into account for this proposed proposed. Lahontan Water Board has seen photos of what this type of rain can look like.** C129-124

The Project site is a privately-owned site located within the boundaries of an area designated by BLM as Category I desert tortoise critical habitat, which is considered to be most suitable for tortoise occupation (BLM 2001)

**Is this the newest and only study for this area?**

*A total of three special-status species were identified during the Project specific biological surveys: one federal- and state-listed species, desert tortoise (Federal and State threatened), and three California Species Special of Concern (CSSC), northern harrier (Circus cyaneus, CSSC) sage sparrow (Amphispiza belli, CSSC), and California horned lark (Eremophila alpestris actia, CSSC). Mohave ground squirrel were not detected during the 2006 spring surveys (a total of 4 spring-season survey days), although whitetailed antelope squirrel, an ecologically similar species, were commonly detected.* C129-125

**Is a 4 day study long enough. What about a study in other seasons?**
**What about the 200 birds that use Harper Lake in their Migratory Path?**

Comments prepared by Norman Díaz November 13, 2006

50 of 55

*Since the Mohave ground squirrel is a diurnal species and because an ecologically similar species was observed utilizing the site, and no Mohave ground squirrel were observed, it is concluded that the Mohave ground squirrel is not present onsite.*

**That does not seem like a valid observation. Additional studies need to be completed for this animal.** C129-125 (cont.)

Two live desert tortoises and their burrows were detected within 600 feet of the southeastern property boundary during the focused survey conducted in April 2006 (Figure 4.4-2). Rare plants were not detected during three site visits conducted by URS botanists in spring 2006. No evidence of burrowing owl was detected during any of the biological surveys conducted on the site.
**2 live desert tortoises were found.**

**I saw pellets on Hinkley Road in November. Additional studies need to be done for the burrowing owl.** C129-126

**Rare plants are not found in April. Additional studies need to be made during other time of the year.**

*The California Environmental Quality Act (CEQA) Guidelines define "significant effect on the environment" as a "substantial or potentially substantial adverse change in the environment." The CEQA Guidelines further indicate that there may be a significant effect on biological resources if the project will:*
*Substantially affect, reduce the number, or restrict the range of unique, rare, or endangered species of animal or plant, or the habitat of the species*
**This facility will substantially affect the desert tortoise as well as other desert plants. Read the comments from the experts.** C129-127

*Substantially diminish or reduce habitat for fish, wildlife, or plants*

**Invasive plants from the green waste will destroy the desert environment. The Joshua Preserve in Pioneer Town was said to be due to the abundance of nonnative plants that came into the area. Why ruin another pristine desert. There are alternatives that need to be reconsidered.** C129-128

*Interfere substantially with the movement of resident or migratory fish or wildlife species*

**The retention ponds will attract the migratory birds going to Harper Lake. This will harm the bird populations.** C129-129

*Introduce new species of plants or animals into an area, or act as a barrier to the normal replenishment of existing species Figure 4.4-2*

**Nonnative plants will be introduced to the desert from the green waste which will ruin the desert, hurt the desert tortoise because of a change in their food source.** C129-130

*Deteriorate existing fish or wildlife habitat (CEQA Guidelines, Appendix I (II.5.d))*
**VOCs and invasive plants will not be good for wildlife habitat. How can this facility go in next to a desert tortoise protected area?** C129-131

Conflict with any approved regional Habitat Conservation Plans (HCPs)
**What happens if the West Mojave Plan is implemented that does not allow any landfills?** C129-132

Comments prepared by Norman Díaz November 13, 2006

51 of 55

*Impacts on fish or wildlife population to drop below self-sustaining levels and threaten elimination of a plant or animal community:*

**What happens with trucks on the access roads who harm and or kill tortoises** C129-133

*The Project site comprises a total of 160 acres that is located within the approximately 9.3 million acre planning area of the proposed WMP (West Mojave Plan).*

**If this WMP is implemented, what happens to the facility. Why would you put a facility in an area that is designated habitat for a threatened species. The state reptile! Where is the forethought there?** C129-134

Mohave ground squirrel habitat would be considered adverse but not significant due to the lack of
occupation by this sensitive species onsite. However, significant adverse impacts to desert tortoise will
occur as a result of this Project, and include:

**How was the test done? Who conducted it? What was their experience? What time of year? Shouldn't multiple studies be done at different times of year?** C129-135

No direct mortality of tortoise is expected;

**How will truck driver's be informed about the desert tortoise, especially in the roadways.** C129-136

*Increased truck traffic along existing access routes (including Helendale Road) may increase the potential for loss of desert tortoise through vehicle collisions;*
*• Increased truck traffic along the existing access routes may increase the amount of road-killed mammals and reptiles. This increased availability of carrion could attract ravens to the Project vicinity and lead to increased potential for predation of hatchling desert tortoise.*

**You are setting up situations where the desert tortoise will not be protected.** C129-137

*As part of mitigation for loss of the desert tortoise habitat, the Project proponent should be encouraged to purchase parcels in the Project vicinity that would contribute to conserving the existing continuity of suitable habitat in the east-west direction.*

**The Project proponenet should be forced to purchase 160+ parcels in the Project vicinity that would contribute to conserving the existing continuity of suitable habitat in the east west direction.** C129-138

*All migratory and non-game native breeding bird species are protected by international treaty under the Federal Migratory Bird Treaty Act (MBTA). Vegetation clearing during the bird nesting season could result in the direct loss of native birds or their active nests. Potential for these impacts can be avoided by limiting vegetation clearing to the non-breeding season (August to February).*

**Who will monitor and regulate this? What happens to birds that are affected by this facility? What are the consequences?** C129-139

Comments prepared by Norman Díaz November 13, 2006

52 of 55

*The Project site is comprised of the same vegetation community with a similar level of diversity as the surrounding, largely undeveloped Project vicinity, with an apparently low density of desert tortoise (2 tortoises detected within 200 acres surveyed) occurring within and adjacent to the Project site.*

**When was the tortoise survey completed? Who did the survey. What was their experience? We found more dens than is shown in this study. Additional surveys needs to be completed. What do the tortoise experts and conservation groups have to say? How many tortoises are allowed to die before action is taken against the facility? Will they be truthful about the death or an animal?** C129-140

All employees, subcontractors, construction personnel, and other individuals who work on-site shall participate in a desert tortoise awareness program with educational materials provided by the West Mojave Implementation Team. The program shall be administered by the Authorized Biologist or Environmental Monitor. The program may be given in the field prior to initiation of construction activities, and shall include truck drivers, delivery personnel, and other Project-related personnel occasionally entering the work site. Wallet-sized certification cards shall be provided to personnel who have attended the training.

**The informational program needs to be in Spanish and English and needs to happen before any equipment goes near the proposed facility site. You can't wait until people are on-site. What if they see a tortoise on the way to the site?**

**Who is going to check that any worker who leaves the State Hwy and heads toward the site has had the informational training. Someone needs to be posted as the trucks come off the highway. That is another employee that you have not accounted for in your list.** C129-141

Mortality of any tortoise shall be reported to wildlife agency staff.

**Who is going to monitor this? What are the consequences if employees start killing tortoises? Every single truck that goes out to the site needs to have gone through a tortoise informational program. Every single truck. In every language that is native to that truck driver. If there is a substitute truck driver, that drive needs to have this training before entering access roads to the sites. That is where the tortoises could possibly be found.** C129-142

B-5 Between February 15 and November 15, the tortoise clearance survey shall occur within 48 hours prior to ground disturbance. Between November 16 and February 14, the survey may be performed several days or weeks prior to ground disturbance.

**You need to check with the Desert Tortoise Conservation Groups to make sure this is the correct procedure.** C129-143

B-8 Except on paved roads with posted speed limits, vehicle speeds shall not exceed 20 miles per hour through desert tortoise habitat. This speed limit shall be posted along all access routes associated with the Project. Any tortoises encountered on the roads shall be avoided by drivers where feasible (i.e. driver will stop and wait for tortoise to cross road).

**20 mph is too fast to be able to stop for a tortoise and to even see it. The same goes for the Mojave ground squirrel.** C129-144

Comments prepared by Norman Díaz November 13, 2006

53 of 55

B-10 As defined by permit conditions and the Implementing Agreement associated with the permit, adequate funding must be set aside to manage the conserved habitat and to monitor the effects of the Project on the surrounding habitat.

**How much is considered adequate funding? Who determines this? Who makes sure that there is enough funding?** C129-145

The Project area falls within the traditional boundaries of California Indians known as the Serrano (Kroeber 1925, Bean and Smith 1978). The Serrano, members of the much larger Shoshonean family, who occupied lands from the Pacific Ocean and throughout the desert southwest, spoke a language that falls within the Takic family of the Uto-Aztecan language. The Serrano comprised five groups or bands: Kitanemuk, Alliklik, Vanyume, Kawaiisu and Serrano.

**Why wasn't Mr. John Valenzuela contacted from the Vanyume tribe? The Vanyume used Harper Dry Lake to the Mojave River route in their travels. Additional studies need to be done.** C129-146

The information and analysis presented in this section are based upon site reconnaissance, location of the
site, and the research of agency records and other databases. The Project site does not appear to contain surface or subsurface contamination from hazardous materials. The entire site is relatively undeveloped desert area. The Project site is not listed as an Identified Hazardous Waste or Storage Site, although desert
terrain is sometimes used for limited illegal hazmat dumping. In accordance with Government Code Section 65962.5, a computerized search of state and federal agency databases was performed. This search
performed a HazMat information query of all site within a nine-mile radius of the center of the Project. The report concluded that there were no identified hazardous waste release sites within the Project boundary.

**What is the mining and military toxic history. What records and databases have been used. Has this history been considered and weighed in when looking at the toxic elements and the effects on the environment?** C129-147

**What is going to happen to the harzardous wood chips that have been dumped adjacent to the proposed site? Those will have to be moved before the proposed facility breaks ground. Who regulates those woodchips?**

At the present time, the County maintains a HazMat Response Team, which provides support for local jurisdictions in handling HazMat situations. In addition, the State requires each City to prepare a City Hazardous Waste Management Plan (CHWMP), and the Project is located within the Barstow Sphere of Influence. Composting process does not create hazardous waste; and the Project will not accept hazardous
wastes at the site.

**The Barstow Fire Dept said they would not respond to a fire at the proposed site.**

**What is the closed HazMat team that could fight this type of fire.**
**What is their response time?**
**What happens if smoke from this fire obstructs visibility on Hwy 58?**
**Is the County responsible for this since they knowingly let this facility operate here?** C129-148

**During fire season in SB County, how will that affect response time for this facility.**
**These factors have not been adequately considered and addressed.**

**There needs to be a large perimeter within the property site to allow for bulldozers to come in and fight the fire. You can't destroy more of the desert trying to fight a fire. That means the amount of usuable space for the windrows is reduced. Please comment on that factor.**

Comments prepared by Norman Díaz November 13, 2006

54 of 55

**Sludge is listed as a hazardous material on the EPA website site. How is it possible that trucks can transport this material? Has Caltrans been alerted to the increased truck load?** C129-149

Creates a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment;

**When a fire starts , how will it be fought? There is no water on site. What is the specific procedures for fighting a fire?** C129-150

***Hazardous Materials Storage and Transfer***: The Project will require the use of petroleum based products such as oils, diesel fuel, and lubricants for equipment. These products are classified as potentially hazardous. These materials would be stored in 55-gallon drums, 35-gallon storage drums, and a proposed above-ground 2,000-gallon fuel storage tank with required containment structures. All used oils would be recycled or disposed of at a proper receiving facility. Deliveries of hazardous materials would be by approved shippers under proper manifests. Hazardous materials or fuel could spill during transfer or fueling activities, as a result of an accident or as a result of a leaking container. The mitigation
measures below would reduce impacts to less than significant.
***Combustion of the windrows or other onsite biosolids:*** The composting operation will require the biosolids and green material to reach certain high temperatures adequate for composting and there is the possibility that fire could result in the materials being composted. Based on similar composting facilities, the propensity for the windrows to spontaneously ignite is minimal. However, in the event of spontaneous
combustion of biosolids on the proposed site, the mitigation measures below will limit the hazard to the subject property and reduce impacts to less than significant.

**What about the Hartford fire?** C129-151

The Project area is located in the Mojave Desert in gently rolling open terrain. The Mojave Desert is the
driest desert in the continental United States with precipitation ranging from 2.23 to 2.5 inches per year,
with much of the rain falling October to March and temperatures ranging from 40 to 110 °F. Perennial and intermittent streams and rivers are rare, and most surface water flow occurs in washes and flood-flow
channels during major winter rain events that occur rarely. There are no significant streams in the area. The major surface drainage east of the Site flows towards the Mojave River, which located 8.5 miles to the southeast. Intermittent surface water flows northeast for approximately 7.5 miles towards Harper Dry
Lake, interrupted by Highway 58. Other than Harper Dry Lake, no springs or natural surface water resources exist year-round within 25 miles of the Project site.

**MWA percolation and recharge ponds in Lenwood and Hodge. How will facility affect those ponds with regard to reactivation of pathogens.** C129-152

**What about the pathogens getting into residents swamp coolers and reactivating. Who is liable for that?** C129-153

Comments prepared by Norman Díaz November 13, 2006

55 of 55

## RESPONSE TO COMMENT LETTER C129

C129-1 Over 80% of the biosolids from California are currently being shipped to Arizona and the San Joaquin Valley. A facility in San Bernardino for Inland Empire biosolids would be considered as local by comparison. Human health risk was a key factor evaluated in the EIR and is specifically addressed in the air, water and hazards analysis.

C129-2 The Odor Impact Management Plan is a requirement of California regulations, and is enforced by the County Environmental Health Division acting as the Local Enforcement Agency (LEA) on behalf of the California Integrated Waste Management Board (CIWMB). The Mitigation Monitoring and Compliance Program included in Section 5 of this Final EIR provides information regarding the monitoring/reporting action, effectiveness, criteria and responsible agency for each mitigation measure. See response to comment COB-8 regarding the enforcement of mitigation measures and permit conditions.

C129-3 The specifics of the training program will be developed in coordination with the wildlife resource agencies during the permitting specified in Mitigation Measure B-2.

C129-4 Trash will be contained in an enclosed dumpster and will be removed from the site at least weekly by a trash collection service. Ravens are not expected to congregate in the area without a food source.

C129-5 The wildlife resource agencies will establish the funding requirements during the permitting specified in Mitigation Measure B-2.

C129-6 See Mitigation Measure B-2. The U.S. Fish and Wildlife Service is the authority that issues permits under the federal Endangered Species Act, and USFWS will consult with the Bureau of Land Management and the California Department of Fish and Game in the review process. The HCP will become public record when it is complete and submitted to the agencies. It can be reviewed at the LUSD office or at the wildlife resource agencies.

C129-7 The surveys will be conducted by biologists approved by the wildlife resource agencies at a frequency specified by the resource agencies to assure that no individual animals are harmed by construction activities. If a tortoise is detected on the construction site, it will be relocated by a permitted biologist under the supervision of the resource agencies.

C129-8 See Mitigation Measure HM-3.

C129-9 See response to comment C129-7 and Mitigation Measure B-13.

C129-10 If the facility operates for 5 years with no evidence of invasive plants, reducing the survey interval to once every 4 years is reasonable.

C129-11 See Mitigation Measure B-14 and HM-3

C129-12 See response to comment C129-2.

C129-13 A qualified archeologist is an individual with the minimum education, training and experience required to conduct archeological monitoring. No specific archeologist has been identified for this activity. The archeologist will develop a monitoring strategy that will include additional staff as necessary if multiple portions of the site are disturbed at the same time. The archeologist will conduct the training and a translator will be used as necessary. If a discovery is made during construction, work in the area will stop. The archeologist will decide if fencing is needed and what other personnel will be necessary to evaluate the site. This is a standard approach for unanticipated archeological discoveries during grading/excavation projects.

C129-14 The approach for paleontology is similar to archeology. See response to comment C129-13.

C129-15 See the details for Mitigation Measure HM-1 in Section 5.

C129-16 See the details for Mitigation Measure HM-2 in Section 5.

C129-17 See the details for Mitigation Measure HM-3 in Section 5. Please note that this measure has been revised to require consultation with the fire agency regarding the quantity of water required on site.

C129-18 See the details for Mitigation Measure HM-4 in Section 5. Process water may be added to composting materials if necessary to adjust moisture content. Ordinarily, sufficient moisture exists in greenwaste and biosolids, so the addition of process water is not necessary.

C129-19 Leachate is not typically expected to occur in a hot arid environment. High rainfall may result in contact water being released from the compost piles. Most of this water would occur as surface water that would be directed into the retention basin and be captured in this fashion. Groundwater is at a depth of over 200 feet beneath the Project site, and is not expected to be affected by the Project.

C129-20 This objective of this measure is to control visible dust that may contain spores or pathogens that are present in green material and biosolids. The specific spores present are not known and can change depending on the source of the material and the control measures take this into consideration. No testing is proposed or warranted.

C129-21 The water truck will be used to wash down equipment that is used on the site. This will be conducted near the windrows and the retention pond. Any runoff will either evaporate or flow into the retention pond.

C129-22 See the details for Mitigation Measure HM-8 in Section 5.

C129-23 Muscadine is a fly bait that attracts and kills flies. See the details for Mitigation Measure HM-9 in Section 5. Also see response to comments B3-2 and COB-8.

C129-24 As indicated in Section 2.3, clean soil or other inert materials (i.e. sand, gypsum, sawdust) will be used as a bulking agent or amendment as needed and will not exceed 200 tons per day.

C129-25 See the details for Mitigation Measure HM-11 in Section 5.

C129-26 Yes, the Project is within the Lahontan RWQCB jurisdiction..

C129-27 The retention basin is shown on Figure 2.3. It is located on the down-gradient portion of the site and the site will be graded so that all surface water flow is directed to the basin. The retention pond will be sized to handle water from a storm of the size that happens on average only every 100 years, and it assumes that the storm will last for 24 hours (24-hour, 100-year storm event). Also see the details for Mitigation Measure W-1 in Section 5 and response to comments C207-9, MWA-2, and CDFG-6.

C129-28 See the details for Mitigation Measure W-2 in Section 5.

C129-29 See the details for Mitigation Measure W-3 in Section 5.

C129-30 Title 40 of the Code of Federal Regulations, Part 503 contains the federal regulations for biosolids management.

C129-31 RWQCB is the Lahontan Regional Water Quality Control Board. See the details for Mitigation Measure W-3 in Section 5. Also see response to RWQCB-9.

C129-32 Mitigation Measure W-3 has been revised as requested.

C129-33 The retention basin will be sized to handle the flows from a 24-hour, 25-year storm event. The preliminary design size is shown on Figure 2.3. BMPs include any structures, operational features or practice that keeps contamination out of storm water flow from the site. The retention basin itself would be considered a significant BMP for the project. See the details for Mitigation Measure W-4 in Section 5.

C129-34 Groundwater sampling is included in Mitigation Measure W-6.

C129-35 Containment berms and fueling areas lined with a plastic liner are commonly used at construction sites. Absorbent is typically used to soak up spilled fuel and it is sent to a hazardous waste treatment or disposal facility.

C129-36 The EIR concludes (Section 6.1) that cumulative traffic effects will be less than significant. See response to comments C207-34, C207-36, RWQCB-8 and CIWMB-5.

C129-37 See response to comments COB-8 and B3-2.

C129-38 See response to comment B4-37.

C129-39 Caltrans was contacted during the preparation of the traffic impact analysis for the project (Appendix D).

C129-40 See response to CIWMB-5. Suitable greenwaste currently going to landfills can be directed to the Project.

C129-41 Delivery will occur by appointment only and the source of the materials will be confirmed when the appointment is made. Section 2.3.1 describes the load check process and indicates that loads will be rejected if the quality of the green material is poor. Also, staff will be on hand to receive and process the material when they are delivered.

C129-42 No liquids will be accepted at the facility. See response to comment CDHS-4 with respect to regrowth of pathogens.

C129-43 Section 2.3.1 describes the process for evaluating biosolids to be delivered to the site. As described in Section 1.4, biosolids does not include grit and screenings.

C129-44 The applicant will be testing the compost. Solid Waste Facility Permit requirements indicate that testing records must be maintained for review of the LEA.

C129-45 As explained in Section 1.4, the general location was chosen to serve market areas, and to provide shorter travel distances relative to current practices. See response to comments B3-3, B3-4, B3-5, and COB-2.

C129-46 The information is available on the CIWMB web site , and is from the Countywide, Regionwide, and Statewide Jurisdiction Progress Report of 2004. (www.ciwmb.ca.gov/LGTools/mars).

C129-47 The analysis completed does not indicate that health impacts would result from this project.

C129-48 See response to comments RWQCB-8 and CIWMB-5.

C129-49 The Project site is vacant in the common sense meaning of containing no structures or improvements. The Biology report includes the results of surveys for plants and animals on the site.

C129-50 The accepted materials would be biosolids green material and bulking agents, delivered in enclosed vehicles.

C129-51 The fire break is not shown on the figure. See Mitigation Measure HM-3.

C129-52 Not retention walls are proposed. See response to comment C129-33.

C129-53 Additional water will be stored on site. See Mitigation Measure HM-3.

C129-54 See response to comment C129-33.

C129-55 See response to comment COB-8 and B3-2.

C129-56 The applicant will be monitoring and testing the compost. Solid Waste Facility Permit requirements indicate that monitoring/testing records must be maintained for review of the LEA. See response to comment SWMD-1.

C129-57 Compost is commonly used for erosion control. It is placed on loose soil areas to absorb rain water and slow down runoff, reducing erosion.

C129-58 Generators of biosolids are responsible for monitoring and reporting on the content of their material. The applicant will check loads delivered to the facility, and reject loads containing unacceptable material. Biosolids are generally not classified as a hazardous waste—the metal and pathogen concentrations they contain are below thresholds that define such wastes. The State General Order (Order No. 2002-0012-DWQ) requires that biosolids transport trucks be fully closed and contain all portions of their load. Biosolids are not considered hazardous waste, and no special placard is required on the transport trucks. No delivery will be scheduled for loads that have analytical results indicating that they would be hazardous waste. State law also requires that any finished compost product that contains metals or pathogen concentrations above state standards muse be disposed in a permitted landfill or disposal facility.

C129-59 The proposed project will log the rejected load and is not responsible for where the truck goes. Typically, rejected loads are directed to the nearest landfill for proper disposal. Grass clipping decompose rapidly resulting in strong odor and potential fly breeding. No testing for fertilizers or pesticides is proposed.

C129-60 The nine-week period is an average considering most climates. The California desert is hot and dry, even in the winter compared to other geographical areas.

C129-61 These specific operational details will be part of the solid waste facility permitting process are not necessary to complete a CEQA environmental evaluation of the project.

C129-62 The screening process was included in the air impacts analysis in the EIR (Section 4.3). There is adequate space on the parcel for the compost stockpile and windrows. The maximum amount of material would be approximately 800,000 cubic yards.

C129-63 See responses to comments C129-61, B3-2, and COB-8. Compost sampling is a commonly accepted strategy for analyzing large volume piles, and the sampling protocols are established by federal and state regulations.

C129-64 The commenter is correct. The information following this comment is a reproduction of some of the state regulations related to composting.

C129-65 The circumstances of the late delivery are not relevant to the EIR analysis, but might include abnormal traffic delays, mechanical difficulties, or similar events. Also see response to comment C207-7.

C129-66 Section 2.6 indicates that water for operations will be provided by an on-site well or be purchased and stored. The EIR analysis assumed either case and the timing of the well installation does not change the analysis.

C129-67 See response to comments C129-24.

C129-68 The OIMP will include a level of detail required for approval by the LEA, following the specifications found in 14 CCR 178963.4, which are repeated in the comment. See Mitigation Measure A-1-2 in Section 5.

C129-69 The berm will be constructed of native soils from the site. Depending on the physical characteristics of the native soils, it may be necessary to import additional earth material as an amendment to provide a suitable consistency that can be graded and compacted to form the berm. The height of the berm will vary, since it forms part of the drainage control in some areas. The perimeter berm will help to reduce ground level winds, but will not prevent high winds across the property, as noted in the comment. The water truck is one of the two off-road trucks counted in the equipment inventory for the Project's air emission calculations. Water for dust control would come from an on-site well. Confirmation of site improvements consistent with the Project plans—including the use of crushed rock or equivalent paving on access roads to minimize dust—will be done by County Land Use Services and Environmental Health (LEA) staff. Mitigation measure A-2 requires the use of water or paving roads to reduce visible dust. See response to comment C207-18.

C129-70 Controlling flies through the proper management of on-site materials will be the focus of pest control. Fly bait and traps will be used as necessary. Widespread use of insecticide over the composting area is not proposed. See response to comment C129-23.

C129-71 The rodent of concern would be domestic rats, or other non-native species that might be present. Trap type is not known yet, but traps would not need to be placed over the entire project site.

C129-72 Generators of biosolids are responsible for sampling, monitoring, and classifying biosolids before they are delivered to the site. The classification (Class A or Class B) depends on documentation of pathogen reduction procedures and on pathogen monitoring results. Greenwaste will be inspected by Project staff to ensure it does not contain excessive litter, grass, or other material not acceptable for use. See response to comment C129-4.

C129-74 See response to comments B3-3, B3-4, B3-5, COB-2 and CDHS-1.

C129-75 Comment noted.

C129-76 Other parameters would include material density and cohesion.

C129-77 Heterogeneous materials are a mixture of different things with different properties (e.g. a mixture of green material and biosolids is heterogeneous.

C129-78 See response to comment C129-74.

C129-79 Open window composting can accommodate different percentages of green materials to biosolids as well as different types of green materials (e.g. scrubs with lots of leaves versus ground tree limbs) easier than in-vessel process.

C129-80 See response to comment C129-74.

C129-81 The CEQA Guidelines provide that site suitability, economic viability, and availability of infrastructure are among the factors that may be taken into account when addressing the feasibility of alternatives.

C129-82 See response to comments CIWMB-5 and C129-74.

C129-83 See response to comments B-3-3, B3-4, B3-5, COB-2.

C129-84 See response to comment C129-27.

C129-85 See response to comment B4-43.

C129-86 From a regional perspective, the air emissions from truck traffic would likely be less with the proposed project. Fewer trucks traveling through San Bernardino county on there way to Arizona and possibly Kern county would likely have a net small decrease in emissions to the air basin. The traffic volume from the proposed project is not large enough to result in CO toxic hotspots.

C129-87 BACT requirements do not exist for a windrow composting facility. The emissions analysis is included in Section 4.3. See response to comment C129-86 related to emissions from truck deliveries.

C129-88 The preliminary grading plan is shown on Figure 2.3. Most of the grading will be done on the northern portion of the site. The water will be purchased and delivered to the site like most construction projects in areas without water systems. If a well is installed first, the water would come from the well.

C129-89 See response to comment B3-2 and COB-8.

C129-90 Even with the intermittent visitors/monitors during construction, traffic during construction would be substantially less than during operation. The information on Table 4.3.7 would still depict the worse case emissions scenario.

C129-91 There are no new CARB thresholds. The cumulative impacts assessment for air quality assumes regional growth.

C129-92 Emissions from delivery trucks would likely not increase emissions in the air basin. See response to comment C129-86.

C129-93 Local data from the closest MDAQMD meteorology station was used in the air impacts analysis. It should be noted that project $PM_{10}$ emissions are well below the significance threshold.

C129-94 Comment noted.

C129-95 These studies widely used and are the most current and comprehensive data set for emissions from biosolids and green material composting operations. Adjusting for high desert or variability in the feedstock would be speculative. CEQA guidelines §15145 indicates that a Lead Agency should note its conclusion and terminate discussion of the impact if it finds that a particular impact is too speculative for evaluation.

C129-96 As shown on Table 4.3.7, the equipment emissions are all well below the regulatory thresholds. Additional equipment would not change the conclusions in the air analysis.

C129-96 The reason why this number is so low is because the outgoing empty trucks leaving the facility are less than fifty percent of the total trucks arriving with a full cargo to the facility. Many trucks delivering green waste to the facility will be leaving with a full cargo of compost.

In addition, see response to comments RWQCB-8 and CIWMB-5.

C129-97 Water for operations will be provided by an on-site well or be purchased and stored or a combination of both. The water will be stored in a water truck with a 2,000 gallon capacity. As necessary, the water truck will be filled using the on-site well and/or purchased water.

C129-98 Presently, biosolids and green material are being transported to facilities in Kern County and Arizona for processing, disposal, or use.

C129-99 See response to comment C129-96.

C129-100 Even with the intermittent visitors/monitors during construction, traffic during construction would be substantially less than during operation. The information on Table 4.3.7 would still depict the worse case emissions scenario.

C129-101 Emissions from the water truck and operational equipment were evaluated and mentioned in Section 4.3.3.2 Operational Emission Impacts of the DEIR.

The applicant must obtain a grading permit from the County of San Bernardino which will outline grading conditions and limitations.

Pleas refer to the Mitigation Measures Section for Air Quality in the FEIR.

C129-102 Comment noted.

C129-103 Table 4.3.10 presents the relative contribution towards odors from different materials and components of the composting operation. Finished product, typically in curing piles that are older than 60 days, contribute about 3% towards the overall source strength of the facility odor. Screening operations of the final product contribute about 1%. Diesel fumes contribute only intermittently, and so are not significant components of odors that may be detected offsite. In the event that poor site management results in excessive odors, the operator is responsible to correct the situation. Complaints to the County (Land Use Services Department or Environmental Health Division, LEA), or to the Air Pollution Control District (which usually coordinates with the LEA on such projects) will lead to inspection and enforcement actions if not resolved in a timely fashion. The issue of local enforcement is addressed in Responses B3-2 and COB-8. The word "intense" was used in describing newly formed windrows since the largest contributor to overall odor is windrows that are younger than 30 days (see Table 4.3.10). Fats would be present if any food products or animal remains were present in greenwaste loads. That is one reason for the green waste load checking program required at the facility. The source strength used to model odor propagation was derived from SCAQMD empirical data that included measurements at composting facilities that include representative age ranges of materials. The retention ponds would not contain water for appreciable periods of time, and are not expected to be a significant source of odor. Odors from trucks would be most important in the unloading process at the site. As indicated in Table 4.3.10, feedstock tipping and mixing account for only about 2% of the overall odor generation. As indicated in Section 9 of the EIR, the Air Quality analysis was prepared by John Lague of URS Corporation. Mr. Lague has an MS degree in Meteorology from the Massachusetts Institute of Technology and over 30 years experience in air quality analysis. He prepared the Air Quality section of the EIR, and the Air Quality Appendix B, which has been available since the start of Public Review. The Air Quality Appendix contains the emissions inventories for the project, a discussion of the odor modeling process, the assumptions used in the odor modeling, and all results. The assumptions include full operation of the project. The calculations do not need to be redone since the receptor used was the closest residence about 1.5 miles to the east.

C129-104 Varying weather conditions are incorporated into the model, and results are chosen to reflect the worst case condition. The results and conclusions are clearly presented in the EIR (leading to Table 4.3.11), and indicate that the anticipated odor strengths (as expressed in Dilution/Threshold values) at the nearest residence (1.8) would be well below the MDAQMD threshold of 10. This does not mean that odors would not be detectable elsewhere. The D/T result in Hinkley is 0.9. The EIR also explains the uncertainties in this type of modeling.

C129-105 See response to comment C-94.

C129-106 Please refer to the Mitigation Measure HM-8 in the FEIR.

C129-107 See response to comments B3-2 and COB-8 regarding enforcement. Dust control activity will be required on an as needed basis. Water will be supplied by an on-site well, which can be used to fill the water truck as needed. Cranes will not be used at the facility.

C129-108 The LEA requires that the OIMP be prepared prior to permit being issued.

C129-109 See response to comment B4-37.

C129-110 Comment noted.

C129-111 See response to comment MWA-1.

C129-112 See response to comments B3-2 and COB-8.

C129-113 Suitable chemicals for odor neutralization are surfactants and weak oxidizers. These compounds are safe for the environment, since they must also be used in a work environment where worker exposure could be high. Response to comment C-115 below contains more information.

C129-114 There will be an average of 7.25 trucks per hour arriving at the facility from 7 a.m. to 7 p.m. In addition, please refer to Section 2.3 Design and Operations of the DEIR.

C129-115 Odor neutralizers that eliminate the odor producing compounds, or bind with them to prevent their detection, are usually preferable to odor masking agents. Weak oxidizing agents (mild peroxide solutions) and surfactants are used. Commercial formulas are typically trade secrets. One such odor neutralizer is Ecosorb.

C129-116 The Report of Composting Facility Information, which is part of the application for a Facility Permit from the California Integrated Waste Management Board, (CIWMB) will document how the facility will comply with operation standards of the state. The County Environmental Health Division acts as the Local Enforcement Agency (LEA) for the CIWMB, and will review, require modifications in, and approve the Report of Composting Facility Information. The Facility Permit will require that operations be consistent with state standards.

C129-117 Commercial odor neutralizers include weak oxidizers and surfactants. Each task mentioned does not require a full time worker.

C129-118 There is no fixed ratio of green material to biosolids proposed. The working ratios will depend on the texture and nature of both green waste and biosolids in the Project.

C129-119 Drainage and retention ponds in the project will be designed to the satisfaction of the County Engineer, and will address the appropriate model storm (typically, a 24-hour, 100 year storm event). The reference to ponding in this context relates to water collecting on flat surfaces within the composting, storage, and other work areas of the site. If such ponding occurs, it will be cleaned up and minor grading would be performed with on-site equipment to provide drainage.

C129-120 These comments all deal with reporting and communications regarding potential odor complaints. Both the County Land Use Services Department and the County Health Division (Local Enforcement Agency) staff would be contacted with odor complaints. They in turn would contact the operator. Details of the procedures would be finalized during review of the Odor Impact Management Plan.

C129-121 The cited language simply tries to explain the uncertainties and difficulties involved in predicting odor impacts. Based on accepted procedures and thresholds used to evaluate odor impacts, the Project as proposed would not create such an impact at the nearest residence to the east. This does not mean that odors would be imperceptible.

C129-122 The comparison cited deals with the project alternatives analyzed in the EIR and the Project itself—not with potential emissions from an enclosed facility. The range of feasible options that involve a reduced capacity may be uncertain, but the fundamental objective of providing a large capacity facility remains. The point of the comparison in the EIR is that in order to avoid the identified air quality impact, the reduction would have to be very substantial, and would not likely meet the Project objectives. Source strength of the odor used for the odor modeling is not necessarily related to the total volume or size of the operation in a linear fashion, and the reduced capacity alternative is still a major sized project.

C129-123 The citation and comment deal with the alternative location for the Project. No response is necessary.

C129-124 Drainage and retention ponds in the project will be designed to the satisfaction of the County Engineer, and will address the appropriate model storm (typically, a 24-hour, 100 year storm event).

C129-125 Details of the biological surveys are presented in Appendix C of the EIR. Potential biological impacts of the Project are addressed in the biology section and Appendix C of the EIR, and will be subject to additional agency consultation and permitting procedures required by the state and federal Endangered Species Acts.

C129-126 Additional surveys, both prior to construction and as part of monitoring during Project operations, are required parts of the biology mitigation to confirm the results of surveys already performed. Potential impacts have been adequately identified, and mitigation measures will be incorporated into the project.

C129-127 Potential biological impacts from the Project are recognized, and mitigation measures B-1 through B-14 address them.

C129-128 Mitigation measure B-13 addresses the issue of potential for non-native plant introduction at the Project site.

C129-129 The retention ponds will not contain water for extended periods of time.

C129-130 Mitigation measure B-13 addresses the issue of potential for non-native plant introduction at the Project site.

C129-131 Potential biological impacts of the Project are addressed in the biology section and Appendix C of the EIR, and will be subject to additional agency consultation and permitting procedures required by the state and federal Endangered Species Acts.

C129-132 The proposed Project is not a landfill. When the West Mojave Plan is adopted, it will have to address pre-existing uses one of which may be the proposed composting facility.

C129-133 Details of response, and whether any incidental take would be allowed at all, will be addressed in the consultation and permitting process regarding effects on desert tortoise. Any take in excess of what might be allowed, could result in prosecution of responsible individual.

C129-134 Although the Western Mojave Plan is not yet adopted, the County has considered this Project in the context of that plan, and the Biology mitigation measures are intended to lead to consistency with that plan.

C129-135 The Biology report (Appendix C of the EIR) describes survey procedures and results in more detail. Mitigation measures require additional surveys for sensitive species prior to the construction of the Project.

C129-136 Final procedures for employee and driver education relative to protecting desert tortoise, and for other requirements of the Project, will be reviewed and approved by the County and applicable agencies.

C129-137 This is recognized as an impact in the EIR, addressed by mitigation measures B-1 through B-10.

C129-138 Details of the Project's participation in the regional habitat conservation program will be determined through the consultation and permitting process related to the desert tortoise.

C129-139 The California Department of Fish and Game will be involved in subsequent review of the Project and associated habitat management and permitting procedures. Potential effects to other species and to biological habitat in general are considered in these processes.

C129-140 The Biology report (Appendix C of the EIR) describes survey procedures and results in more detail. Mitigation measure B-5 requires additional tortoise survey work.

C129-141 Final procedures for employee and driver education relative to protecting desert tortoise, and for other requirements of the Project, will be reviewed and approved by the County and applicable agencies.

C129-142 See the previous response.

C129-143 The applicable survey procedures will be determined by federal and state agencies.

C129-144 If considered necessary, the County may impose a reduced speed.

C129-145 Adequacy of funding will be determined by the various federal, state, and local agencies involved in the habitat management effort.

C129-146 Record searches and on-site surveys indicated that there are no significant prehistoric resources in the Project area. Harper Dry Lake is miles from the Project site and any resources in that vicinity would not be affected by the Project.

C129-147 As explained in Section 4.6.1, a preliminary review of the Project site for the presence or proximity of hazardous or contaminated materials indicated no record of previous contamination, which was confirmed with a site reconnaissance. The reference to "hazardous wood chips" implies that illegal dumping may have occurred in the vicinity of the Project site. It is not known whether any of this material is on the property, but if it is then it would have to be removed and properly disposed before the Project could be implemented.

C129-148 The County of San Bernardino operates 24 fire stations dispersed through the North Desert Division, which contains the Project site. The Barstow Fire Protection District in Barstow has the station nearest to the Project site, but this District is staffed mostly with volunteers. Response form other North Desert locations may take approximately 30 minutes, which would not likely be affected by smoke on SR 58. The spacing of compost rows will provide access along the perimeter of the Project for maintenance and response purposes.

C129-149 Certain types of sludges are considered hazardous wastes, and are regulated as hazardous wastes by federal and California law. Biosolids—treated sewage sludge from a wastewater treatment plant—are not considered hazardous wastes. The increased truck traffic was analyzed in the traffic impact analysis (Appendix D of the EIR), and would not have a significant effect on state highways.

C129-150 If a fire occurs in the composting operation, workers can use on site equipment to move material, isolate the problem, spread material, and use the on-site water truck to extinguish smoldering material. This issue is discussed in Section 4.6 of the EIR, and mitigation measure HM-3 has been expanded to require additional contact with the local fire agency.

C129-151 This comment is not clear. The previous response addressed potential fire hazards.

C129-152 Both locations are approximately 12 miles from the Project site, in an east (Lenwood) or southeast (Hodge) direction. The Project is not expected to have any substantial effect with respect to offsite transport of pathogens. See the following response to comment C129-153.

C129-153 Composting is a recognized pathogen reduction mechanism, and the Project will comply with the prescribed monitoring and operational procedures required by state and federal regulations. This issue is discussed in section 4.6.3.1 of the EIR, and the potential for effects related to pathogenic organisms being transported offsite is considered less than significant. More information on this issue is presented in response to comments B6-4, CDHS-4, and in response to comment C123-1.

## COMMENTS C130

Carrie Hyke
Supervising Planner
Land Use Services Department
385 North Arrowhead Avenue
San Bernardino CA 92415-0182

Notice of Preparation/ Nursery Products LLC – Conditional Use Permit to establish a composting operation on 160 acres in Hinkley

As a resident of Hinkley, I have the following comments:

1) Aesthetics. Although Highway 58 is not a scenic highway, to dismiss all discussion of visual impacts is misguided. Other areas along Highway 58 have experienced a similar lack of mitigation by the County (auto scrap yards, salvage operations, etc.). The visual impact to the motorist prompts the following typical question: "Why would anyone want to live or invest here?" Obnoxious uses without Mitigation destroy property values.

2) Compatibility and Air Quality. Just because surrounding properties are currently undeveloped does not mean that there will be no compatibility problems. This use may destroy any future potential for surrounding properties. Planning and environmental impact studies need to concern themselves with long-range impacts on the community.

Also this project has the potential to create substantial odors and vectors affecting a substantial number of people (III – e.). The Hinkley census area has almost 5000 people. It is insufficient to merely discuss "sensitive receptors." We are all sensitive receptors when you have to breathe and smell this stuff all day. C130-1

3) Wildlife. Will this project participate in the mitigation and impact fees of the West Mojave Plan?

4) Hazards and hazardous materials. It is noted that this category is identified as having potentially significant impacts.

522 truck trips per day, resulting in level of service E, is a significant impact to the area, particularly since Caltrans is still in the process of evaluating alignments for the reconstruction of Highway 58 through the Hinkley area.

The Traffic Impact Analysis (TIA) done for this project should be incorporated into the EIR. Truck movements are not simple vehicle trips like passenger vehicles. I cannot imagine service level E ever being satisfactory for a State Highway like 58. Access points like Helendale Road need to be evaluated for the impact of slow-moving trucks trying to pull out onto Highway 58. Will it be signalized?

Thank you for the opportunity to comment on this Notice of Preparation. I look forward to reviewing the EIR.

Paul Warner
36695 Indian Wells Road
Hinkley, CA 92347

cc: Bob Smith,, 1st District

## RESPONSE TO COMMENT LETTER C130

C130-1 See response to comments C84-8 through C84-12.

## COMMENTS C131

13. Will the roads to the compost site, in the compost site, and around the compost site be paved as a dust mitigation measure? Will all of Highway 58 be paved as a dust mitigation and safety measure?
14. What technique will be used for composting the sludge and greenwaste? Will the piles be turned in accordance with the composting requirements in Title 14 and the Part 503.32 regs?
15. The EIR needs to look at Best Available Technologies for mitigating negative impacts. Will there be a building enclosing the compost site with air filter pollution controls?
16. What effect will the site have on odors and truck traffic? Will tourists past the site be troubled by traffic jams from overturned trucks and odor and flies?
17. With the millions of trucked miles traveled, how many sludge trucks will turn over on the highway? How many people will be injured? How many people will die?

C131-1

There needs to be a properly notified public meeting on the Scoping of this EIR, since the San Bernardino website misdirected the public.

There may not be enough money allocated to the project to cover all the areas that need to be studied in the EIR.

**I would like to make the following additional points:**

I AM A 30% disabled VETERAN WITH documented ALLERGIES TO MANY OF THE CONTENTS OF THE WASTE PRODUCTS IN THIS PROJECTS. I HAVE BEEN diagnosed WITH ASTHMA, WHICH IS TRIGGERED by THESE ALLERGIES. MY HOME IS APPROXIMATELY TEN MILES EAST of THIS SITE, IN DIRECT LINE OF THE PREVAILING WIND. IN THE PAST I HAVE EXPERIENCED ASTHMA ATTACKS TRIGGERED by SMOKE AND dust FROM AREAS MUCH FARTHER AWAY ON THE PREVAILING WIND THAN THIS SITE. THIS PROJECT THREATENS MY QUALITY OF LIFE AND THE VIABILITY OF MY HOME AS A RESIDENCE FOR MY FAMILY. I DON'T THINK THAT SAN BERNARDINO COUNTY HAS STUDIED THIS PROJECT ADEQUATELY OR CONSIDERED THE IMPACT OF IT ON THE LIVES OF PEOPLE WHO LIVE NEAR THE SITE. MOREOVER, I DON'T THINK THAT THOSE OF US AFFECTED BY THE PROJECT HAVE BEEN GIVEN ADEQUATE OPPORTUNITY TO BE HEARD.

C131-2

Sincerely,

Name: JAMES T. BILES

Full Address: 25844 US HIGHWAY 58 BARSTOW, CA 92311

Email: JTBILES@EARTHLINK.NET

Phone: 760 253-4242

I would like to be on a notification list for any further developments on this Project from San Bernardino County or from the Community Against Nursery Products (yes) / no

# I WANT A FULL EIR FOR THIS PROJECT!

Biles 2/2

VERIFIED RECEIPT 6-7-06 CARRIE HYKE 10:51AM

SENT SUCCESSFULLY by FAX AT 5:12 AM 6-7-06

[illegible] extension of comment [illegible] 10 [illegible] I MAKE BRING OUT TODAY.

## RESPONSE TO COMMENT LETTER C131

C131-1 The comment letter is the same form letter as comment letter C131 with no additional environmental issues raised. The response to C131 is also applicable to this comment.

C131-2 See response to comments CDHS-4, B6-4, CDFG-6, and RWQCB-8.

The potential for odor from the facility was evaluated in Section 4.3.3.3. As shown on Table 4.3.11, odors at the site boundary would be significant. However, odors at the nearest house (1.5 miles away) would be well below the thresholds established by the Air Quality Management District.

## COMMENTS C132

Mon, Jun 26, 2006 6:41 PM

**Subject:** Re: waste
**Date:** Friday, June 23, 2006 5:44 AM
**From:** fishy wishy <mefishywishy@hotmail.com>
**To:** <dnorm@earthlink.net>

Comments:

To whom it may concern

The concept of using bio-solids and green waste for co-composting can have it's merits, however, there are serious concerns with this particular method and certainly for this specific site. My family has large property holdings in the area to which we return to each year, with many of us planning to build and live there in retirement. I certainly feel that I can have a direct concern with a facility that will impact my future property values and quality of life.

The following concerns are expressed:

1. The lack of control over potentially hazard materials affecting soil, water with an incredible impact on air quality. **C132-1**

2. The adverse effect on habitat and movement of protected biological species **C132-2**

3. Adverse changes in historical, archaeological resources **C132-3**

4. The impact of increased transportation/traffic in a traditionally low use area. **C132-4**

In reviewing the contents of the Initial Study pursuant to County Guidelines under Ordinance 3040 and Section 15063 of the State CEQA Guidelines, I am dismayed and would like to be recorded as against a use permit to establish this site.

Nursery Products LLC has an incredible responsibility to the community of Hinkley and Barstow to either relocate the facility out of the area, or completely revise it's method of composting.

Cynthia L. Crutsinger

## RESPONSE TO COMMENT LETTER C132

C132-1 See response comments to RWQCB-8. In addition, please refer to the Mitigation Measures Section for Hydrology and Water Quality in the FEIR.

C132-2 Please refer to the Mitigation Measures Section for Biological Resources in the FEIR. Also, Section 4.4.2 of the DEIR addresses concerns with the movement and migration of protected species.

C132-3 Please refer to Section 4.5 Cultural Resources of the DEIR.

C132-4 See response to comments COB-30, COB-31, and B6-2.

## COMMENTS C133

**NURSERY PRODUCTS COMPOSTING FACILITY PROJECT** **May 18, 2006**
**PUBLIC SCOPING MEETING COMMENT CARD**

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Environmental Issues
1. Aesthetics
2. Air Quality
3. Biological Resources
4. Cultural Resources
5. Geology and Soils
6. Hazards/Hazardous Materials
7. Hydrology/Water Quality
8. Land Use and Planning
9. Noise
10. Transportation/Circulation

**Topic #** **Comment**

If this site will not be covered then with the horrendous winds we get, all that pollution will cover us & our land causing health concerns. I am a cancer survivor (Breast cancer) & I didn't fight for my life to be subjected to chemicals & pollutents in our air & water. Why doesn't this place be put in an area where people's lives won't be at health risk. We were subjected to PG&E's episode & will not go thru a similar devastation again. It Harmed people - loss of lives & ruined the sale of our property. Don't bring hazardous waste to us build it where it won't be harmful. We will fight this til we win. C133-1

Use additional pages if needed. Please turn in your questions at this meeting, *or:* Mail **before June 8, 2006** to: Carrie Hyke, Land Use Services Dept., San Bernardino County, 385 North Arrowhead Ave., San Bernardino 92415-0182 *or:*
● Fax: (909) 387- 3223 ● Tel. 909-387-4147 ● E-mail: chyke@lusd.sbcounty.gov

Name: Judy G. Miller

Address: 35650 Hervey Rd. Hinkley, CA 92347

Tel. /e-mail: judy_franks@hotmail.com

Agency (if applicable):

## RESPONSE TO COMMENT LETTER C133

C133-1 See response to comments CDFG-6, B6-4, and CDHS-4.

## COMMENTS C134

**NURSERY PRODUCTS COMPOSTING FACILITY PROJECT**
**PUBLIC SCOPING MEETING COMMENT CARD**

**May 18, 2006**

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8. Land Use and Planning
9. Noise
10. Transportation/Circulation

**Topic #** **Comment**

Air Quality - I need to address a very important Concern about the pollutants that will become air borne when the winter and Spring winds start blowing. I live approx. 7 mile east of the proposed site. The prevailing winds which can reach up to 50-60 miles an hour during the storm season blow in from the west. This wind will pick up any loose and/or dry particles and move the directly accross my property and home.. My health is not good. I have many problem including lung asthma and skin allergies. I feel that the site being directly up wind from my home will adversely effect my health. ~~that~~ ~~to~~ Also I would mention that there has to be some sort of smell. All I can hope for is it smells better than it sounds.

C134-1

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● Fax: (909) 387- 3223 ● Tel. 909-387-4147 ● E-mail: chyke@lusd.sbcounty.gov

Name: _____

Address: _____

Tel. /e-mail: _____ / _____

Agency (if applicable): _____

## RESPONSE TO COMMENT LETTER C134

C134-1 See response to comments B6-4, CDHS-4, and CDFG-8.

## COMMENTS C135

**NURSERY PRODUCTS COMPOSTING FACILITY PROJECT** **May 18, 2006**
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10. Transportation/Circulation

**Topic #** **Comment**

(1) When I look out across our beautiful desert the last thing that would make it more beautiful would be a buildings, flies, trucks, lights ect.
(2) Hello? We breath this air, what about you?
(3) This area was theirs long before we were here, too down your home, not theirs!
(4) If we destroy this area and areas like it, what's left?
(5) If this correctly and there would be no problem
(6) Read the report - the ~~wad~~ wad hazardous shows up alot, it means something to us and our land, why not you?
(7) Hinkley has enough water problems, no more!
(8) Open land being used up like this affects everyone!

C135-1

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● Fax: (909) 387- 3223 ● Tel. 909-387-4147 ● E-mail: chyke@lusd.sbcounty.gov

Name: Amy Woodruff
Address: 37176 Serra RD Hinkley, CA 92347
Tel. /e-mail: (760) 253-5654
Agency (if applicable): Citizen of Hinkley

(9) We live in a quite place for a reason!
(10) We have enough trucks on our roads, we don't need any more!

## RESPONSE TO COMMENT LETTER C135

C135-1 Comment noted. Mitigation measures implemented as part of the project are expected to reduce both short term and long term impacts to a level of less than significance.

In addition, see response to comments COB-30, COB-31, and B6-2.

## COMMENTS C136

NURSERY PRODUCTS COMPOSTING FACILITY PROJECT May 18, 2006
PUBLIC SCOPING MEETING COMMENT CARD

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9. Noise
10. Transportation/Circulation

Topic # Comment

(2) I am a home owner aprox 2 miles east of the proposed site. Our family moved here to get out and away from pollution, and to enjoy the clean fresh air Hinkley has to offer. We have seen what this company can do to the area, Please we don't want that here! C136-1

(10) Our roads and HWY 58 is already beyond capacity - Can Not handle the additional trafic C136-2

Use additional pages if needed. Please turn in your questions at this meeting, *or:* Mail **before June 8, 2006** to: Carrie Hyke. Land Use Services Dept., San Bernardino County, 385 North Arrowhead Ave.. San Bernardino 92415-0182 *or:*
• Fax: (909) 387- 3223 • Tel. 909-387-4147 • E-mail: chyke@lusd.sbcounty.gov

Name: Edward Dreitsman

Address: 35681 Dixie Rd Hinkley CA 92347

Tel. /e-mail: ddcap@msn.com (760) 2531059

Agency (if applicable):

## RESPONSE TO COMMENT LETTER C136

C136-1 Comment noted.

C136-2 See response to comments COB-30, COB-31, and B6-2.

## COMMENTS C137

TRAFFIC = Hwy 66 in serious disrepair due to heavy truck traffic. It is unconscionable that even 45 more heavy trucks be using it let alone the possibility of 532 heavy trucks do total distruction of a Historical Highway that Is Not Designed to carry the 18 wheelers in use today. C137-1

Vicen Walbridge
Lynn Garvanian
of Silverlakes
Helendale, CA.

## RESPONSE TO COMMENT LETTER C137

C137-1 See response to comments COB-30, COB-31, and B6-2.

## COMMENTS C138

**NURSERY PRODUCTS COMPOSTING FACILITY PROJECT** **May 18, 2006**
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9. Noise
10. Transportation/Circulation

**Topic #** **Comment**

How will this affect property values? C138-1
How will this affect water levels? C138-2
How will this affect my general health? C138-3
How will this affect my ability to continue to live here especially since I can't afford to live anywhere else C138-4

I DO NOT PUT THIS FACILITY HERE!

Use additional pages if needed. Please turn in your questions at this meeting, *or:* Mail **before June 8, 2006** to: Carrie Hyke, Land Use Services Dept., San Bernardino County, 385 North Arrowhead Ave., San Bernardino 92415-0182 *or:*

- Fax: (909) 387-3223
- Tel. 909-387-4147
- E-mail: chyke@lusd.sbcounty.gov

Name: Gloria Castaneda

Address: 37975 Hinkley Rd, Box 175 Hinkley CA 92347

Tel. /e-mail: 760 253-1090 / glocast@earthlink.net

Agency (if applicable):

## RESPONSE TO COMMENT LETTER C138

C138-1 The land surrounding the site is vacant for at least a mile in all directions. An evaluation of impacts to property value from the project would be speculative and is not included in the EIR.

C138-2 See response to comment B4-29.

C138-3 See response to comments RWQCB-8, CDHS-4, and B6-4.

C138-4 Mitigation measures implemented as part of the project are expected to reduce both short term and long term impacts to a level of less than significance.

## COMMENTS C139

NURSERY PRODUCTS COMPOSTING FACILITY PROJECT May 18, 2006
PUBLIC SCOPING MEETING COMMENT CARD

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9. Noise
10. Transportation/Circulation

Topic # Comment

One of my children ~~[illegible]~~ has Severe Asthma And I Am very conserned in the PARticles in the AIR. As well As future AIR contamination will Affect the health of the Rest of my Family of S. Our water is Not the greatest!!! we dont Need it to be worst. C139-1

we do not want this!!! C139-2

Use additional pages if needed. Please turn in your questions at this meeting, *or:* Mail **before June 8, 2006** to: Carrie Hyke, Land Use Services Dept., San Bernardino County, 385 North Arrowhead Ave., San Bernardino 92415-0182 *or:*
• Fax: (909) 387- 3223 • Tel. 909-387-4147 • E-mail: chyke@lusd.sbcounty.gov

Name: Johnathan Himmelrick

Address: 22178 Highcrest Rd Hinkley ca 92347

Tel. /e-mail: (760)267-1954

Agency (if applicable):

## RESPONSE TO COMMENT LETTER C139

C139-1 See comment B6-4 and CDHS-4.

C139-2 Comment noted.

## COMMENTS C140

NURSERY PRODUCTS COMPOSTING FACILITY PROJECT May 18, 2006
PUBLIC SCOPING MEETING COMMENT CARD

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9. Noise
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Topic # Comment

(2) Air quality - this material may arive wet but it will dry out and the result will be air born fecal matter in large quantities — The water table is at risk from whatever toxic metals and other materials that may leach out into the soil and also when dry could become air born C140-1

The roads are not built ie infrastructure does not presently exist to carry the traffic lode of that many trucks on our local Rds And again those trucks will also bring increased air polution C140-2

These materials need to be dealt with near there formation — incenerated with scruber would be better then making a toxic waste dump out of hinkley and damage the environment of Barstow as well C140-3

Use additional pages if needed. Please turn in your questions at this meeting. *or:* Mail before June 8, 2006 to: Carrie Hyke, Land Use Services Dept., San Bernardino County, 385 North Arrowhead Ave., San Bernardino 92415-0182 *or:*
• Fax: (909) 387- 3223 • Tel. 909-387-4147 • E-mail: chyke@lusd.sbcounty.gov

Name: Jon Prince

Address: 541 Frances Dr

Tel. /e-mail: 760 256 1976

Agency (if applicable):

## RESPONSE TO COMMENT LETTER C140

C140-1 See comments B6-4, CDFG-6, CDHS-4, and RWQCB-8.

C140-2 See comments COB-30, COB-31, and B6-2.

C140-3 Comment noted.

## COMMENTS C141

**NURSERY PRODUCTS COMPOSTING FACILITY PROJECT** **May 18, 2006**
**PUBLIC SCOPING MEETING COMMENT CARD**

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8. Land Use and Planning
9. Noise
10. Transportation/Circulation

**Topic #** **Comment**

1) This project will be ugly on our landscape.
2) The air quality of our area will be significantly impacted since we have one of the windiest areas in So. Calif. These winds will spread contaminated dust all over the High Desert not to mention the smell. C141-1
5) This project will impact in an adverse way the geology and soils of this area. C141-2
3) This project will adversely impact the endangered species - desert tortoise. C141-3
6) This project will be a health hazard. We don't even know what the materials of this project are composed of. Airborne pathogens will be spread by our terrific winds. C141-4
7) Most of the citizens of this area are on wells that supply our water needs. This project will cause a significant danger to our water supply which is all connected throughout this area. C141-5
10) This project will impact the traffic in this area. We are rural and traffic of 522 trucks will be a disaster. C141-6

Use additional pages if needed. Please turn in your questions at this meeting, *or:* Mail **before June 8, 2006** to: Carrie Hyke, Land Use Services Dept., San Bernardino County, 385 North Arrowhead Ave., San Bernardino 92415-0182 *or:*
● Fax: (909) 387- 3223 ● Tel. 909-387-4147 ● E-mail: chyke@lusd.sbcounty.gov

Name: JoanBird

Address: 24664 Hwy. 58, Hinkley, Ca 92347

Tel. /e-mail: (760)253-4198 / peewee642000@aol.com

Agency (if applicable):

## RESPONSE TO COMMENT LETTER C141

C141-1 See comments CDFG-6, B3-1, B6-4, and CDHS-3. The potential for odor from the facility was evaluated in Section 4.3.3.3. As shown on Table 4.3.11, odors at the site boundary would be significant. However, odors at the nearest house (1.5 miles away) would be well below the thresholds established by the Air Quality Management District.

C141-2 Please refer to Section 5.3 Geology and Soils of the EIR.

C141-3 See comments USFWS-3, USFWS-6, USFWS-9, USFWS-12, and CDFG-4.

C141-4 See comments CDFG-6, B6-4, and CDHS-4.

C141-5 See comments COB-20, COB-22, and RWQCB-7.

C141-6 See comments COB-30, COB-31, and B6-2.

## COMMENTS C142

NURSERY PRODUCTS COMPOSTING FACILITY PROJECT May 18, 2006
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8. Land Use and Planning
9. Noise
10. Transportation/Circulation

Topic # Comment

I am Concerned with all 10 Environmental Issues.

The land values are Just now ~~Comming~~ Coming Back and now we have this to Contend with

C142-1

Use additional pages if needed. Please turn in your questions at this meeting. *or:* Mail **before June 8, 2006** to: Carrie Hyke, Land Use Services Dept., San Bernardino County, 385 North Arrowhead Ave., San Bernardino 92415-0182 *or:*
• Fax: (909) 387-3223 • Tel. 909-387-4147 • E-mail: chyke@lusd.sbcounty.gov

Name: Robert A. Peabody

Address: 36868 LOCUST RD. HINKLEY, CA 92347

Tel. /e-mail: RAPEABODY@EARTHLINK.COM 760-253-3544

Agency (if applicable): Retired

## RESPONSE TO COMMENT LETTER C142

C142-1 Comment noted. Please refer to Agency and Organization comments.

## COMMENTS C143

**NURSERY PRODUCTS COMPOSTING FACILITY PROJECT** **May 18, 2006**
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9. Noise
10. Transportation/Circulation

**Topic #** **Comment**

(2) The air quality will be very highly impacted when the wind reaches up to 50-60 mph C143-1

I am building a new on the route to the site, and my property values are going to crash, and if a truck crashes it could stop me from getting home. Also 256 trucks will cause extra traffic on a Hiway that is already to busy already. Also the water quality will do the same thing that happened with the Chromium 6 & PCE Problem that happened C143-2 C143-3 C143-4

Use additional pages if needed. Please turn in your questions at this meeting, *or:* Mail **before June 8, 2006** to: Carrie Hyke, Land Use Services Dept., San Bernardino County, 385 North Arrowhead Ave., San Bernardino 92415-0182 *or:*
● Fax: (909) 387- 3223 ● Tel. 909-387-4147 ● E-mail: chyke@lusd.sbcounty.gov

Name: Kevin Banks

Address: 36565 Valley View Rd Hinkley, CA

Tel. /e-mail: KLBanks@verizon.net

Agency (if applicable):

## RESPONSE TO COMMENT LETTER C143

C143-1 Comment noted.

C143-2 The land surrounding the site is vacant for at least a mile in all directions. An evaluation of impacts to property value from the project would be speculative and is not included in the EIR.

C143-3 See comments COB-30, COB-31, and B6-2.

C143-4 Comment noted.

## COMMENTS C144

NURSERY PRODUCTS COMPOSTING FACILITY PROJECT May 18, 2006
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**Topic #** **Comment**

I have lived here for over 20 some years. The air is real
good now I don't want to smell LA crap or anyone else crap.
Nor smell stuff from hospitals or anything else they want to
bring up here. I am already worried about my water because
of PG+E and their stuff in the water. I have Asthma and
I am a diabetic I don't need any other problems from smelling
crap in the air. Nor do I want crap landing on my dogs,
me, or clothes, I hang out side. This stuff will hurt
birds, turtles and all animals and humans in the
area. The water, air, animals are endangered by this.
No, No, No we do not need this in Hinkley. The roads
are bad enough Highway 58 is already a death trap. There
are enough trucks coming and going we don't need
more. We are humans, we pay taxes, vote for stuff, eat,
sleep and have families, and I want to keep on doing
this for a long time, not die from LA or anyones crap.
No, No, No keep your crap take it some place else. I and
my family and all animals in the desert here are not
ghinea pigs. No No, No we don't need it

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● Fax: (909) 387- 3223 ● Tel. 909-387-4147 ● E-mail: chyke@lusd.sbcounty.gov

Name: Patricia A. Adair

Address: 37194 Locust ST. Hinkley, Ca. 92347

Tel. /e-mail: 760-253-5977

Agency (if applicable):

C144-1

C144-2

## RESPONSE TO COMMENT LETTER C144

C144-1 The potential for odor from the facility was evaluated in Section 4.3.3.3. As shown on Table 4.3.11, odors at the site boundary would be significant. However, odors at the nearest house (1.5 miles away) would be well below the thresholds established by the Air Quality Management District.

C144-2 Comment noted.

## COMMENTS C145

NURSERY PRODUCTS COMPOSTING FACILITY PROJECT May 18, 2006
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9. Noise
10. Transportation/Circulation

Topic # Comment

What is cost of De Lux facility and its capacity, to compare to proposed Hinkly plant. C145-1
What is capacity of Cucamonga deluxe plant?
How much did it cost?
What is its capacity? of Hinkly Plant?

Use additional pages if needed. Please turn in your questions at this meeting. *or:* Mail **before June 8, 2006** to: Carrie Hyke, Land Use Services Dept., San Bernardino County, 385 North Arrowhead Ave., San Bernardino 92415-0182 *or:*
• Fax: (909) 387- 3223 • Tel. 909-387-4147 • E-mail: chyke@lusd.sbcounty.gov

Name: al Ramos
Address: PO Box 633 Yucca
Tel. /e-mail: 760 254 3440
Agency (if applicable): _____

## RESPONSE TO COMMENT LETTER C145

C145-1 See response to comments CDHS-1 and B3-5.

## COMMENTS C146

**NURSERY PRODUCTS COMPOSTING FACILITY PROJECT** **May 18, 2006**
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**Topic #** **Comment**

#1 Change the desert scene as we know it now. Children will not see.

#2 Health Hazard for years to come. Wind Exceeds 15 we have suffered enough when will it stop.

#3 - Plant life, Animals endangered. Will affect our Community for years to come. Plants + Animals may become extinct.

#4

#5 - Landfill will be dangerous & contaminate & may cause health issues possibly death. due to La does not want to keep in there area. This/other Carrying

#6 - Dumping in our desert + will affect use of our family time out in desert. Never know what will be dumped. Send it somewhere else.

#7 Our Community has enough water problems why do you want to add to the Community. We rely on our wells for water. It can + will affect our water quality.

#8 - Land use is precious + becoming few due to continuous pollution, unauthorized dumping. who wants to live on or near toxic dump.

#9 Noise + Transportation will affect our peaceful community. We [illegible]

C146-1

C146-2

C146-3

C146-4

C146-5

Use additional pages if needed. Please turn in your questions at this meeting, ***or:*** Mail **before June 8, 2006** to: Carrie Hyke, Land Use Services Dept., San Bernardino County, 385 North Arrowhead Ave., San Bernardino 92415-0182 ***or:***

- Fax: (909) 387-3223 • Tel. 909-387-4147 • E-mail: chyke@lusd.sbcounty.gov

Name: EMEDELIA MAHONEY

Address: 37346 Mulberry Henlike Ca 92347

Tel. /e-mail: 760 253 7632

Agency (if applicable):

## RESPONSE TO COMMENT LETTER C146

C146-1 Comment noted. Please refer to response to comments from Agencies and Organizations.

C146-2 Comment noted. Please refer to response to comments from Agencies and Organizations.

C146-3 Comment noted. Please refer to response to comments from Agencies and Organizations.

C146-4 Comment noted. Please refer to response to comments from Agencies and Organizations.

C146-5 Comment noted. Please refer to response to comments from Agencies and Organizations.

## COMMENTS C147

**NURSERY PRODUCTS COMPOSTING FACILITY PROJECT** **May 18, 2006**
**PUBLIC SCOPING MEETING COMMENT CARD**

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**Topic #** **Comment** As a resident of Hinkley my concerns are

#2 - Air Quality - The biowaste is know to have viruses, pathogens, bacteria. My concern is that it will affect our health & safety via airborne travel. C147-1

#7 Our homes are all fed by aquifers & the Mojave River to supply our water table & wells same concerns of pathogens, bacteria, virus affecting our health & the health of our children C147-2

#10: The use of Hwy 58 to transport this material will exponentially increase the traffic hazards associated with this area. This site Hwy 58 accidents & fatalities are at all time high. Transportation will risk our safety and our lives by increased traffic pressures C147-3

Use additional pages if needed. Please turn in your questions at this meeting, *or:* Mail **before June 8, 2006** to: Carrie Hyke, Land Use Services Dept., San Bernardino County, 385 North Arrowhead Ave., San Bernardino 92415-0182 *or:*

- Fax: (909) 387- 3223
- Tel. 909-387-4147
- E-mail: chyke@lusd.sbcounty.gov

Name: Daniel M. Vinroy

Address: 36877 Hillview Rd Hinkley, Ca 92347

Tel. /e-mail: 760 256-2832, bq chair @ aol.com

Agency (if applicable):

## RESPONSE TO COMMENT LETTER C147

C147-1 See response to comments B6-4, CDHS-4, and CDFG-6.

C147-2 See response to comments COB-20, COB-22, RWQCB-7, RWQCB-9, and MWA-2.

C147-3 See response to comments COB-30, COB-31, and B6-2.

## COMMENTS C148

**NURSERY PRODUCTS COMPOSTING FACILITY PROJECT** **May 18, 2006**
**PUBLIC SCOPING MEETING COMMENT CARD**

Please use this to inform us of your questions or concerns regarding this project. The California Environmental Quality Act (CEQA) Initial Study/Environmental Checklist identifies a number of environmental issues as listed below. Please attach additional sheets if necessary.

Environmental Issues
1. Aesthetics
2. Air Quality
3. Biological Resources
4. Cultural Resources
5. Geology and Soils
6. Hazards/Hazardous Materials
7. Hydrology/Water Quality
8. Land Use and Planning
9. Noise
10. Transportation/Circulation

**Topic #** **Comment**

2 - Serious concerns about airborne molds, viruses and pollution - winds blow almost constantly, and dust and pollutants will carry for miles C148-1

6 - Same as above, along with the fact that there is no information about which wastes will be processed here C148-2

3 - This community, and the lives here, count just as much as the lives of those in more populated areas. We have already been victimized by PG&E, who considered us disposable for profit. We don't need it done again

10 Hwy 58 is already an extremely dangerous road. This only worsens an already terrible congestion and danger C148-3

11 We should count as much as the desert tortoise which is protected

12 Our supervisor needs to represent us - that is what he was elected to do

7 WE ARE ON WELLS & SEPTIC SYSTEMS. C148-4

Use additional pages if needed. Please turn in your questions at this meeting, *or:* Mail **before June 8, 2006** to: Carrie Hyke, Land Use Services Dept., San Bernardino County, 385 North Arrowhead Ave., San Bernardino 92415-0182 *or:*
• Fax: (909) 387- 3223 • Tel. 909-387-4147 • E-mail: chyke@lusd.sbcounty.gov

Name: SANDRA L. BROWN

Address: 42750 ORCHID RD – (P.O. BOX 192) HINKLEY

Tel. /e-mail: 524-7143

Agency (if applicable):

## RESPONSE TO COMMENT LETTER C148

C148-1 See response to comments B6-4, CDHS-4, CDFG-6.

C148-2 The waste that will be processed at the proposed facility includes biosolids and green material.

C148-3 See response to comments COB-30, COB-31, and B6-2.

C148-4 Comment noted.

## COMMENTS C149

NURSERY PRODUCTS COMPOSTING FACILITY PROJECT May 18, 2006
PUBLIC SCOPING MEETING COMMENT CARD

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8. Land Use and Planning
9. Noise
10. Transportation/Circulation

**Topic #** **Comment**

2- Our high, high winds will blow it all over and make us sick. C149-1

10. Our two land highway has too much traffic now. We would never be able to cross the highway etc. C149-2

3. The diseases would go by air, birds etc and we would all die.

7. Our wells would be poluted C149-3

Use additional pages if needed. Please turn in your questions at this meeting. *or:* Mail **before June 8, 2006** to: Carrie Hyke, Land Use Services Dept., San Bernardino County, 385 North Arrowhead Ave., San Bernardino 92415-0182 *or:*

- Fax: (909) 387- 3223
- Tel. 909-387-4147
- E-mail: chyke@lusd.sbcounty.gov

Name: Janet Norman

Address: 37822 Serra Rd, Hinkley

Tel. /e-mail: alnorman 29@hotmail.com

Agency (if applicable):

## RESPONSE TO COMMENT LETTER C149

C149-1 See response to comments B6-4 and CDHS-4.

C149-2 See response to comments COB-30, COB-31, and B6-2.

C149-3 See response to comments COB-22, RWCQCB-7, and RWCQB-9.

## COMMENTS C150

**NURSERY PRODUCTS COMPOSTING FACILITY PROJECT** **May 18, 2006**
**PUBLIC SCOPING MEETING COMMENT CARD**

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8. Land Use and Planning
9. Noise
10. Transportation/Circulation

**Topic #** **Comment**

Slaughtered animals, hospital waste, human waste - Health import. Environmental devistating. Wildlife Killer, Human import - Disease, flying insects, asthma, we live here - Look and smell and savor what we will experience. No air quality!!! Excessive truck hauling, unsanitary landfill, are they checked, contaminated soil, groundwater contaminated, home values gone! People gone. Unsightly debris. Wind blowing Salmonella, Shigella, bacteria, the Hepatitis A. Coxsackie viruses, Giardia and Cryptosporidium protozoans, and helminths, parasites (worms) causing roundworm, tapeworm and hookworm. No! No! No! No!

C150-1

Use additional pages if needed. Please turn in your questions at this meeting, ***or:*** Mail **before June 8, 2006** to: Carrie Hyke, Land Use Services Dept., San Bernardino County, 385 North Arrowhead Ave., San Bernardino 92415-0182 ***or:***
● Fax: (909) 387- 3223 ● Tel. 909-387-4147 ● E-mail: chyke@lusd.sbcounty.gov

Name: Barbara Vinson
Address: 36327 Hinkley Rd, Hinkley, CA 92347
Tel. /e-mail: 760-253-0,3375
Agency (if applicable):

## RESPONSE TO COMMENT LETTER C150

C150-1 Comment noted.

## COMMENTS C151

NURSERY PRODUCTS COMPOSTING FACILITY PROJECT May 18, 2006
PUBLIC SCOPING MEETING COMMENT CARD

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9. Noise
10. Transportation/Circulation

Topic # Comment

1 Thru 10, Inclusive

This Proposed facility will Seriously impact my community and all in it. There is not one area which will not be subjected to the hazardous fumes, particulates, stench and potential bacterial airborne illnesses!

I strongly object to the proposed facility! Having lived in Hinkley for almost 40 years, I cannot envision further damage to my home community. The PG&E issue almost finished us off... health wise & property values. This Biowaste mess would complete the job!

C151-1

Use additional pages if needed. Please turn in your questions at this meeting, *or:* Mail **before June 8, 2006** to: Carrie Hyke, Land Use Services Dept., San Bernardino County, 385 North Arrowhead Ave., San Bernardino 92415-0182 *or:*

- Fax: (909) 387-3223
- Tel. 909-387-4147
- E-mail: chyke@lusd.sbcounty.gov

Name: Carol Greenwood

Address: PO Box 56 Hinkley, Ca 92347-0056

Tel. /e-mail: (760) 253-0072

Agency (if applicable): _____

## RESPONSE TO COMMENT LETTER C151

C151-1 Comment noted.

## COMMENTS C152

**NURSERY PRODUCTS COMPOSTING FACILITY PROJECT** **May 18, 2006**
**PUBLIC SCOPING MEETING COMMENT CARD**

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7. Hydrology/Water Quality
8. Land Use and Planning
9. Noise
10. Transportation/Circulation

**Topic #** **Comment**

WE DO NOT WANT THIS COMPOSTING FACILITY PROJECT COMING HERE. It will endanger our health.
I just Bought a home & it will depreciate its value. I am 42 & Family purchased a home of my own. I won't let you take that away from me or my family & endanger our health. The Contam in the water is Bad Enough.
Now you want to effect our Air Quality too!
We will Fight you - All the way.

C152-1

Use additional pages if needed. Please turn in your questions at this meeting, *or:* Mail **before June 8, 2006** to: Carrie Hyke, Land Use Services Dept., San Bernardino County, 385 North Arrowhead Ave., San Bernardino 92415-0182 *or:*
● Fax: (909) 387- 3223 ● Tel. 909-387-4147 ● E-mail: chyke@lusd.sbcounty.gov

Name: Sylvia Moreno

Address: 31364 Flower, Hinkley, Ca 92347

Tel. /e-mail: 760-253-4887, TAES PAD @ Earthlink.net

Agency (if applicable):

## RESPONSE TO COMMENT LETTER C152

C152-1 Comment noted.

## COMMENTS C153

**NURSERY PRODUCTS COMPOSTING FACILITY PROJECT** **May 18, 2006**
**PUBLIC SCOPING MEETING COMMENT CARD**

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9. Noise
10. Transportation/Circulation

**Topic #** **Comment**

When I first read the flyer announcing this meeting and why it was being held my first thought was I don't want this stuff being brought up here.

Why can't L.A. build their own facilities in their own county??

This community went through enough with the PG&E incident and what this sludge place will do is effect this whole area not just Hinkley.

Why is San Bernardino County still doing business with this company after they failed in Adelanto?

C153-1

Use additional pages if needed. Please turn in your questions at this meeting, *or:* Mail **before June 8, 2006** to: Carrie Hyke, Land Use Services Dept., San Bernardino County, 385 North Arrowhead Ave., San Bernardino 92415-0182 *or:*
● Fax: (909) 387- 3223 ● Tel. 909-387-4147 ● E-mail: chyke@lusd.sbcounty.gov

Name: Valarie A. Dwight

Address: 25389 Jade Rd. Barstow, CA 92311

Tel. /e-mail: 253-2525 /

Agency (if applicable):

## RESPONSE TO COMMENT LETTER C153

C153-1 See response to comment B3-2 and COB-8. In addition, see response to comment RWQCB-8.

## COMMENTS C154

**NURSERY PRODUCTS COMPOSTING FACILITY PROJECT** **May 18, 2006**
**PUBLIC SCOPING MEETING COMMENT CARD**

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10. Transportation/Circulation

**Topic #** **Comment**

#2 what will happen to the air we breathe with all the new dust in the air C154-1
#3 what will happen to the plant life C154-2
#5 will the soil be contam, washed and for how long I ride OHV'S in this area with my kids + Grand children what about the dust in our lungs. C154-3
#6 what Hazardous material will be handled at this facility if any? C154-4
#7 our water has already be contaminated enough how much more do we have take from Big Companies. C154-5
#8 what will the land be like in ten yrs, what could it be used for C154-6
#9 How much noise will it generate in the quiet very peaceful night. C154-7
#12 We have enough traffic now how will the trucks temporarily this stage affect Traffic C154-8

Use additional pages if needed. Please turn in your questions at this meeting, *or:* Mail **before June 8, 2006** to: Carrie Hyke, Land Use Services Dept., San Bernardino County, 385 North Arrowhead Ave., San Bernardino 92415-0182 *or:*
● Fax: (909) 387- 3223 ● Tel. 909-387-4147 ● E-mail: chyke@lusd.sbcounty.gov

Name: Leroy Brotherton
Address: 37346 Mulberry Rd Hinkley Ca 92347
Tel. /e-mail: (760) 253-7632, CALRIP81@AOL.Com
Agency (if applicable): _____

## RESPONSE TO COMMENT LETTER C154

C154-1 See response to comments B6-4 and CDHS-4.

C154-2 Please refer to Section 4.4.2.1 of the EIR.

C154-3 See response to comments B6-4 and CDHS-4. In addition, please refer to Section 5.3 Geology and Soils of the EIR.

C154-4 See response to comment RWQCB-8.

C154-5 Comment noted.

C154-6 Mitigation measures implemented as part of the project are expected to reduce both short term and long term impacts to a level of less than significance.

C154-7 Appendix A indicates that noise from the facility would not be significant. A noise analysis was completed specifically for this project and is included in Appendix A.

C154-8 See response to comments COB-30, COB-31, and B6-2.

## COMMENTS C155

**NURSERY PRODUCTS COMPOSTING FACILITY PROJECT** **May 18, 2006**
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8. Land Use and Planning
9. Noise
10. Transportation/Circulation

**Topic #** **Comment**

I want to know what will this project do to property value because people are not going to want to buy houses where they will be putting their health in danger C155-1

(10) What about all the extra traffic on hwy 8 there's already enough lives taken on that highway what are you thinking by adding 500 more trucks a day that's holding hazardous waste which is worse. You people need to start thinking C155-2

Use additional pages if needed. Please turn in your questions at this meeting, *or:* Mail **before June 8, 2006** to: Carrie Hyke, Land Use Services Dept., San Bernardino County, 385 North Arrowhead Ave., San Bernardino 92415-0182 *or:*
● Fax: (909) 387- 3223 ● Tel. 909-387-4147 ● E-mail: chyke@lusd.sbcounty.gov

Name: Lisset Sanderson
Address: 30677 Sylvan ave
Tel. /e-mail: RCJunky3@aol.com
Agency (if applicable): 1/2

**NURSERY PRODUCTS COMPOSTING FACILITY PROJECT** **May 18, 2006**
**PUBLIC SCOPING MEETING COMMENT CARD**

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10. Transportation/Circulation

**Topic #** **Comment**

(2) My kids attend Kinkley school, they both suffer from severe allergies and are on medications. I want to know what breathing this contaminated air will do to their heath and the health of all others in this community. You need to think about the harm that this will cause to people in our community Our health should be at the top of your list!! Quit thinking about the money and start thinking about the people

C155-3

Use additional pages if needed. Please turn in your questions at this meeting, *or:* Mail **before June 8, 2006** to: Carrie Hyke, Land Use Services Dept., San Bernardino County, 385 North Arrowhead Ave., San Bernardino 92415-0182 *or:*
● Fax: (909) 387- 3223 ● Tel. 909-387-4147 ● E-mail: chyke@lusd.sbcounty.gov

Name: Lisset Sardason
Address: 38677 Sylvan ave.
Tel. /e-mail: RCJunky3@aol.com
Agency (if applicable):

2/2

## RESPONSE TO COMMENT LETTER C155

C155-1 The land surrounding the site is vacant for at least a mile in all directions. An evaluation of impacts to property value from the project would be speculative and is not included in the EIR.

C155-2 See response to comments COB-30, COB-31, and B6-2.

C155-3 See response to comments B6-4, CDHS-4, and CDFG-6. In addition, the potential for odor from the facility was evaluated in Section 4.3.3.3. As shown on Table 4.3.11, odors at the site boundary would be significant. However, odors at the nearest house (1.5 miles away) would be well below the thresholds established by the Air Quality Management District.

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## COMMENTS C156

NURSERY PRODUCTS COMPOSTING FACILITY PROJECT May 18, 2006
PUBLIC SCOPING MEETING COMMENT CARD

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9. Noise
10. Transportation/Circulation

Topic # Comment

WE GOT CROMIUM 6 IN OUR WATER
WE GOT THE SMELL OF COWS IN THE
AIR WITH MORE COWS COMING.
NOW WE WILL BE ABLE TO SMELL
THE CRAP FROM HUMANS IF THIS PROJECT
GETS APPROVED

C156-1

Use additional pages if needed. Please turn in your questions at this meeting, *or:* Mail **before June 8, 2006** to: Carrie Hyke, Land Use Services Dept., San Bernardino County, 385 North Arrowhead Ave., San Bernardino 92415-0182 *or:*

- Fax: (909) 387- 3223
- Tel. 909-387-4147
- E-mail: chyke@lusd.sbcounty.gov

Name: LEE R. ADAIR

Address: PO BOX 414 HINKLEY, CA 92347

Tel. /e-mail: 760 253-5477

Agency (if applicable):

## RESPONSE TO COMMENT LETTER C156

C156-1 The potential for odor from the facility was evaluated in Section 4.3.3.3. As shown in Table 4.3.11, odors at the site boundary would be significant. However, odors at the nearest house (1.5 miles away) would be well below the thresholds established by the Air Quality Management District.

## COMMENTS C157

NURSERY PRODUCTS COMPOSTING FACILITY PROJECT May 18, 2006
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9. Noise
10. Transportation/Circulation

Topic # Comment

I live very close to this I had breathing problems over the ashes that came from the fires over 90 miles away, I need to be heard on this issue and not pushed aside. I cannot afford to move. I don't know what will happen if it comes. C157-1

Use additional pages if needed. Please turn in your questions at this meeting, *or:* Mail **before June 8, 2006** to: Carrie Hyke, Land Use Services Dept., San Bernardino County, 385 North Arrowhead Ave., San Bernardino 92415-0182 *or:*
• Fax: (909) 387- 3223 • Tel. 909-387-4147 • E-mail: chyke@lusd.sbcounty.gov

Name: Dolly Grace FFO

Address: P.O. Box 363 Hinkley, CA 92347

Tel. /e-mail: 253-2421, 267-7571

Agency (if applicable):

## RESPONSE TO COMMENT LETTER C157

C157-1 See response to comments B6-4 and CDHS-4.

## COMMENTS C158

**NURSERY PRODUCTS COMPOSTING FACILITY PROJECT** **May 18, 2006**
**PUBLIC SCOPING MEETING COMMENT CARD**

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9. Noise
10. Transportation/Circulation

**Topic #** **Comment**

No. Not showing concern for the health or wellbeing of any human being in any of our communities. Or the future of our children. We want to Live. Not have our lives cut short. C158-1

Use additional pages if needed. Please turn in your questions at this meeting, *or:* Mail **before June 8, 2006** to: Carrie Hyke, Land Use Services Dept., San Bernardino County, 385 North Arrowhead Ave., San Bernardino 92415-0182 *or:*
- Fax: (909) 387- 3223
- Tel. 909-387-4147
- E-mail: chyke@lusd.sbcounty.gov

Name: Viola Mesh

Address: 601 Lillian Dr. Barstow, CA 92311

Tel. /e-mail: _____ / _____

Agency (if applicable): _____

## RESPONSE TO COMMENT LETTER C158

C158-1 See response to comments B6-4 and CDHS-4.

## COMMENTS C159

**NURSERY PRODUCTS COMPOSTING FACILITY PROJECT** **May 18, 2006**
**PUBLIC SCOPING MEETING COMMENT CARD**

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9. Noise
10. Transportation/Circulation

| Topic # | Comment | |
|---|---|---|
| 2 | WIND AND DUST CONDITIONS WHICH WILL HAVE EFFECTS ON PROPERTIES, PEOPLE + OPERATIONS. (SEE ENCL) OF TRANSPORT, STORAGE + PROCESSING BIOMASS. | C159-1 |
| 6 | EXPOSURE AND HEALTH RISK FOR PEOPLE WITH RESPIRATORY AILMENTS, ALLERGY SENSITIVITY AND COMPROMISED IMMUNE CONDITIONS WHICH CANNOT BE MITIGATED WITH MOST VEHICLE, BUILDING OR INDUSTRIAL AND RESIDENTIAL FACILITIES IN AREA OF BIOMASS TRANSPORT + OPERATIONS PROPOSED. (SEE ENCL #4 + 5) | C159-2 |
| | I AM RETIRED REALTOR WITH PERSONAL EXPERIENCE WITH MAJOR INDUSTRIAL AND OTHER LAND TRANSACTIONS IN THE HIGH DESERT REGION OF SAN BERN COUNTY 1970s - 1990s. THESE PROJECTS INCLUDED SALES + DEVELOPMENTS AT KRAMERIA JUNCTION, HARPER LAKE AND ADELANTO (LOCKHEED FACILITY) | |

Use additional pages if needed. Please turn in your questions at this meeting, ***or:*** Mail **before June 8, 2006** to: Carrie Hyke, Land Use Services Dept., San Bernardino County, 385 North Arrowhead Ave., San Bernardino 92415-0182 ***or:***

- Fax: (909) 387- 3223
- Tel. 909-387-4147
- E-mail: chyke@lusd.sbcounty.gov

Name: BRENT LAUTZENHEISER

Address: 34515 BIRCH RD, BARSTOW, CA 92311

Tel. /e-mail: 760 253 2503 VOX/FAX brentkla@verizon.net

Agency (if applicable): BUSINESS + PROPERTY OWNER IN AREA SINCE 1977.

V2

1. The following concerns need to be mitigated if biowaste is to be transported or processed in the desert bounded by Hwy 395 and I-15, and bisected by Hwy 58.
2. This area has natural air and soil conditions that could make open-air transport, storage and processing of biowaste harmful to environment and people within a large geographical region. This transportation corridor has frequent wind and dust conditions which impact highway maintenance, safety and visibility. The litigation and loss from liability claims for personal injury, road hazard and vehicle damage from increased traffic and air-borne particles would impact both government agencies and private contractors involved in biowaste management. C159-3
3. Aeronautical studies have identified local and regional atmospheric conditions, which have impacted space shuttle and other aviation operations and safety at nearby flight centers. The variable wind turbulence and speed, lateral and vertical thermal drafts and directional shifts are common to all altitudes and terrain. It would be difficult to evaluate or mitigate impacts of biowaste transport, storage and processing with these prevailing natural conditions. C159-4
4. Most air treatment systems in vehicles and buildings have cleanable or disposable replacement filters, which do not meet minimum HEPA rating standards. For people traveling, working or residing in this area, exposure to air-borne biowaste particles and odors will have unknown health risks which could be difficult to evaluate or mitigate. For individuals with respiratory ailments, allergy sensitivity and compromised immune conditions, biowaste exposure may be lethal.
5. Due to my complicated cancer, heart, immune and respiratory conditions, I know first hand the impacts of regional wind and dust on my health. Although I have taken exceptional steps in household weatherization and air treatment where I live in Lenwood/Barstow, environmental conditions are a constant challenge. The HEPA-rated filters in my housekeeping, HVAC and medical equipment have to be cleaned or replaced often due to daily dust and allergen conditions. On windy days, I require medication and assisted breathing therapy at home or hospital. C159-5
6. More environmentally responsible assessment of locations and closed systems to transport and process biowaste are needed before proposed project is approved.

Brent Lautzenheiser
brentkla@verizon.net
34515 Birch Road
Barstow CA 92311
760 253.2503 vox/fax

BIOWASTE606 06/25/06

2/2

## RESPONSE TO COMMENT LETTER C159

C159-1 See response to comments B6-4, CDHS-4, and CDFG-6.

C159-2 See response to comments B6-4, CDHS-4, CDFG-6, and B3-1.

C159-3 See response to comments B6-4, CDHS-4, CDFG-6, and B3-1. In addition, see response to comments COB-30, COB-31, and B6-2.

C159-4 Comment noted.

C159-5 Comment noted.

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## COMMENTS C160

**NURSERY PRODUCTS COMPOSTING FACILITY PROJECT** **May 18, 2006**
**PUBLIC SCOPING MEETING COMMENT CARD**

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5. Geology and Soils
6. Hazards/Hazardous Materials
7. Hydrology/Water Quality
8. Land Use and Planning
9. Noise
10. Transportation/Circulation

| Topic # | Comment | |
|---|---|---|
| #2 | Concern about the wind blowing hazardous particles around damaging our area of land and the health of our community. | C160-1 |
| #5 | Ground soil being damaged from particles & waste circulating | C160-2 |
| #7 | Wells being contaminated due to hazardous waste mixed into the ground where our water source is | C160-3 |
| #10 | Hwy 58 dangerous now - higher impact with more trucks coming in & off hwy. | C160-4 |
| #6 | We don't want LA's Hazardous Waste - we already have our own. | |

What is it going to take? Does someone have to die in order for proper regulations to be implemented? If you are going to approve it - make them do it right! Cover it - Seal it - Concrete it!

Use additional pages if needed. Please turn in your questions at this meeting, *or:* Mail **before June 8, 2006** to: Carrie Hyke, Land Use Services Dept., San Bernardino County, 385 North Arrowhead Ave., San Bernardino 92415-0182 ***or:***
● Fax: (909) 387- 3223 ● Tel. 909-387-4147 ● E-mail: chyke@lusd.sbcounty.gov

Name: CYNTHIA ESPINOZA

Address: 35599 Riverview Ln Hinkley CA 92347

Tel. /e-mail: 760 253 4428

Agency (if applicable):

## RESPONSE TO COMMENT LETTER C160

C160-1 See response to comments RWQCB-8, CDFG-8, CDHS-4, and B6-4. In addition, mitigation measures implemented as part of the project will reduce both short term and long term impacts to a level of less than significance.

C160-2 Please refer to Section 5.3 Geology and Soils of the EIR

C160-3 See response to comments COB-22 and RWQCB-7.

C160-4 See response to comments COB-30, COB-31, and B6-2. In addition, see response to comment RWQCB-8.

## COMMENTS C161

**NURSERY PRODUCTS COMPOSTING FACILITY PROJECT**
**PUBLIC SCOPING MEETING COMMENT CARD**

**May 18, 2006**

Please use this to inform us of your questions or concerns regarding this project. The California Environmental Quality Act (CEQA) Initial Study/Environmental Checklist identifies a number of environmental issues as listed below. Please attach additional sheets if necessary.

Environmental Issues

1. Aesthetics
2. Air Quality
3. Biological Resources
4. Cultural Resources
5. Geology and Soils
6. Hazards/Hazardous Materials
7. Hydrology/Water Quality
8. Land Use and Planning
9. Noise
10. Transportation/Circulation

**Topic #** **Comment**

2. Dairies smell bad enough! - Property Values will suffer! Flies! We have too many now! - Also affects property values; Not to mention Quality of Life !!! C161-1

Use additional pages if needed. Please turn in your questions at this meeting, *or:* Mail before June 8, 2006 to: Carrie Hyke, Land Use Services Dept., San Bernardino County, 385 North Arrowhead Ave., San Bernardino 92415-0182 *or:*
● Fax: (909) 387-3223 ● Tel. 909-387-4147 ● E-mail: chyke@lusd.sbcounty.gov

Name: Brian Miller

Address: 37022 Lenwood rd.

Tel. /e-mail: 760-253-3722 , Frunobclax@Yahoo.com

Agency (if applicable):

www.sbcounty.gov

## RESPONSE TO COMMENT LETTER C161

C161-1 The land surrounding the site is vacant for at least a mile in all directions. An evaluation of impacts to property value from the project would be speculative and is not included in the EIR.

As indicated in Section 4.6.3.1, rodents are not attracted to biosolid/green material composting facilities. Flies can occur at composting operations, especially if excessive grass clippings are present in the green material. As indicated in Section 2.3.1, loads of green material with excessive grass clippings will be rejected. Additionally, Mitigation Measure HM-9 includes fly control measures when they become necessary.

## COMMENTS C162

**NURSERY PRODUCTS COMPOSTING FACILITY PROJECT** **May 18, 2006**
**PUBLIC SCOPING MEETING COMMENT CARD**

Please use this to inform us of your questions or concerns regarding this project. The California Environmental Quality Act (CEQA) Initial Study/Environmental Checklist identifies a number of environmental issues as listed below. Please attach additional sheets if necessary.

Environmental Issues
1. Aesthetics
2. Air Quality
3. Biological Resources
4. Cultural Resources
5. Geology and Soils
6. Hazards/Hazardous Materials
7. Hydrology/Water Quality
8. Land Use and Planning
9. Noise
10. Transportation/Circulation

| Topic # | Comment |
|---|---|
| 2. | My concern is my daughter has asthma and breathing the toxic air will put her in danger! When I have to take her to the hospital over and over, are you going to pay my medical bills? |
| 7. | My family has been through so much with PG&E. We are still enduring medical issues and we are tired of people like you who dont care about our welfare. If it is your crap then put it in your own backyard. Quit trying to pass it on to other communities. |

C162-1

Use additional pages if needed. Please turn in your questions at this meeting, *or:* Mail **before June 8, 2006** to: Carrie Hyke, Land Use Services Dept., San Bernardino County, 385 North Arrowhead Ave., San Bernardino 92415-0182 *or:*
● Fax: (909) 387- 3223 ● Tel. 909-387-4147 ● E-mail: chyke@lusd.sbcounty.gov

Name: Patricia and John Cranky
Address: 35599 1/2 Riverview Ln.
Tel. /e-mail: _____/_____
Agency (if applicable): _____

## RESPONSE TO COMMENT LETTER C162

C162-1 See response to comments CDHS-4 and B6-4.

## COMMENTS C163

To Whom It May Concern 6-27-06

We are strongly against the Biowaste because it will only create problems in our community. as it will be bad for all humanbeings, as well as animals inhaling it. Also it is bad for people who have asthma and breathing problems. Also in the future it will contaminate our water. If second hand smoking kills people, what do you think this will do? C163-1 C163-2

Instead of our growing community it will only drive people away. We hope to see this town grow. We are strongly against it.

Sincerely Yours

Rosie de Rivera
Ernest S Rivera
21284 West Acacia Rd
Hinkley, CA. 92347

## RESPONSE TO COMMENT LETTER C163

C163-1 Comment noted. Mitigation measures implemented as part of the project are expected to reduce both short term and long term impacts to a level of less than significance.

C163-2 See response to comments MWA-2, COB-22, and RWQCB-7.

## COMMENTS C164

**NURSERY PRODUCTS COMPOSTING FACILITY PROJECT** **May 18, 2006**
**PUBLIC SCOPING MEETING COMMENT CARD**

Please use this to inform us of your questions or concerns regarding this project. The California Environmental Quality Act (CEQA) Initial Study/Environmental Checklist identifies a number of environmental issues as listed below. Please attach additional sheets if necessary.

Environmental Issues
1. Aesthetics
2. Air Quality
3. Biological Resources
4. Cultural Resources
5. Geology and Soils
6. Hazards/Hazardous Materials
7. Hydrology/Water Quality
8. Land Use and Planning
9. Noise
10. Transportation/Circulation

**Topic #** 1-10 **Comment**

My community and family have Been punished by big business more then our share It is time are county to stand up and take care of thier own. The state of California cant and shouldn't allow another company kill hundred's or thousands of people or children. please stand up for us and protect our children of San Bernardo County Please

C164-1

Use additional pages if needed. Please turn in your questions at this meeting, *or:* Mail **before June 8, 2006** to: Carrie Hyke, Land Use Services Dept., San Bernardino County, 385 North Arrowhead Ave., San Bernardino 92415-0182 *or:*
- Fax: (909) 387- 3223
- Tel. 909-387-4147
- E-mail: chyke@lusd.sbcounty.gov

Name: Bobby Tindell

Address: 1021 madron dr Barstow CA

Tel. /e-mail: DLpimPDADDY1007@yahoo.com

Agency (if applicable):

## RESPONSE TO COMMENT LETTER C164

C164-1 Comment noted.

## COMMENTS C165

**NURSERY PRODUCTS COMPOSTING FACILITY PROJECT** **May 18, 2006**
**PUBLIC SCOPING MEETING COMMENT CARD**

Please use this to inform us of your questions or concerns regarding this project. The California Environmental Quality Act (CEQA) Initial Study/Environmental Checklist identifies a number of environmental issues as listed below. Please attach additional sheets if necessary.

Environmental Issues
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6. Hazards/Hazardous Materials
7. Hydrology/Water Quality
8. Land Use and Planning
9. Noise
10. Transportation/Circulation

**Topic #** **Comment**

(2) My house is directly down wind with the dominant prevailing wind patterns.

(6) It truely concerns me about the viruses and other diseases that can be spread by this facility C165-1

(7) My water well well is directly connected to the strata and aquifers that supply our water. C165-2

(10) Our roads are not engineered to support this kind of truck traffic especially if alternate routes are used C165-3

Use additional pages if needed. Please turn in your questions at this meeting, *or:* Mail **before June 8, 2006** to: Carrie Hyke, Land Use Services Dept., San Bernardino County, 385 North Arrowhead Ave., San Bernardino 92415-0182 *or:*
● Fax: (909) 387- 3223 ● Tel. 909-387-4147 ● E-mail: chyke@lusd.sbcounty.gov

Name: DAN TURNER
Address: 32500 Hinkley Rd Barstow, CA. 92311
Tel. /e-mail: 760-253-5673 ,
Agency (if applicable):

## RESPONSE TO COMMENT LETTER C165

C165-1 See response to comments CDHS-4, B6-4 and RWQCB.

C165-2 See response to comments COB-22, RWQCB-7, and RWQCB-9.

C165-3 See response to comments COB-30, COB-31, and B6-2.

## COMMENTS C166

**NURSERY PRODUCTS COMPOSTING FACILITY PROJECT**
**PUBLIC SCOPING MEETING COMMENT CARD**

**May 18, 2006**

Please use this to inform us of your questions or concerns regarding this project. The California Environmental Quality Act (CEQA) Initial Study/Environmental Checklist identifies a number of environmental issues as listed below. Please attach additional sheets if necessary.

Environmental Issues
1. Aesthetics
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6. Hazards/Hazardous Materials
7. Hydrology/Water Quality
8. Land Use and Planning
9. Noise
10. Transportation/Circulation

**Topic #** **Comment**

Air Quality – the wind blows alot here we have enough in our air we don't need human waste that comes in very large ~~Truck~~ Truck and dumpand hue if so let it be our own, the big city can keep it. C166-1

Water/Quality Geology + Soils – We already have a problem w/ PGE making a mess w/ the water and soil and air we dont need any more help thank you anyway keep it in L.A. C166-2

Land Use + Planning – Leave the land alone for the wild animals you've already ran them out of most of the land + mountains give them a break!

Use additional pages if needed. Please turn in your questions at this meeting, *or:* Mail before June 8, 2006 to: Carrie Hyke. Land Use Services Dept., San Bernardino County, 385 North Arrowhead Ave., San Bernardino 92415-0182 *or:*
● Fax: (909) 387-3223 ● Tel. 909-387-4147 ● E-mail: chyke@lusd.sbcounty.gov

Name: _____

Address: _____

Tel. /e-mail: _____ / _____

Agency (if applicable): _____

## RESPONSE TO COMMENT LETTER C166

C166-1 See response to comments CDHS-4 and B6-4. In addition, see response to comments RWQCB-8, COB-30, COB-31, and B6-2.

C166-2 Please refer to Section 5.3 Geology and Soils of the EIR. In addition, see response to comments RWQCB-8.

## COMMENTS C167

13. Will the roads to the compost site, in the compost site, and around the compost site be paved as a dust mitigation measure? Will all of Highway 58 be paved as a dust mitigation and safety measure?
14. What technique will be used for composting the sludge and greenwaste? Will the piles be turned in accordance with the composting requirements in Title 14 and the Part 503.32 regs?
15. The EIR needs to look at Best Available Technologies for mitigating negative impacts. Will there be a building enclosing the compost site with air filter pollution controls?
16. What effect will the site have on odors and truck traffic? Will tourists past the site be troubled by traffic jams from overturned trucks and odor and flies? C167-1
17. With the millions of trucked miles traveled, how many sludge trucks will turn over on the highway? How many people will be injured? How many people will die?

There needs to be a properly notified public meeting on the Scoping of this EIR, since the San Bernardino website misdirected the public.

There may not be enough money allocated to the project to cover all the areas that need to be studied in the EIR.

**I would like to make the following additional points:**

How do know whats IN this waste materiel my Daughter Has Sever allergys and theres no telling what Pathogens might Be ~~transmitting~~ transmitted threwgh the air or the Diseases that could be transmitted by the huge Fly Problem it would create. C167-2

Sincerely,

Name: Merle J Marcum

Full Address: 22771 Community BL Hinkley Ca

Email:

Phone: 760 253-5073 - 447-6308

I would like to be on a notification list for any further developments on this Project from San Bernardino County or from the Community Against Nursery Products yes / no

# I WANT A FULL EIR FOR THIS PROJECT!

## RESPONSE TO COMMENT LETTER C167

C167-1 This comment letter is the same form letter as comment letter C131 with no additional environmental issues raised. The response to C131 is also applicable to this comment.

C167-2 See response to comments RWQCB, CDHS-4, and B6-4.

As indicated in Section 4.63.1, rodents are not attracted to biosolid/green material composting facilities. Flies can occur at composting operations, especially if excessive grass clippings are present in the green material. As indicated in Section 2.3.1, loads of green material with excessive grass clippings will be rejected. Additionally, Mitigation Measure HM-9 includes fly control measures when they become necessary.

## COMMENTS C168

13. Will the roads to the compost site, in the compost site, and around the compost site be paved as a dust mitigation measure? Will all of Highway 58 be paved as a dust mitigation and safety measure?
14. What technique will be used for composting the sludge and greenwaste? Will the piles be turned in accordance with the composting requirements in Title 14 and the Part 503.32 regs?
15. The EIR needs to look at Best Available Technologies for mitigating negative impacts. Will there be a building enclosing the compost site with air filter pollution controls?
16. What effect will the site have on odors and truck traffic? Will tourists past the site be troubled by traffic jams from overturned trucks and odor and flies?
17. With the millions of trucked miles traveled, how many sludge trucks will turn over on the highway? How many people will be injured? How many people will die?

There needs to be a properly notified public meeting on the Scoping of this EIR, since the San Bernardino website misdirected the public.

There may not be enough money allocated to the project to cover all the areas that need to be studied in the EIR. C168-1

### I would like to make the following additional points:

Move the site to a location where there ARE no endangered people + animals. Remember, Hinkly has had enough after the PG+E disaster.

Sincerely, [signature]

Name: Bruce d Leake

Full Address: 2280 Rainbow Rd, Yucca Valley CA 92347

Email: bleake@sbcglobal.com

Phone: 760 853 2281

I would like to be on a notification list for any further developments on this Project from San Bernardino County or from the Community Against Nursery Products yes / no

# I WANT A FULL EIR FOR THIS PROJECT!

## RESPONSE TO COMMENT LETTER C168

C168-1 This comment letter is the same form letter as comment letter C131 with no additional environmental issues raised. The response to C131 is also applicable to this comment.

## COMMENTS C169

**NURSERY PRODUCTS COMPOSTING FACILITY PROJECT** **May 18, 2006**
**PUBLIC SCOPING MEETING COMMENT CARD**

Please use this to inform us of your questions or concerns regarding this project. The California Environmental Quality Act (CEQA) Initial Study/Environmental Checklist identifies a number of environmental issues as listed below. Please attach additional sheets if necessary.

Environmental Issues

1. Aesthetics
2. Air Quality
3. Biological Resources
4. Cultural Resources
5. Geology and Soils
6. Hazards/Hazardous Materials
7. Hydrology/Water Quality
8. Land Use and Planning
9. Noise
10. Transportation/Circulation

**Topic #** **Comment**

The air quality is bad enough now that on very hot days it is almost impossible to breathed and now you want to add Toxic gas from the sewers of Los Angeles to our air. No thanks. There must be thousands of acres of land in California hundreds of miles away from civilization dump your garbage there. We in Hinkley have enough trouble with our water, this hazardous waste can only make things worse. We don't want you here and I for one will park on your job site so you can't start dumping, and maybe others will join me. C169-1

Use additional pages if needed. Please turn in your questions at this meeting, ***or:*** Mail **before June 8, 2006** to: Carrie Hyke, Land Use Services Dept., San Bernardino County, 385 North Arrowhead Ave., San Bernardino 92415-0182 ***or:***

- Fax: (909) 387- 3223
- Tel. 909-387-4147
- E-mail: chyke@lusd.sbcounty.gov

Name: Helen C Garrett

Address: 39675 Mt View Hinkley, Ca 92347

Tel. /e-mail: Tel (760) 267-5337

Agency (if applicable):

## RESPONSE TO COMMENT LETTER C169

C169-1 Comment noted. Mitigation measures implemented as part of the project are expected to reduce both short term and long term impacts to a level of less than significance.

## COMMENTS C170

**NURSERY PRODUCTS COMPOSTING FACILITY PROJECT** **May 18, 2006**
**PUBLIC SCOPING MEETING COMMENT CARD**

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Environmental Issues

1. Aesthetics
2. Air Quality
3. Biological Resources
4. Cultural Resources
5. Geology and Soils
6. Hazards/Hazardous Materials
7. Hydrology/Water Quality
8. Land Use and Planning
9. Noise
10. Transportation/Circulation

**Topic #** **Comment**

We the people of Hinkley are just now recovering from the water problems due to PGE. Now you want to start not only killing our water, but our air. We don't want this, our children don't want or need this. As for all those trucks on Hwy 58, we have enough people die on that Hwy now we don't need more trucks. Don't do this to us please. C170-1

Use additional pages if needed. Please turn in your questions at this meeting, *or:* Mail **before June 8, 2006** to: Carrie Hyke, Land Use Services Dept., San Bernardino County, 385 North Arrowhead Ave., San Bernardino 92415-0182 *or:*

- Fax: (909) 387- 3223
- Tel. 909-387-4147
- E-mail: chyke@lusd.sbcounty.gov

Name: Theresa Williamson

Address: 22946 Burnt Tree Rd. Hinkley Ca 92347

Tel. /e-mail: TWilliamson@hotmail.com

Agency (if applicable):

## RESPONSE TO COMMENT LETTER C170

C170-1 See response to comments CDHS-4 and B6-4. In addition, see response to comments COB-30, COB-31, and B6-2.

## COMMENTS C171

**NURSERY PRODUCTS COMPOSTING FACILITY PROJECT** **May 18, 2006**
**PUBLIC SCOPING MEETING COMMENT CARD**

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Environmental Issues
1. Aesthetics
2. Air Quality
3. Biological Resources
4. Cultural Resources
5. Geology and Soils
6. Hazards/Hazardous Materials
7. Hydrology/Water Quality
8. Land Use and Planning
9. Noise
10. Transportation/Circulation

| Topic # | Comment | |
|---|---|---|
| #2 | This needs to be addressed | C171-1 |
| #7 | We need more info | C171-2 |

Use additional pages if needed. Please turn in your questions at this meeting, *or:* Mail **before June 8, 2006** to: Carrie Hyke, Land Use Services Dept., San Bernardino County, 385 North Arrowhead Ave., San Bernardino 92415-0182 *or:*
● Fax: (909) 387- 3223 ● Tel. 909-387-4147 ● E-mail: chyke@lusd.sbcounty.gov

Name: Floyd McKeehan

Address: 21750 Alcalica Rd

Tel. /e-mail: 760-253-7696

Agency (if applicable):

## RESPONSE TO COMMENT LETTER C171

C171-1 Please refer to Section 4.3 Air Quality. In addition, please refer to the Mitigation Measures provided in Section 5 of the Final EIR.

C171-2 Please refer to Section 4.7 Hydrology and Water Quality. In addition, please refer to the Mitigation Measures provided in Section 5 of the Final EIR.

## COMMENTS C172

13. Will the roads to the compost site, in the compost site, and around the compost site be paved as a dust mitigation measure? Will all of Highway 58 be paved as a dust mitigation and safety measure?
14. What technique will be used for composting the sludge and greenwaste? Will the piles be turned in accordance with the composting requirements in Title 14 and the Part 503.32 regs?
15. The EIR needs to look at Best Available Technologies for mitigating negative impacts. Will there be a building enclosing the compost site with air filter pollution controls?
16. What effect will the site have on odors and truck traffic? Will tourists past the site be troubled by traffic jams from overturned trucks and odor and flies?
17. With the millions of trucked miles traveled, how many sludge trucks will turn over on the highway? How many people will be injured? How many people will die?

C172-1

There needs to be a properly notified public meeting on the Scoping of this EIR, since the San Bernardino website misdirected the public.

There may not be enough money allocated to the project to cover all the areas that need to be studied in the EIR.

**I would like to make the following additional points:**

How will this project affect property values? With the health issues, flies, odor, dust, etc, Hinkley would turn into a ghost town. My wife and I have spent over 1/3 of our life here in Hinkley, raised our families in spite of the other camp that has been pushed upon us. Let the people involved in putting this project in our back yard just keep it where it belongs in Orange County along with the politicians who have pocketed kick backs to promote this mess.

C172-2

Sincerely,

Name: FRED P. POE Fred P. Poe

Full Address: 37304 Hinkley Rd Hinkley, CA 92347

Email: GRANDMA7PLUS2@AOL.COM

Phone: 760-253-7490

I would like to be on a notification list for any further developments on this Project from San Bernardino County or from the Community Against Nursery Products (yes) / no

# I WANT A FULL EIR FOR THIS PROJECT!

## RESPONSE TO COMMENT LETTER C172

C172-1 This comment letter is the same form letter as comment letter C131 with no additional environmental issues raised. The response to C131 is also applicable to this comment

C172-2 The land surrounding the site is vacant for at least a mile in all directions. An evaluation of impacts to property value from the project would be speculative and is not included in the EIR.

As indicated in Section 4.6.3.1, rodents are not attracted to biosolid/green material composting facilities. Flies can occur at the composting operations, especially if excessive grass clippings are present in the green material. As indicated in Section 2.3.1, loads of green material with excessive grass clippings will be rejected. Additionally, Mitigation Measure HM-9 includes fly control measures when they become necessary.

The potential for odor from the facility was evaluated in Section 4.3.3.3. As shown on Table 4.3.11, odors at the site boundary would be significant. However, odors at the nearest house (1.5 miles away) would be well below the thresholds established by the Air Quality Management District.

Dust; See response to comments CDHS-4 and B6-4.

## COMMENTS C173

13. Will the roads to the compost site, in the compost site, and around the compost site be paved as a dust mitigation measure? Will all of Highway 58 be paved as a dust mitigation and safety measure?
14. What technique will be used for composting the sludge and greenwaste? Will the piles be turned in accordance with the composting requirements in Title 14 and the Part 503.32 regs?
15. The EIR needs to look at Best Available Technologies for mitigating negative impacts. Will there be a building enclosing the compost site with air filter pollution controls? C173-1
16. What effect will the site have on odors and truck traffic? Will tourists past the site be troubled by traffic jams from overturned trucks and odor and flies?
17. With the millions of trucked miles traveled, how many sludge trucks will turn over on the highway? How many people will be injured? How many people will die?

There needs to be a properly notified public meeting on the Scoping of this EIR, since the San Bernardino website misdirected the public.

There may not be enough money allocated to the project to cover all the areas that need to be studied in the EIR.

**I would like to make the following additional points:**

What will this sludge do to our breating? C173-2
I have enough allergies and have trouble breathing sometimes. We have several dairies around and the fly situation is unbearable enough, We don't needany additional things put around here that will make us more uncomfortable and ruin our community. Please go somewhere else, a place where there will be no issues for what you want to do C173-3

Sincerely,

Name: Bette L. Poe

Full Address: 37304 Hinkley Rd Hinkley, CA 92347

Email: Grandma7plus2@aol.com

Phone: (760) 253-7490

I would like to be on a notification list for any further developments on this Project from San Bernardino County or from the Community Against Nursery Products (yes) / no

# I WANT A FULL EIR FOR THIS PROJECT!

## RESPONSE TO COMMENT LETTER C173

C173-1 This comment letter is the same form letter as comment letter C131 with no additional environmental issues raised. The response to C131 is also applicable to this comment.

C173-2 See response to comments CDHS, B6-4, and RWQCB-8.

C173-3 As indicated in Section 4.6.3.1, rodents are not attracted to biosolid/green material composting facilities. Flies can occur at composting operations, especially if excessive grass clippings are present in the green material. As indicated in Section 2.3.1, loads of green material with excessive grass clippings will be rejected. Additionally, Mitigation Measure HM-9 includes fly control measures when they become necessary.

## COMMENTS C174

13. Will the roads to the compost site, in the compost site, and around the compost site be paved as a dust mitigation measure? Will all of Highway 58 be paved as a dust mitigation and safety measure?
14. What technique will be used for composting the sludge and greenwaste? Will the piles be turned in accordance with the composting requirements in Title 14 and the Part 503.32 regs?
15. The EIR needs to look at Best Available Technologies for mitigating negative impacts. Will there be a building enclosing the compost site with air filter pollution controls?
16. What effect will the site have on odors and truck traffic? Will tourists past the site be troubled by traffic jams from overturned trucks and odor and flies?
17. With the millions of trucked miles traveled, how many sludge trucks will turn over on the highway? How many people will be injured? How many people will die?

C174-1

There needs to be a properly notified public meeting on the Scoping of this EIR, since the San Bernardino website misdirected the public.

There may not be enough money allocated to the project to cover all the areas that need to be studied in the EIR.

**I would like to make the following additional points:**

C174-2

How will the composting site impact property values in Hinkley.

Sincerely,

Name: Jessie Orr

Full Address: P.O. Box 87 36714 Hidden River Hinkley CA 92347

Email:

Phone: 760-253-5304

I would like to be on a notification list for any further developments on this Project from San Bernardino County or from the Community Against Nursery Products (yes) / no

# I WANT A FULL EIR FOR THIS PROJECT!

## RESPONSE TO COMMENT LETTER C174

C174-1 This comment letter is the same form letter as comment letter C131 with no additional environmental issues raised. The response to C131 is also applicable to this comment.

C174-2 The land surrounding the site is vacant for at least a mile in all directions. An evaluation of impacts to property value from the project would be speculative and is not included in the EIR.

## COMMENTS C175

13. Will the roads to the compost site, in the compost site, and around the compost site be paved as a dust mitigation measure? Will all of Highway 58 be paved as a dust mitigation and safety measure?
14. What technique will be used for composting the sludge and greenwaste? Will the piles be turned in accordance with the composting requirements in Title 14 and the Part 503.32 regs?
15. The EIR needs to look at Best Available Technologies for mitigating negative impacts. Will there be a building enclosing the compost site with air filter pollution controls?
16. What effect will the site have on odors and truck traffic? Will tourists past the site be troubled by traffic jams from overturned trucks and odor and flies?
17. With the millions of trucked miles traveled, how many sludge trucks will turn over on the highway? How many people will be injured? How many people will die? C175-1

There needs to be a properly notified public meeting on the Scoping of this EIR, since the San Bernardino website misdirected the public.

There may not be enough money allocated to the project to cover all the areas that need to be studied in the EIR.

**I would like to make the following additional points:**

The Nursery Products Composting Site is a bad idea because it Will give our environment horrible air quality, -- Not only that, but how will it affect our water? Hinkley has it bad enough with PG&E; why make a problem worse? Hinkley is also full of Agriculture and Livestock and it is very unsanitary if it would happen to Rain -- Not only would it be affecting the food source for the Livestock, but for us as people. C175-2 C175-3

Sincerely,

Name: Rachel Marcum

Full Address: 22771 Community Blvd. Hinkley CA 92347

Email: Plushiba@aol.com

Phone: 760-253-5073

I would like to be on a notification list for any further developments on this Project from San Bernardino County or from the Community Against Nursery Products yes / no

# I WANT A FULL EIR FOR THIS PROJECT!

## RESPONSE TO COMMENT LETTER C175

C175-1 This comment letter is the same form letter as comment letter C131 with no additional environmental issues raised. The response to C131 is also applicable to this comment.

C175-2 See response to comments MWA-2, COB-22, and RWQCB-7. In addition, please refer to Section 4.7 Hydrology and Water Quality of the EIR.

C175-3 See response to comment MWA-2.

## COMMENTS C176

13. Will the roads to the compost site, in the compost site, and around the compost site be paved as a dust mitigation measure? Will all of Highway 58 be paved as a dust mitigation and safety measure?
14. What technique will be used for composting the sludge and greenwaste? Will the piles be turned in accordance with the composting requirements in Title 14 and the Part 503.32 regs?
15. The EIR needs to look at Best Available Technologies for mitigating negative impacts. Will there be a building enclosing the compost site with air filter pollution controls?
16. What effect will the site have on odors and truck traffic? Will tourists past the site be troubled by traffic jams from overturned trucks and odor and flies?
17. With the millions of trucked miles traveled, how many sludge trucks will turn over on the highway? How many people will be injured? How many people will die?

C176-1

There needs to be a properly notified public meeting on the Scoping of this EIR, since the San Bernardino website misdirected the public.

There may not be enough money allocated to the project to cover all the areas that need to be studied in the EIR.

**I would like to make the following additional points:**

WE HAVE HORSES AND COWS ALSO GROW A PASTURE.

Sincerely,

Name: PAUL HENSLEY

Full Address: 26061 COMMUNITY BLVD BARSTOW, CALIF 92311

Email:

Phone: 760-253-3217

I would like to be on a notification list for any further developments on this Project from San Bernardino County or from the Community Against Nursery Products yes / no

# I WANT A FULL EIR FOR THIS PROJECT!

## RESPONSE TO COMMENT LETTER C176

C176-1 This comment letter is the same form letter as comment letter C131 with no additional environmental issues raised. The response to C131 is also applicable to this comment.

## COMMENTS C177

**NURSERY PRODUCTS COMPOSTING FACILITY PROJECT**
**PUBLIC SCOPING MEETING COMMENT CARD**

**May 18, 2006**

Please use this to inform us of your questions or concerns regarding this project. The California Environmental Quality Act (CEQA) Initial Study/Environmental Checklist identifies a number of environmental issues as listed below. Please attach additional sheets if necessary.

Environmental Issues

1. Aesthetics
2. Air Quality
3. Biological Resources
4. Cultural Resources
5. Geology and Soils
6. Hazards/Hazardous Materials
7. Hydrology/Water Quality
8. Land Use and Planning
9. Noise
10. Transportation/Circulation

**Topic #** **Comment**

It wont be good for the community health especially the Childrens. C177-1

Use additional pages if needed. Please turn in your questions at this meeting, *or:* Mail **before June 8, 2006** to: Carrie Hyke, Land Use Services Dept., San Bernardino County, 385 North Arrowhead Ave., San Bernardino 92415-0182 *or:*

- Fax: (909) 387- 3223
- Tel. 909-387-4147
- E-mail: chyke@lusd.sbcounty.gov

Name: Manuel Velazquez

Address: 49197 Friends RD Hinkley Ca 92347

Tel. /e-mail: 760 9278931

Agency (if applicable):

## RESPONSE TO COMMENT LETTER C177

C177-1 See response to comments CDHS-4, B6-4, and RWQCB-8.

## COMMENTS C178

13. Will the roads to the compost site, in the compost site, and around the compost site be paved as a dust mitigation measure? Will all of Highway 58 be paved as a dust mitigation and safety measure?
14. What technique will be used for composting the sludge and greenwaste? Will the piles be turned in accordance with the composting requirements in Title 14 and the Part 503.32 regs?
15. The EIR needs to look at Best Available Technologies for mitigating negative impacts. Will there be a building enclosing the compost site with air filter pollution controls? C178-1
16. What effect will the site have on odors and truck traffic? Will tourists past the site be troubled by traffic jams from overturned trucks and odor and flies?
17. With the millions of trucked miles traveled, how many sludge trucks will turn over on the highway? How many people will be injured? How many people will die?

There needs to be a properly notified public meeting on the Scoping of this EIR, since the San Bernardino website misdirected the public.

There may not be enough money allocated to the project to cover all the areas that need to be studied in the EIR.

**I would like to make the following additional points:**

Our Home on the Halstead Rd for 40 years is right in line. Our water is wonderful but it won't be if you are allowed to put this in. Also the floods would carry junk our way. Our property would be useless for desert wild life would die turtles, Chuckar, quail, Owls, Road Runners, foxes C178-2

Sincerely,

Name: Erika H Schneider Erika H Schneider

Full Address: 20220 Halstead Rd.

Email: —

Phone: 760 253-9157

I would like to be on a notification list for any further developments on this Project from San Bernardino County or from the Community Against Nursery Products yes / no

# I WANT A FULL EIR FOR THIS PROJECT!

## RESPONSE TO COMMENT LETTER C178

C178-1 This comment letter is the same form letter as comment letter C131 with no additional environmental issues raised. The response to C131 is also applicable to this comment.

C178-2 See response to comments MWA-2, COB-22, and RWQCB-7. In addition, please refer to Section 4.4 Biological Resources of the EIR.

## COMMENTS C179

13. Will the roads to the compost site, in the compost site, and around the compost site be paved as a dust mitigation measure? Will all of Highway 58 be paved as a dust mitigation and safety measure?
14. What technique will be used for composting the sludge and greenwaste? Will the piles be turned in accordance with the composting requirements in Title 14 and the Part 503.32 regs?
15. The EIR needs to look at Best Available Technologies for mitigating negative impacts. Will there be a building enclosing the compost site with air filter pollution controls?
16. What effect will the site have on odors and truck traffic? Will tourists past the site be troubled by traffic jams from overturned trucks and odor and flies? C179-1
17. With the millions of trucked miles traveled, how many sludge trucks will turn over on the highway? How many people will be injured? How many people will die?

There needs to be a properly notified public meeting on the Scoping of this EIR, since the San Bernardino website misdirected the public.

There may not be enough money allocated to the project to cover all the areas that need to be studied in the EIR.

**I would like to make the following additional points:** C179-2

Why Don't we put the waste in the Los Angeles School walls, Instead of the High Desert

Sincerely,

Name: Jonathan Blake

Full Address: 26412 W. Old Hwy 58

Email: JBALT@wincomnet.com

Phone: 760-253-9022

I would like to be on a notification list for any further developments on this Project from San Bernardino County or from the Community Against Nursery Products yes / no

# I WANT A FULL EIR FOR THIS PROJECT!

## RESPONSE TO COMMENT LETTER C179

C179-1 This comment letter is the same form letter as comment letter C131 with no additional environmental issues raised. The response to C131 is also applicable to this comment.

C179-2 Comment noted.

## COMMENTS C180

I oppose the operation of a nursery products LLC's Biosolid / Green Waste Apelation outside of Hinkley, Barstow and every community surrounding the operation.

I can't understand why the County of San Bernardino issued permits for this company when Adelanto, and Newberry Springs run them off. Apparently everyone in these communities know the dangers associated with this type of company. Hinkley has had it's share of mishaps the P G & E chromium 6 incident. Ground water was contaminated, people, animals, domestic and wild were affected. Property values went dramatically down, now finally things are starting to look good and its about to happen again.

This is not to mention the wind we have in the desert. As the waste is drying, with who knows what kind of chemicals in it, what will we be breathing? Arsenic, carcinogens what else? C180-1

Then the rain that can flash flood in the desert. Containment of the waste from run off, leaching into the ground and how many birds and insects will eat the waste? C180-2

(1) Dodd 1/3

In turn spreading more waste and contamination everywhere, with no one knowing.

The trucks hauling said waste will bring more congestion for Interstate 15 and surrounding roads. Creating more pollution for the desert which affects everyone. The noise from the trucks oil they leak, exhaust they omit and the dirt roads and dust. Who would handle the Bio-waste in an accident? It seems to me everyone from Los Angeles to Hinkley could be affected!! C180-3

The planning and land use for this operation hasn't been thought through very well. The people who are on the committee should move this operation to their neighborhood if they believe it won't hurt the environment. The county of Los Angeles should be taking the responsibility of building a reputable facilaty to treat this waste. Their waste, their responsibility.

Sincerely
James F. Dodd

Dodd 2/3

(2)

13. Will the roads to the compost site, in the compost site, and around the compost site be paved as a dust mitigation measure? Will all of Highway 58 be paved as a dust mitigation and safety measure?
14. What technique will be used for composting the sludge and greenwaste? Will the piles be turned in accordance with the composting requirements in Title 14 and the Part 503.32 regs?
15. The EIR needs to look at Best Available Technologies for mitigating negative impacts. Will there be a building enclosing the compost site with air filter pollution controls? **C180-4**
16. What effect will the site have on odors and truck traffic? Will tourists past the site be troubled by traffic jams from overturned trucks and odor and flies?
17. With the millions of trucked miles traveled, how many sludge trucks will turn over on the highway? How many people will be injured? How many people will die?

There needs to be a properly notified public meeting on the Scoping of this EIR, since the San Bernardino website misdirected the public.

There may not be enough money allocated to the project to cover all the areas that need to be studied in the EIR.

**I would like to make the following additional points:**

How much is a life worth? your life is it not worth a complete EIR. Does your family live in the Hinkley or Barstow area? If your relatives (family) lived in this area looked you want them exposed to this mess. Please reconsider this waste operation in the Hinkley area, my friends and family have been through enough during the PG&E incident and the truth hasn't been told on that incident. **C180-5**

Sincerely,

James F. Dodd

Name: JAMES F. DODD

Full Address: P.O. Box 173 39551 MT. VIEW RD HINKLEY, CA 92347

Email: N/A

Phone: (760) 253-7406

I would like to be on a notification list for any further developments on this Project from San Bernardino County or from the Community Against Nursery Products yes / no

# I WANT A FULL EIR FOR THIS PROJECT!

3/3

## RESPONSE TO COMMENT LETTER C180

C180-1 See response to comments CDFG-6, RWQCB-8, CDHS-4, and B6-4.

C180-2 See response to comments MWA-2.

C180-3 See response to comments COB-30, COB-31, B6-2, B3-1, C207-34, and C207-36.

C180-4 This comment letter is the same form letter as comment letter C131 with no additional environmental issues raised. The response to C131 is also applicable to this comment.

C180-5 Comment noted. Mitigation measures implemented as part of the project are expected to reduce both short term and long term impacts to a level of less than significance.

## COMMENTS C181

NURSERY PRODUCTS COMPOSTING FACILITY PROJECT May 18, 2006
PUBLIC SCOPING MEETING COMMENT CARD

Please use this to inform us of your questions or concerns regarding this project. The California Environmental Quality Act (CEQA) Initial Study/Environmental Checklist identifies a number of environmental issues as listed below. Please attach additional sheets if necessary.

Environmental Issues

1. Aesthetics
2. Air Quality
3. Biological Resources
4. Cultural Resources
5. Geology and Soils
6. Hazards/Hazardous Materials
7. Hydrology/Water Quality
8. Land Use and Planning
9. Noise
10. Transportation/Circulation

Topic # 2 Comment

I am opposed to the proposed biosolids composting facility primarily due to known air pollution problems. I live on the west side of Hinkley and feel that the prevailing winds will carry the pollution to my property thus infringing on my rights to a safe environment. The pollution will also have a negative effect on the property values of Hinkley. Is it not enough that we must already live with similar issues due to the PG&E chromium 6 water pollution? I feel that the MDAQMD should adopt regulations similar but more stringent than the ones used by the South Coast Air Quality Management District to reduce composting emissions. This measure would possibly drive the sludge problem back to Los Angeles where it belongs!

C181-1

C181-2

C181-3

Use additional pages if needed. Please turn in your questions at this meeting, *or:* Mail before June 8, 2006 to: Carrie Hyke, Land Use Services Dept., San Bernardino County, 385 North Arrowhead Ave., San Bernardino 92415-0182 *or:*

- Fax: (909) 387-3223 • Tel. 909-387-4147 • E-mail: chyke@lusd.sbcounty.gov

Name: DAN Kelley

Address: 35624 TAMARACK Rd. HINKLEY

Tel. /e-mail: 760-253-7374

Agency (if applicable):

## RESPONSE TO COMMENT LETTER C181

C181-1 See response to comment CDHS-4 and B6-4.

C181-2 The land surround the site is vacant for at least a mile in all directions. An evaluation of impacts to property value from the project would be speculative and is not included in the EIR.

C181-3 Comment noted.

## COMMENTS C182

**NURSERY PRODUCTS COMPOSTING FACILITY PROJECT** May 18, 2006
**PUBLIC SCOPING MEETING COMMENT CARD**

Please use this to inform us of your questions or concerns regarding this project. The California Environmental Quality Act (CEQA) Initial Study/Environmental Checklist identifies a number of environmental issues as listed below. Please attach additional sheets if necessary.

Environmental Issues
1. Aesthetics
2. Air Quality
3. Biological Resources
4. Cultural Resources
5. Geology and Soils
6. Hazards/Hazardous Materials
7. Hydrology/Water Quality
8. Land Use and Planning
9. Noise
10. Transportation/Circulation

Topic # Comment

I do not want the air pollution or what maybe done to our water in the future or the traffic or noise all this will bring us. There is enough bacteria + dust of all kinds without adding to the natural desert air. At least the desert ~~air~~ air won't be polluting our lung & skin as this material is sure to do. I am elderly & know that this will affect me. We moved here in 1970 so my breathing would be better since I have cronic bronchitis Please do not destroy what has been my home for so many years. C182-1

Use additional pages if needed. Please turn in your questions at this meeting, *or:* Mail before June 8, 2006 to: Carrie Hyke, Land Use Services Dept., San Bernardino County, 385 North Arrowhead Ave., San Bernardino 92415-0182 *or:*
• Fax: (909) 387-3223 • Tel. 909-387-4147 • E-mail: chyke@luad.sbcounty.gov

Name: Dr. Donna L. Carr Donna L. Carr
Address: 36434 Mtn. View Rd. Hinkley Ca 92347
Tel./e-mail: 760-253-2348
Agency (if applicable):

## RESPONSE TO COMMENT LETTER C182

C182-1 See response to comment CDHS-4, B6-4, COB-22, and RWQCB-7.

## COMMENTS C183

**NURSERY PRODUCTS COMPOSTING FACILITY PROJECT** **May 18, 2006**
**PUBLIC SCOPING MEETING COMMENT CARD**

Please use this to inform us of your questions or concerns regarding this project. The California Environmental Quality Act (CEQA) Initial Study/Environmental Checklist identifies a number of environmental issues as listed below. Please attach additional sheets if necessary.

Environmental Issues
1. Aesthetics
2. Air Quality
3. Biological Resources
4. Cultural Resources
5. Geology and Soils
6. Hazards/Hazardous Materials
7. Hydrology/Water Quality
8. Land Use and Planning
9. Noise
10. Transportation/Circulation

**Topic #** **Comment**

1. Aesthetics and
2. Air Quality go hand-in-hand! The loss of air quality is already noticeable, this community needs no more degradation of the air we must breathe. We have lived in this area for almost 40 years and watched the deterioration of air, been hurt by the groundwater contamination and fear for the exaberation of current concerns by the added impact of the proposed "Nursery Products" site. It seems plain that Adelanto has suffered great damage; why should this community be jeopardized by the same processes? ~~The~~ C183-1

5. The permeability of the desert soils invites future groundwater contamination, something we need less of! C183-2

6. Hazardous waste/bacteria/dust added to our breathing capability is unacceptable! With chronic sinusitis and allergies, I don't need more problems, nor do our local children need to be exposed to it. The #'s 9 & 10 also a concern - increased traffic and noise unwanted C183-3 C183-4

Use additional pages if needed. Please turn in your questions at this meeting, *or:* Mail before June 8, 2006 to: Carrie Hyke, Land Use Services Dept., San Bernardino County, 385 North Arrowhead Ave., San Bernardino 92415-0182 *or:*
● Fax: (909) 387-3223 ● Tel. 909-387-4147 ● E-mail: chyke@lusd.sbcounty.gov

Name: Carol Greenwood Carol Greenwood

Address: PO Box 56 (36682-A Mt. View Rd) Pinkley, Ca 92347

Tel. /e-mail: (760) 253-0072 / co629@outdts.net

Agency (if applicable): _____

* addendum: # 9 & 10 — years ago, we could stand outside at night and listen to the crickets. Now, highway traffic noise blots out the sound. Sad anyone would want to further injure this community for a profit —

## RESPONSE TO COMMENT LETTER C183

C183-1 See response to comment CDHS-4 and B6-4, B3-2, and COB-8.

C183-2 See response to COB-22, RWQCB-7 and RWQCB-9.

C183-3 Comment noted.

C183-4 See comment COB-30, COB-31, B6-2. In addition, Appendix A indicates that noise from the facility would not be significant. A noise analysis was completed specifically for this project and is included in Appendix A.

## COMMENTS C184

13. Will the roads to the compost site, in the compost site, and around the compost site be paved as a dust mitigation measure? Will all of Highway 58 be paved as a dust mitigation and safety measure?
14. What technique will be used for composting the sludge and greenwaste? Will the piles be turned in accordance with the composting requirements in Title 14 and the Part 503.32 regs?
15. The EIR needs to look at Best Available Technologies for mitigating negative impacts. Will there be a building enclosing the compost site with air filter pollution controls? C184-1
16. What effect will the site have on odors and truck traffic? Will tourists past the site be troubled by traffic jams from overturned trucks and odor and flies?
17. With the millions of trucked miles traveled, how many sludge trucks will turn over on the highway? How many people will be injured? How many people will die?

There needs to be a properly notified public meeting on the Scoping of this EIR, since the San Bernardino website misdirected the public.

There may not be enough money allocated to the project to cover all the areas that need to be studied in the EIR.

### I would like to make the following additional points:

- HOW WILL THE WINDBORN PATHOGENS EFFECT PISTACHIO NUTS AND OTHER CROPS? C184-2

Sincerely,

Lonnie M Meyers

Name: LONNIE M. MEYERS

Full Address: 35523 MTN. VIEW RD., HINKLEY, CA 92347

Email: DARLONMEY@MSN.COM

Phone: 760-253-7295

I would like to be on a notification list for any further developments on this Project from San Bernardino County or from the Community Against Nursery Products yes / no

# I WANT A FULL EIR FOR THIS PROJECT!

## RESPONSE TO COMMENT LETTER C184

C184-1 See response to comment letter C131.

C184-2 See response to comment CDHS-4, B6-4. Mitigation Measure AQ-2 has been revised to require that windrows be sprayed with water during windy conditions to further reduce the potential dust contaminated with heavy metals to migrate off site.

## COMMENTS C185

13. Will the roads to the compost site, in the compost site, and around the compost site be paved as a dust mitigation measure? Will all of Highway 58 be paved as a dust mitigation and safety measure?
14. What technique will be used for composting the sludge and greenwaste? Will the piles be turned in accordance with the composting requirements in Title 14 and the Part 503.32 regs?
15. The EIR needs to look at Best Available Technologies for mitigating negative impacts. Will there be a building enclosing the compost site with air filter pollution controls? C185-1
16. What effect will the site have on odors and truck traffic? Will tourists past the site be troubled by traffic jams from overturned trucks and odor and flies?
17. With the millions of trucked miles traveled, how many sludge trucks will turn over on the highway? How many people will be injured? How many people will die?

There needs to be a properly notified public meeting on the Scoping of this EIR, since the San Bernardino website misdirected the public.

There may not be enough money allocated to the project to cover all the areas that need to be studied in the EIR.

**I would like to make the following additional points:**

How will this affect the status of bordering conservation lands. C185-2

Sincerely,

Name: Mark Orr

Full Address: (POB 87) 36714 Hidden River Road, Hinkley Ca. 92347

Email:

Phone: 760 - 253-5304

I would like to be on a notification list for any further developments on this Project from San Bernardino County or from the Community Against Nursery Products yes / no

# I WANT A FULL EIR FOR THIS PROJECT!

## RESPONSE TO COMMENT LETTER C185

C185-1 See response to comment letter C131.

C185-2 See response to comment CDFG-7 and CIWMB-8.

## COMMENTS C186

13. Will the roads to the compost site, in the compost site, and around the compost site be paved as a dust mitigation measure? Will all of Highway 58 be paved as a dust mitigation and safety measure?
14. What technique will be used for composting the sludge and greenwaste? Will the piles be turned in accordance with the composting requirements in Title 14 and the Part 503.32 regs?
15. The EIR needs to look at Best Available Technologies for mitigating negative impacts. Will there be a building enclosing the compost site with air filter pollution controls?
16. What effect will the site have on odors and truck traffic? Will tourists past the site be troubled by traffic jams from overturned trucks and odor and flies? C186-1
17. With the millions of trucked miles traveled, how many sludge trucks will turn over on the highway? How many people will be injured? How many people will die?

There needs to be a properly notified public meeting on the Scoping of this EIR, since the San Bernardino website misdirected the public.

There may not be enough money allocated to the project to cover all the areas that need to be studied in the EIR.

**I would like to make the following additional points:**

With the winds and dust what makes us think we can be protected from a open slugde pit - after the fires and ash we know how far debre can travel - C186-2

Sincerely,

Name: William L BLEVINS

Full Address: 25904 W U.S. Hwy 58 BARSTOW CA

Email: blevins@inreach.com

Phone: 760-253-2649

I would like to be on a notification list for any further developments on this Project from San Bernardino County or from the Community Against Nursery Products yes / no

# I WANT A FULL EIR FOR THIS PROJECT!

## RESPONSE TO COMMENT LETTER C186

C186-1 See response to comment letter C131.

C186-2 See response to comment CDHS-4 and B6-4.

## COMMENTS C187

13. Will the roads to the compost site, in the compost site, and around the compost site be paved as a dust mitigation measure? Will all of Highway 58 be paved as a dust mitigation and safety measure?
14. What technique will be used for composting the sludge and greenwaste? Will the piles be turned in accordance with the composting requirements in Title 14 and the Part 503.32 regs?
15. The EIR needs to look at Best Available Technologies for mitigating negative impacts. Will there be a building enclosing the compost site with air filter pollution controls?
16. What effect will the site have on odors and truck traffic? Will tourists past the site be troubled by traffic jams from overturned trucks and odor and flies?
17. With the millions of trucked miles traveled, how many sludge trucks will turn over on the highway? How many people will be injured? How many people will die?

There needs to be a properly notified public meeting on the Scoping of this EIR, since the San Bernardino website misdirected the public. C187-1

There may not be enough money allocated to the project to cover all the areas that need to be studied in the EIR.

**I would like to make the following additional points:**

Haven't we been through enough?!

Sincerely,

Name: Sherril Powell SPowell

Full Address: 36570 Hillview Rd. Hinkley, CA 92347

Email:

Phone: 760-253-3061

I would like to be on a notification list for any further developments on this Project from San Bernardino County or from the Community Against Nursery Products (yes) no

# I WANT A FULL EIR FOR THIS PROJECT!

## RESPONSE TO COMMENT LETTER C187

C187-1 This comment letter is the same form letter as comment letter C131 with no additional environmental issues raised. The response to C131 is also applicable to this commenter.

## COMMENTS C188

13. Will the roads to the compost site, in the compost site, and around the compost site be paved as a dust mitigation measure? Will all of Highway 58 be paved as a dust mitigation and safety measure?
14. What technique will be used for composting the sludge and greenwaste? Will the piles be turned in accordance with the composting requirements in Title 14 and the Part 503.32 regs?
15. The EIR needs to look at Best Available Technologies for mitigating negative impacts. Will there be a building enclosing the compost site with air filter pollution controls?
16. What effect will the site have on odors and truck traffic? Will tourists past the site be troubled by traffic jams from overturned trucks and odor and flies?
17. With the millions of trucked miles traveled, how many sludge trucks will turn over on the highway? How many people will be injured? How many people will die?

C188-1

There needs to be a properly notified public meeting on the Scoping of this EIR, since the San Bernardino website misdirected the public.

There may not be enough money allocated to the project to cover all the areas that need to be studied in the EIR.

**I would like to make the following additional points:**

Though the desert seems harsh, the ecosystem is fragile. What happens to the protected water fowl at Harper Dry Lake?

C188-2

Sincerely,

Name: Richard W. Powell

Full Address: 36570 Hillview Rd. Hinkley, CA 92347

Email:

Phone: 760-253-3061

I would like to be on a notification list for any further developments on this Project from San Bernardino County or from the Community Against Nursery Products yes / no

# I WANT A FULL EIR FOR THIS PROJECT!

## RESPONSE TO COMMENT LETTER C188

C188-1 See response to comment letter C131.

C188-2 See response to comment CDFG-7 and CIWMB-8. In addition, as indicated in Appendix C, the agency databases were reviewed to identify special status species that are present in the project area. The species known to occur in the area are included in the EIR analysis.

## COMMENTS C189

13. Will the roads to the compost site, in the compost site, and around the compost site be paved as a dust mitigation measure? Will all of Highway 58 be paved as a dust mitigation and safety measure?
14. What technique will be used for composting the sludge and greenwaste? Will the piles be turned in accordance with the composting requirements in Title 14 and the Part 503.32 regs?
15. The EIR needs to look at Best Available Technologies for mitigating negative impacts. Will there be a building enclosing the compost site with air filter pollution controls?
16. What effect will the site have on odors and truck traffic? Will tourists past the site be troubled by traffic jams from overturned trucks and odor and flies?
17. With the millions of trucked miles traveled, how many sludge trucks will turn over on the highway? How many people will be injured? How many people will die?

There needs to be a properly notified public meeting on the Scoping of this EIR, since the San Bernardino website misdirected the public.

There may not be enough money allocated to the project to cover all the areas that need to be studied in the EIR. C189-1

**I would like to make the following additional points:**

Air Quality
Water Aquifers
Desert Turtle
Plant life
Real Estate Development
all needs to be study in a full scope.

Sincerely,

Name: Jo Ann D Williams

Full Address: 36316 Serra Rd Hinkley CA 92347

Email:

Phone: 760-953-1074

I would like to be on a notification list for any further developments on this Project from San Bernardino County or from the Community Against Nursery Products yes / no

# I WANT A FULL EIR FOR THIS PROJECT!

## RESPONSE TO COMMENT LETTER C189

C189-1 This comment letter is the same form letter as comment letter C131 with no additional environmental issues raised. The response to C131 is also applicable to this commenter.

## COMMENTS C190

13. Will the roads to the compost site, in the compost site, and around the compost site be paved as a dust mitigation measure? Will all of Highway 58 be paved as a dust mitigation and safety measure?
14. What technique will be used for composting the sludge and greenwaste? Will the piles be turned in accordance with the composting requirements in Title 14 and the Part 503.32 regs?
15. The EIR needs to look at Best Available Technologies for mitigating negative impacts. Will there be a building enclosing the compost site with air filter pollution controls? C190-1
16. What effect will the site have on odors and truck traffic? Will tourists past the site be troubled by traffic jams from overturned trucks and odor and flies?
17. With the millions of trucked miles traveled, how many sludge trucks will turn over on the highway? How many people will be injured? How many people will die?

There needs to be a properly notified public meeting on the Scoping of this EIR, since the San Bernardino website misdirected the public.

There may not be enough money allocated to the project to cover all the areas that need to be studied in the EIR.

**I would like to make the following additional points:**

C190-2

I'm concerned about the effects of the water table, and Quality of water and what effects it'll have on our Property Value.

Let Los Angeles keep their own waste.

Sincerely,

Name: NORMAN HALSTEAD Norman Halstead

Full Address: 20455 HALSTEAD Rd. Hinkley CA 92347

Email:

Phone: 253 - 2306.

I would like to be on a notification list for any further developments on this Project from San Bernardino County or from the Community Against Nursery Products yes / no

# I WANT A FULL EIR FOR THIS PROJECT!

## RESPONSE TO COMMENT LETTER C190

C190-1 See response to comment letter C131.

C190-2 See response to comment MWA-2, RWQCB-9, COB-22 and RWQCB-7. In addition, an evaluation of impacts to property value from the project would be speculative and is not included in the EIR.

## COMMENTS C191

**NURSERY PRODUCTS COMPOSTING FACILITY PROJECT**
**PUBLIC SCOPING MEETING COMMENT CARD**

**May 18, 2006**

Please use this to inform us of your questions or concerns regarding this project. The California Environmental Quality Act (CEQA) Initial Study/Environmental Checklist identifies a number of environmental issues as listed below. Please attach additional sheets if necessary.

Environmental Issues
1. Aesthetics
2. Air Quality
3. Biological Resources
4. Cultural Resources
5. Geology and Soils
6. Hazards/Hazardous Materials
7. Hydrology/Water Quality
8. Land Use and Planning
9. Noise
10. Transportation/Circulation

**Topic #** **Comment**

I moved here in 1962, out in Hoover Lake, For my Health. I have asthma, A Lot of people I know came here for the same Reasons. The project you propose is just six miles from my home.
What are you going to do to protect us from wind blowing Toxins in the air, and in to my home? C191-1
What exactly is in this sludge? C191-2
I think Hinkley has had Enough indust Rial waste Thrown on them. What about our Tarentulas that migrate in Oct. What about our Burrowing owls that are just 50 feet away from the Dump site? C191-3
Will the Toxins Leech into my well water? C191-4
I travel to Victorville & Apple Vally to get to the Doctors & shopping once a week, Oak Hollendale Rd. How much traffic am I going to encounter & what effects will all this traffic have on our roads? C191-5
The airborne waste & when I'm on Helendale Rd will have what effect on my asthmatic condition? C191-6

Use additional pages if needed. Please turn in your questions at this meeting, *or:* Mail before June 8, 2006 to: Carrie Hyke. Land Use Services Dept., San Bernardino County, 385 North Arrowhead Ave., San Bernardino 92415-0182 *or:*
● Fax: (909) 387-3223 ● Tel. 909-387-4147 ● E-mail: chyke@lusd.sbcounty.gov

Name: Barbara Jean Kalk

Address: 41361 Edie Rd Hinkley Ca. 92347

Tel. /e-mail: 760-762-6713

Agency (if applicable): _____

## RESPONSE TO COMMENT LETTER C191

C191-1 See response to comment CDHS-4, CDFG-6 and B6-4. In addition, please refer to Mitigation Measures A-1 though A-4 outlined in Section 5 of the Final EIR.

C191-2 See response to comment RWQCB-8. In addition, the compost at the site will consist of biosolid materials.

C191-3 As indicated in Appendix C, the agency databases were reviewed to identify special status species that are present in the project area. The species known to occur in the area are included in the EIR analysis. In addition, see response to comment CDFG-7 and CIWMB-8.

C191-4 See response to comment MWA-2, COB-22, RWQCB-7and RWQCB-9.

C191-5 See response to comment COB-30, COB-31, and B6-2.

C191-6 See response to comment 191-1.

## COMMENTS C192

COPY

NURSERY PRODUCTS COMPOSTING FACILITY PROJECT
PUBLIC SCOPING MEETING COMMENT CARD

May 18, 2006

Please use this to inform us of your questions or concerns regarding this project. The California Environmental Quality Act (CEQA) Initial Study/Environmental Checklist identifies a number of environmental issues as listed below. Please attach additional sheets if necessary.

Environmental Issues

1. Aesthetics
2. Air Quality
3. Biological Resources
4. Cultural Resources
5. Geology and Soils
6. Hazards/Hazardous Materials
7. Hydrology/Water Quality
8. Land Use and Planning
9. Noise
10. Transportation/Circulation

I am against Nursery Products bringing waste material into my community. My family and I have lived in Hinkley for the past 28 years. I believe that the proposed Nursery Products project would have a huge negative impact in the Hinkley community and all surrounding communities as well. This proposed project threatens our health and the health of our desert wild life. I plan to live out my life here in my home here in Hinkley, and then pass it on to my children and grandchildren. It will negatively affect this generation and our future generations if our air and groundwater become further contaminated. This community has not yet recovered from the exposure to toxic concentrations of Chromium 6, clean-up is still ongoing. I do not believe that contamination would not occur. When it rains in the desert, it usually floods., and the wind always blows. Dust and debris swirl high above in hot weather ground tor nadoes. These acts of nature are common here in the desert. It is not natural for our precious rain water to carry toxins from huge amounts of waste into our ground water, or the air we need to breath to be contaminated. HOW COULD THIS PROPOSED PROJECT BE CONSIDERED LEGAL?

C192-1

Use additional pages if needed. Please turn in your questions at this meeting, *or:* Mail before June 8, 2006 to: Carrie Hyke, Land Use Services Dept., San Bernardino County, 385 North Arrowhead Ave., San Bernardino 92415-0182 *or:*

- Fax: (909) 387-3223
- Tel. 909-387-4147
- E-mail: chyke@lusd.sbcounty.gov

Name: Margaret A. Aviles

Address: 38092 Serra Rd. Hinkley, Ca. 92347

Tel. /e-mail: 760-253-5005

Agency (if applicable):

I WANT A FULL EIR FOR THIS PROJECT!

www.sbcounty.gov

## RESPONSE TO COMMENT LETTER C192

C192-1 With regards to water issues, see response to comment MWA-2, COB-22, RWQCB-7and RWQCB-9. As indicated in Appendix C, the agency databases were reviewed to identify special status species that are present in the project area. The species known to occur in the area are included in the EIR analysis. In addition, see response to comment CDFG-7 and CIWMB-8.

## COMMENTS C193

NURSERY PRODUCTS COMPOSTING FACILITY PROJECT
PUBLIC SCOPING MEETING COMMENT CARD

May 18, 2006

Please use this to inform us of your questions or concerns regarding this project. The California Environmental Quality Act (CEQA) Initial Study/Environmental Checklist identifies a number of environmental issues as listed below. Please attach additional sheets if necessary.

Environmental Issues

1. Aesthetics
2. Air Quality
3. Biological Resources
4. Cultural Resources
5. Geology and Soils
6. Hazards/Hazardous Materials
7. Hydrology/Water Quality
8. Land Use and Planning
9. Noise
10. Transportation/Circulation

Topic # Comment

I would like to comment about the compost facility project they plan on bringing to Hinkley.

I have lived for 28 years here in Hinkley, and I Love this community. I have seen and dealt with Dairies, PG&E Facility and now this proposed waste composting facility. Every one thinks that Hinkley is a dumping ground for Has Mat. Well we are not and we are getting really tired of dealing with these establishments. All they do is bring flies, smell and bad air quality to Hinkley. C193-1

**This proposed open air facility has a potential to endanger the health of the inhabitants of this community, HUMAN, DOMESTIC ANIMALS , and OUR DESERT WILD LIFE.** C193-2

I know that Adelanto and New Berry Springs have chased this facility out of their community, Hinkley needs to do the same thing.

**I WANT A FULL ENVIRONMENTAL IMPACT REPORT FOR THIS PROJECT !**

**I say NO to this Facility** , and to anyone else that might think the community of Hinkley is going to take this lying down.

Use additional pages if needed. Please turn in your questions at this meeting, *or:* Mail before June 8, 2006 to: Carrie Hyke, Land Use Services Dept., San Bernardino County, 385 North Arrowhead Ave., San Bernardino 92415-0182 *or:*

- Fax: (909) 387-3223
- Tel. 909-387-4147
- E-mail: chyke@lusd.sbcounty.gov

Name: Louie Aviles

Address: 38092 Serra Rd. Hinkley, Ca. 92347

Tel. /e-mail: 760-253-5005

Agency (if applicable):

## RESPONSE TO COMMENT LETTER C193

C193-1 Flies can occur at composting operations, especially if excessive grass clippings are present in the green material. As indicated in Section 2.3.1, loads of green material with excessive grass clippings will be rejected. Additionally, Mitigation Measure HM-9 includes fly control measures when they become necessary. In addition, the potential for odor from the facility was evaluated in Section 4.3.3.3. As shown on Table 4.3.11, odors at the site boundary would be significant. However, odors at the nearest house (1.5 miles away) would be well below the thresholds established by the Air Quality Management District.

C193-2 Comment noted. Mitigation measures implemented as part of the project are expected to reduce both short term and long term impacts to a level of less than significance.

## COMMENTS C194

13. Will the roads to the compost site, in the compost site, and around the compost site be paved as a dust mitigation measure? Will all of Highway 58 be paved as a dust mitigation and safety measure?
14. What technique will be used for composting the sludge and greenwaste? Will the piles be turned in accordance with the composting requirements in Title 14 and the Part 503.32 regs?
15. The EIR needs to look at Best Available Technologies for mitigating negative impacts. Will there be a building enclosing the compost site with air filter pollution controls?
16. What effect will the site have on odors and truck traffic? Will tourists past the site be troubled by traffic jams from overturned trucks and odor and flies? C194-1
17. With the millions of trucked miles traveled, how many sludge trucks will turn over on the highway? How many people will be injured? How many people will die?

There needs to be a properly notified public meeting on the Scoping of this EIR, since the San Bernardino website misdirected the public.

There may not be enough money allocated to the project to cover all the areas that need to be studied in the EIR.

**I would like to make the following additional points:** I do not want this waste - I have lived here over 20 years and have enjoyed the clean air I spend alot of time outside hanging clothes and walking. I have Asthma and I am a Diabetic If I have to start smelling the Bio waste in the air, and having the slime landing on my trees, clothes, animals and my grand children, and myself, and husband my Asthma will end up killing me. I am not ready to die just because some one wants to bring crap from LA county, and I don't want to bury my animals or husband or grand kids because of the slime that more then likely will cause infections or other problems, as the air will. Sincerely, plus it will hurt the animals in the desert and air the wild life place near Harper Lake. C194-2 C194-3

Name: Patricia Anne Adair Patricia A. Adair

Full Address: 37194 Locust St. Hinkley, Ca 92347 (mail P.O.B. 414, Hinkley, C

Email: Date

Phone: 760-253-5477 -6-7-06

I would like to be on a notification list for any further developments on this Project from San Bernardino County or from the Community Against Nursery Products (yes) / no

# I WANT A FULL EIR FOR THIS PROJECT!

## RESPONSE TO COMMENT LETTER C194

C194-1 See response to comment letter C131.

C194-2 See response to comment CDHS-4, RWQCB-8and B6-4. In addition, the potential for odor from the facility was evaluated in Section 4.3.3.3. As shown on Table 4.3.11, odors at the site boundary would be significant. However, odors at the nearest house (1.5 miles away) would be well below the thresholds established by the Air Quality Management District.

C194-3 See response to comment CDFG-7 and CIWMB-8. In addition, as indicated in Appendix C, the agency databases were reviewed to identify special status species that are present in the project area. The species known to occur in the area are included in the EIR analysis.

## COMMENTS C195

13. Will the roads to the compost site, in the compost site, and around the compost site be paved as a dust mitigation measure? Will all of Highway 58 be paved as a dust mitigation and safety measure?
14. What technique will be used for composting the sludge and greenwaste? Will the piles be turned in accordance with the composting requirements in Title 14 and the Part 503.32 regs?
15. The EIR needs to look at Best Available Technologies for mitigating negative impacts. Will there be a building enclosing the compost site with air filter pollution controls?
16. What effect will the site have on odors and truck traffic? Will tourists past the site be troubled by traffic jams from overturned trucks and odor and flies?
17. With the millions of trucked miles traveled, how many sludge trucks will turn over on the highway? How many people will be injured? How many people will die?

There needs to be a properly notified public meeting on the Scoping of this EIR, since the San Bernardino website misdirected the public.

There may not be enough money allocated to the project to cover all the areas that need to be studied in the EIR. C195-1

### I would like to make the following additional points:

I MOVED TO THE DESERT FOR THE GOOD CLEAN AIR NOT TO SMELL LOS ANGELES CRAP. PLEASE DONT APPROVE THIS PROJECT. I LIVE DOWNWIND OF THIS PROJECT. IM RETIRED & HAVE SPENT 20 YEARS GROWING SHADE TREES AROUND HERE & ENJOY SITTING OUT SIDE IN THE SHADE. (NOW)

Sincerely,

Name: LEE ROY ADAIR Leeroy Adair 6-7-06

Full Address: 37194 LOCUST ST. HINKLEY, CA 92347

Email:

Phone: 760-253-5472

I would like to be on a notification list for any further developments on this Project from San Bernardino County or from the Community Against Nursery Products (yes) / no

# I WANT A FULL EIR FOR THIS PROJECT!

Lee R. Adair

## RESPONSE TO COMMENT LETTER C195

C195-1 This comment letter is the same form letter as comment letter C131 with no additional environmental issues raised. The response to C131 is also applicable to this commenter.

## COMMENTS C196

I want a full E.I.R.

June 7, 2006

TO: Carrie Hyke, Supervisor Planner for the County of San Bernardino Land Use Dept.

Complaints against the Proposed Nursery Products Sewage Sludge Composting Facility:

How can this company be allowed to put wood chips on the site already and it hasn't even be approved? I think this is a done deal and Hinkley is screwed again! First by PG & E and now by the County!

Not only that but after the freeway goes thru there won't be anything left of Hinkley. Come off it and close that darn site down! Would you like this stink, trucks, etc. in your back yard? I don't! **C196-1**

How about the kids getting on the school bus on Hwy 58?
How about the Fire Department, Highway Patrol, Sheriffs Department and ambulances, (of which we have at least 1 to 2 daily on this killer Hwy known as Hwy 58) how are they going to access Hwy 58 with all the additional trucks? **C196-2**

Who is going to pay for all the additional services that will be required? All agencies now are low in their funding!

Where is the 1,000 gallons of water a day going to come from, a total of 360,000 gallons a year of which is our Hinkley water and it is in a short supply? What do they mean minimal impact? Have them turn on a faucet and have no water come out, see how they would like to have to pay $10,000 to $20,000 to have a new well drilled and hope that you don't hit either a dry hole or PG & E's water. **C196-3**

They aren't going to clean the sludge off the trucks after dumping so where in the heck is this dry sludge going to blow…right in Hinkley, Barstow, Apple Valley and on and on and on!

Not only do we need additional time to stop this project, we need to stop it completely! Let Los Angeles and any one that tries to use our desert for their dump ground, use their own back yard! **C196-4**

We are less than 300 feet from Hwy 58 and can't even enjoy indoors let alone outdoors from all the freeway noise and the smell from all the vehicles going East or West.

Sincerely

Dolores M. Peabody
Dolores M. Peabody 760-253-3544
36868 Locust Road Cross St. Hwy 58
Hinkley, Ca 92347

Robert A. Peabody
Robert A. Peabody 760-253-3544
36868 Locust Road Cross Street Hwy 58
Hinkley, Ca 92347

½

We want a full E.I.R

TO: Carrie Hyke, Supervisor Planner for the County of San Bernardino Land Use Dept. We want to file a complaint against the 522 truckloads per day of biosolids that will be traveling by our house on Hwy 58 to go to their waste treatment facility 12 miles west of Hinkley School.

We live on Locust Road and the cross street is Hwy 58. There are times now when it takes us at least 15 minutes to make a left turn to go towards Bakersfield, and again another 15 minutes to try to make a left turn to come back home. We can't even enjoy our front porch now because of the noise from the freeway. This freeway cannot support what traffic we have on it now. Just think what all those trucks will do this summer to the freeway. Cal Trans has already scraped the approach to Lenwood road because the ruts were so deep from all the truck traffic.

Last week we had two major accidents on Hwy 58. One of them less than a mile from our house and I heard the crash. The freeway was closed for 2 hours, Westbound; traffic was partially rerouted around the accident. Two Mercy Air Helicopters were used on that accident and the other one also had a Mercy Air Helicopter called to transport the injured. C196-5

This afternoon there was another accident. I don't know where but Police and ambulances flew by our house.

Not long ago 2 teen-agers were killed on Hwy 58 about 1½ miles from us on Hwy 58. The locals call the stretch of Hwy 58 from Lenwood Road to the divided road about 3 miles from us towards Bakersfield, **slaughter alley.** This section of Hwy 58 is a four lane Hwy from Barstow to Lenwood Road, then goes to a two lane road until it meets with the divided Hwy about 3 miles from our house.

We also have a southwest wind. Last week we had a very strong wind for 3 days. If this project goes through, all that junk, flies, smell, etc. will be blowing in our yards. Our air quality will be down to zilch! C196-6

I heard today that this company has already started laying the wood chips for the base of the biosolids. How come they can just do this without approval? Sounds like a done deal to me!

We never saw the article in the paper. It was published in the San Bernardino Sun and only a very small article. I for one would like to know just who was at the meeting at the Hinkley School and how they found out about that meeting. This was published in the legal notices and a very small article, I still haven't seen it.

Where are they going to get the water for this project? Our water comes from that way, just how long will it take to peculate to the water table? Then what? Another disaster like we have with PG&E. I also heard today that that water mess is moving further north, contaminating more wells. C196-7

**Signed** Dolores M Baskelly **Signed** Wm R. Teabody

2/2

## RESPONSE TO COMMENT LETTER C196

C196-1 Comment noted.

C196-2 See response to comment COB-30, COB-31, and B6-2. In addition, please refer to section 5.8, Public Services, in the DEIR.

C196-3 See response to comment B4-29.

C196-4 Please refer to Mitigation Measure HM-7 outlined in Section 5 of the Final EIR. Vehicle and equipment washdown waste water will be collected in the onsite retention basin.

C196-5 See response to comment COB-30, COB-31, and B6-2.

C196-6 The potential for odor from the facility was evaluated in Section 4.3.3.3. As shown on Table 4.3.11, odors at the site boundary would be significant. However, odors at the nearest house (1.5 miles away) would be well below the thresholds established by the Air Quality Management District.

As indicated in Section 4.6.3.1, rodents are not attracted to biosolids/green material composting facilities. Flies can occur at composting operations, especially if excessive grass clippings are present in the green material. As indicated in Section 2.3.1, loads of green material with excessive grass clippings will be rejected. Additionally, Mitigation Measure HM-9 includes fly control measures when they become necessary.

In addition, see response to comments RWQCB-8, CDFG-6, and the Mitigation Measures Section for Air Quality in the FEIR.

C196-7 See response to comment COB-22, RWQCB-7, RWQCB-9, and MWA-2.

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## COMMENTS C197

13. Will the roads to the compost site, in the compost site, and around the compost site be paved as a dust mitigation measure? Will all of Highway 58 be paved as a dust mitigation and safety measure?
14. What technique will be used for composting the sludge and greenwaste? Will the piles be turned in accordance with the composting requirements in Title 14 and the Part 503.32 regs?
15. The EIR needs to look at Best Available Technologies for mitigating negative impacts. Will there be a building enclosing the compost site with air filter pollution controls? C197-1
16. What effect will the site have on odors and truck traffic? Will tourists past the site be troubled by traffic jams from overturned trucks and odor and flies?
17. With the millions of trucked miles traveled, how many sludge trucks will turn over on the highway? How many people will be injured? How many people will die?

There needs to be a properly notified public meeting on the Scoping of this EIR, since the San Bernardino website misdirected the public.

There may not be enough money allocated to the project to cover all the areas that need to be studied in the EIR.

**I would like to make the following additional points:**

I Suffer from respitory problems, and am very Concerned about the dust from this sight getting in my lungs. C197-2

Sincerely,

Name: Kenneth Pile

Full Address: 25701 Community Blvd. Barstow Ca 92311

Email:

Phone: 760-475-3533

I would like to be on a notification list for any further developments on this Project from San Bernardino County or from the Community Against Nursery Products yes / no

# I WANT A FULL EIR FOR THIS PROJECT!

## RESPONSE TO COMMENT LETTER C197

C197-1 See response to comment letter C131.

C197-2 See response to comment CDHS-4, B6-4, RWQCB-8, CDFG-6.

## COMMENTS C198

13. Will the roads to the compost site, in the compost site, and around the compost site be paved as a dust mitigation measure? Will all of Highway 58 be paved as a dust mitigation and safety measure?
14. What technique will be used for composting the sludge and greenwaste? Will the piles be turned in accordance with the composting requirements in Title 14 and the Part 503.32 regs?
15. The EIR needs to look at Best Available Technologies for mitigating negative impacts. Will there be a building enclosing the compost site with air filter pollution controls? C198-1
16. What effect will the site have on odors and truck traffic? Will tourists past the site be troubled by traffic jams from overturned trucks and odor and flies?
17. With the millions of trucked miles traveled, how many sludge trucks will turn over on the highway? How many people will be injured? How many people will die?

There needs to be a properly notified public meeting on the Scoping of this EIR, since the San Bernardino website misdirected the public.

There may not be enough money allocated to the project to cover all the areas that need to be studied in the EIR.

**I would like to make the following additional points:**

I grow my own vegetables that I feed my children, I am very concerned about the Dust from this Dump site settling on my garden. C198-2

Sincerely,

Name: Frances Graceffo

Full Address: 25701 Community Blvd. Barstow 92311

Email:

Phone: (760)590-0559

I would like to be on a notification list for any further developments on this Project from San Bernardino County or from the Community Against Nursery Products yes / no

# I WANT A FULL EIR FOR THIS PROJECT!

## RESPONSE TO COMMENT LETTER C198

C198-1 See response to comment letter C131.

C198-2 See response to comment CDHS-4, B6-4 and CDFG-6.

## COMMENTS C199

**NURSERY PRODUCTS COMPOSTING FACILITY PROJECT**
**PUBLIC SCOPING MEETING COMMENT CARD**

**May 18, 2006**

Please use this to inform us of your questions or concerns regarding this project. The California Environmental Quality Act (CEQA) Initial Study/Environmental Checklist identifies a number of environmental issues as listed below. Please attach additional sheets if necessary.

Environmental Issues
1. Aesthetics
2. Air Quality
3. Biological Resources
4. Cultural Resources
5. Geology and Soils
6. Hazards/Hazardous Materials
7. Hydrology/Water Quality
8. Land Use and Planning
9. Noise
10. Transportation/Circulation

**Topic #** **Comment**

1.) I've enclosed photo's of this supposidly none existance wood chip pile's, that SOME say will not be an eye sore. Guess what? Those 'SOME' are wrong. I was born here in Hinkley in 1954. I know the beauty of this deseit. There is nothing beautiful about those pile's, & I take offense of anyone messing up MY desert. C199-1

2.) We have, as you should know, prevailing winds, predomitally from the WEST. Those "Non existant Pile's" are already heading EAST. Our air quality is being affected. You cannot tell me otherwise. C199-2

3.) Toxic waste is just that. 'Toxic'. It will have an adverse effect on our vegetation. We have plant growth here, not found anywhere else. Our desert wild flowers are already scarce & limited, due to our lack of rain. → C199-3

Use additional pages if needed. Please turn in your questions at this meeting, *or:* Mail before June 8, 2006 to: Carrie Hyke. Land Use Services Dept.; San Bernardino County, 385 North Arrowhead Ave., San Bernardino 92415-0182 *or:*
● Fax: (909) 387-3223 ● Tel. 909-387-4147 ● E-mail: chyke@lusd.sbcounty.gov

Name: Lynn L. Morris

Address: 41361 'A' Edwards Rd Hinkley, Ca. 92347

Tel. /e-mail: Yodiaico@yahoo.com 760-762-6713 - 760-953-8321

Agency (if applicable): _____

Lynn L. Morris

1/3

3.) now, there are those that want to poison even those. Once this happens, our desert critters will also be affected. Our "Endangered critters. The Kangaroo Rat, the Raven, our desert tortise are among just a few. And our 'burrowing owls' (Photo's enclosed) C199-3 Continued

4.)

5.) We have faults in Hinkley, Boron + Barstow. (also enclosed) Our daily tremors cause our wells to produce negatively. Less pressure, alkaline, sand, and this Project will be detrimental to our every day life. The burrowing owl, will become poisoned. Our Horned Toad is already far + few between, as is our desert tortoise. C199-4 C199-5

6.) Hazardous Materials - remains of slaughter houses, toilet waste from hospitals + industries + chemical plants, we did not produce + do NOT want dumped on OUR desert. We're still dealing with the toxics from PG + E. We didn't ask for that either.

7.) The L.A. area is already tapped into our water supply via the aquaeduct. Our water table is lowered year by year. We have a right to our water, Untainted + plentiful. PG + E has already poisoned + killed numberous citizens of our desert community + now these people want to what? Finish the REST of us off? TOXIC means just that. May I serve a refreshing glass of toxic water to each of you? Will you drink it? Me either. C199-6

2/3

8.) I have enclose photo's of our burrowing owl habitats. Our tax dollars have already produced a tortoise fence. Why? Because 'They're 'Endangered' This community enjoys & respectively uses OUR desert. We have our camp outs, + our desert runs. (Photo's enclosed.) And we have been doing this for many a years.

C199-6 Continued

9.) 250 truck's a day? No noise? I live 8 miles North of Hwy 58. I hear the trains. The aircraft, + traffic, on a quiet evening. And I enjoy what little peacefulness. thats left. Our desolate area needs to remain that, desolate. That's why we choose to live here. I do not want my choice compromised. As an American citizen, I should, as many others, have that right.

C199-7

10.) The amount of truck's that are proposed, to deliver this 'Sludge' will greatly effect our already busy hways. '58' The daily traffic, on an average, produces at least one vehicl fatality a week. The CHP can confirm this. I know. My husband was a Hinkley Fireman. A traffic controlman. He had to leave the department. Too many traffic deaths + dismemberments. LA + Orange County need to keep their nursery products. They made them, they need to deal with them THERE. In LA + Orange County!!

C199-8

3/3

## RESPONSE TO COMMENT LETTER C199

| | |
|---|---|
| C199-1 | Comment noted. |
| C199-2 | See response to comment CDHS-4, B6-4, CDFG-6, and RWQCB-8. |
| C199-3 | See response to comment RWQCB-8. In Addition, see response to comment USFWS-3, USFWS-6, USFWS-9, USFWS-12, CDFG-9 and CDFG-12. As indicated in Appendix C, the agency databases were reviewed to identify special status species that are present in the project area. The species known to occur in the area are included in the EIR analysis. |
| C199-4 | See response to comment COB-15. In addition, please refer to Section 5.3, Geology and Soils of the DEIR. |
| C199-5 | See response C199-3 above. |
| C199-6 | Comment noted. |
| C199-7 | Comment noted. Appendix A indicates that noise from the facility would not be significant. A noise analysis was completed specifically for this project and is included in Appendix A. |
| C199-8 | See response to comment COB-30, COB-31 and B6-2. |

## COMMENTS C200

Dear Sir or to Whom it may concern

I moved to this desert in 1978 from La Crescenta to get out of the pollution & violence that was running amok in the L.A. area. I need the clean dry air that was conductive to good health in the high desert. Im almost 92 years old. In the last 28 year I've watched as L.A has encroached upon my home. The air quality has declined until I need constant medication to breath. This desert is as sensitive to these polutants as I am. I live 7 miles from your proposed dump site. Who do I address these concerns to? I had not heard of any of this, until June 2nd They do not deliver a paper to this part of Hinkley How in the hell did you sneak this proposal by the people of Hinkley? He know the effect of long term contamination of our environment Do You? I've seen nothing that you have shown us that makes me believe that you care about us or our enviroment. (Y2) Talk to me reasure me. Some body please help the already hurting communit

C200-1

This desert community has nothing to gain by allowing this site to come here. But we do have so much to lose. ~~How do we stop~~

This needs to be stopped before it finally finish off an already fragile community

Name: Rose L Valenzuela - Rose L Valenzuela
Address: 511 Edie Rd Hinkley Ca 92347
Tel. /e-mail: 760-762-6714

2/2

## RESPONSE TO COMMENT LETTER C200

C200-1 See response to comments B6-4, CDHS-4, and RWQCB-8. In addition, please refer to the Mitigation Measures Section for Air Quality, Hazards and Hazardous Materials, and Biological Resources in the FEIR.

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## COMMENTS C201

Tuesday, June 06, 2006

To whom it may concern,

My Husband and I are really concern about Nursery products Composting Facility; coming to Hinkley Ca. The last thing the residents of Hinkley need is another source of contamination. The idea of this facility being upwind of Hinkley and Hinkley School which is **9 miles Up wind from where 350 school children at Hinkley School and teachers spend 8 hours a day,** is extremely disturbing. Not to mention what it will do to the wildlife we have here. We feel that a giant pile of human waste that is generating billions of flies and a horrendous stench is unacceptable. Not to mention the possibility of contaminating our water even more than it already is. And lets not ever forget all of the animals that this would affect. Adelanto kicked them out, Newberry Springs chased them off and Hinkley sure as hell does not want this unhealthy environment. The way the first meeting at Hinkley School was held almost in secret makes me think that San Bernardino County and Nursery products are trying to pull a fast one. I would think that after all the heartache the people of Hinkley has been through the County would not even consider putting this facility here. I hope you will consider the health and well-being of the people of Hinkley and take a stand against this.

C201-1

C201-2

Beverly Potter
36958 Locust St.
P.O. Box 417
Hinkley, Ca. 92347

Wounded_fayrie@yahoo.com
760-953-0323

Jay Potter
36958 Locust St.
P.O. Box 417
Hinkley, Ca. 92347

Jay_potter@earthlink.net
760-958-8068

## RESPONSE TO COMMENT LETTER C201

C201-1 As indicated in Section 4.6.3.1, rodents are not attracted to biosolid/green material composting facilities. Flies can occur at composting operations, especially if excessive grass clippings are present in the green material. As indicated in Section 2.3.1, loads of green material with excessive grass clippings will be rejected. Additionally, Mitigation Measure HM-9 includes fly control measures when they become necessary.

C201-2 See response to comments MWA-2, COB-22, RWQCB-7, B6-4, and CDHS-4. In addition, please see the Mitigation Measures Section for Biological Resources in the FEIR.

## COMMENTS C202

**NURSERY PRODUCTS COMPOSTING FACILITY PROJECT** **May 18, 2006**
**PUBLIC SCOPING MEETING COMMENT CARD**

Please use this to inform us of your questions or concerns regarding this project. The California Environmental Quality Act (CEQA) Initial Study/Environmental Checklist identifies a number of environmental issues as listed below. Please attach additional sheets if necessary.

Environmental Issues
1. Aesthetics
2. Air Quality
3. Biological Resources
4. Cultural Resources
5. Geology and Soils
6. Hazards/Hazardous Materials
7. Hydrology/Water Quality
8. Land Use and Planning
9. Noise
10. Transportation/Circulation

All the above!

**Topic #** **Comment**

Question where to you get your great Ideas

Compost - sewage sludge is wrong for a Depressed area as kinkley is C202-1

Ca All the jobs will be minium wage no health Benfits for employees as well as the people who live down wind in the smell of garbage and flys by the millions C202-2

traffic jams trucks and sloppy minium wage illegal workers and Drivers who wont give a hoot, of the polution to our area C202-3

We all pay taxes and this is what you give us Bad water and more pollution to help you own greedy habits.

no to this crapy idea

Use additional pages if needed. Please turn in your questions at this meeting, *or:* Mail **before June 8, 2006** to: Carrie Hyke, Land Use Services Dept., San Bernardino County, 385 North Arrowhead Ave., San Bernardino 92415-0182 *or:*
● Fax: (909) 387- 3223 ● Tel. 909-387-4147 ● E-mail: chyke@lusd.sbcounty.gov

Name: HENRY T JAMES
Address: 551 Agnes Dr
Tel. /e-mail: Barstow Ca 92311
Agency (if applicable): 760 256-8597

## RESPONSE TO COMMENT LETTER C202

C202-1 See response to comment B2-2.

C202-2 The potential for odor from the facility was evaluated in Section 4.3.3.3. As shown on Table 4.3.11, odors at the site boundary would be significant. However, odors at the nearest house (1.5 miles away) would be well below the thresholds established by the Air Quality Management District.

As indicated in Section 4.6.3.1, rodents are not attracted to biosolid/green material composting facilities. Flies can occur at composting operations, especially if excessive grass clippings are present in the green material. As indicated in Section 2.3.1, loads of green material with excessive grass clippings will be rejected. Additionally, Mitigation Measure HM-9 includes fly control measures when they become necessary.

C202-3 COB-30, COB-31, and B6-2.

## COMMENTS C203

TO: Carrie Hyke, Supervisor Planner for the County of San Bernardino Land Use Dept. We want to file a complaint against the 522 truckloads per day of biosolids that will be traveling by our house on Hwy 58 to go to their waste treatment facility 12 miles west of Hinkley School.

We live on Locust Road and the cross street is Hwy 58. There are times now when it takes us at least 15 minutes to make a left turn to go towards Bakersfield, and again another 15 minutes to try to make a left turn to come back home. We can't even enjoy our front porch now because of the noise from the freeway. This freeway cannot support what traffic we have on it now. Just think what all those trucks will do this summer to the freeway. Cal Trans has already scraped the approach to Lenwood road because the ruts were so deep from all the truck traffic.

Last week we had two major accidents on Hwy 58. One of them less than a mile from our house and I heard the crash. The freeway was closed for 2 hours, Westbound; traffic was partially rerouted around the accident. Two Mercy Air Helicopters were used on that accident and the other one also had a Mercy Air Helicopter called to transport the injured.

This afternoon there was another accident. I don't know where but Police and ambulances flew by our house.

Not long ago 2 teen-agers were killed on Hwy 58 about 1½ miles from us on Hwy 58. The locals call the stretch of Hwy 58 from Lenwood Road to the divided road about 3 miles from us towards Bakersfield, **slaughter alley.** This section of Hwy 58 is a four lane Hwy from Barstow to Lenwood Road, then goes to a two lane road until it meets with the divided Hwy about 3 miles from our house. C203-1

We also have a southwest wind. Last week we had a very strong wind for 3 days. If this project goes through, all that junk, flies, smell, etc. will be blowing in our yards. Our air quality will be down to zilch!

I heard today that this company has already started laying the wood chips for the base of the biosolids. How come they can just do this without approval? Sounds like a done deal to me!

We never saw the article in the paper. It was published in the San Bernardino Sun and only a very small article. I for one would like to know just who was at the meeting at the Hinkley School and how they found out about that meeting. Why wasn't this published in the Desert Dispatch since that is the local paper in this area?

Where are they going to get the water for this project? Our water comes from that way, just how long will it take to peculate to the water table? Then what? Another disaster like we have with PG&E. I also heard today that that water mess is moving further north, contaminating more wells.

**There will be a meeting soon. This project needs to be stopped now!**

**Signed**_____**Signed** _____

## RESPONSE TO COMMENT LETTER C203

C203-1 See response to comment C196.

## COMMENTS C204

**NURSERY PRODUCTS COMPOSTING FACILITY PROJECT** **May 18, 2006**
**PUBLIC SCOPING MEETING COMMENT CARD**

Please use this to inform us of your questions or concerns regarding this project. The California Environmental Quality Act (CEQA) Initial Study/Environmental Checklist identifies a number of environmental issues as listed below. Please attach additional sheets if necessary.

Environmental Issues

1. Aesthetics
2. Air Quality
3. Biological Resources
4. Cultural Resources
5. Geology and Soils
6. Hazards/Hazardous Materials
7. Hydrology/Water Quality
8. Land Use and Planning
9. Noise
10. Transportation/Circulation

**Topic #** **Comment**

Nosotros pensamos que es un proyecto peligroso ya que parte de estos productos se pueden conducir estos llegar hasta el agua la cual todos los de nuestra comunidad tomamos y no solo el agua sino también el aire y la tierra de donde nuestros hijos juegan y también pueden producir incendios y explosiones peligrosas.

C204-1

Use additional pages if needed. Please turn in your questions at this meeting, *or:* Mail **before June 8, 2006** to: Carrie Hyke, Land Use Services Dept., San Bernardino County, 385 North Arrowhead Ave., San Bernardino 92415-0182 *or:*

- Fax: (909) 387- 3223
- Tel. 909-387-4147
- E-mail: chyke@lusd.sbcounty.gov

Name: Apolinio Suarez - Herminia Suarez

Address: 37344 Pierce Rd Hemet CA 92543

Tel. /e-mail: _____/_____

Agency (if applicable): _____

## RESPONSE TO COMMENT LETTER C204

C204-1 See response to comments B6-4 and CDHS-4.

## COMMENTS C205

NURSERY PRODUCTS COMPOSTING FACILITY PROJECT May 18, 2006
PUBLIC SCOPING MEETING COMMENT CARD

Please use this to inform us of your questions or concerns regarding this project. The California Environmental Quality Act (CEQA) Initial Study/Environmental Checklist identifies a number of environmental issues as listed below. Please attach additional sheets if necessary.

Environmental Issues
1. Aesthetics
2. Air Quality
3. Biological Resources
4. Cultural Resources
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6. Hazards/Hazardous Materials
7. Hydrology/Water Quality
8. Land Use and Planning
9. Noise
10. Transportation/Circulation

All the above!

Topic # Comment

Idea
Back a 1966 Oregon State of had more pollution than Calif. what they did under Gov McCall Republican started clean up Rivers Streams Garbage in general. Now Oregon State of has No Garbage Dumps no Sewer Plants all seperated water Pesticide Returned to the Rivers etc. They Burn it all clean burn and make money at it, too. Now you have Salomon + Trout at your door step and its a beautiful state. On the other had this Garbage Nursery Idea Tuson Arizona did it in the 70's and a big flop and cost Millions to cute the pollution and it made waste lands. of Golf Courses that never opened again Period

I use to deliver New Paper every day to the Gov McCall

I lived in Both Areas

C205-1

Use additional pages if needed. Please turn in your questions at this meeting, *or:* Mail before June 8, 2006 to: Carrie Hyke, Land Use Services Dept., San Bernardino County, 385 North Arrowhead Ave., San Bernardino 92415-0182 *or:*
Fax: (909) 387- 3223 Tel. 909-387-4147 E-mail: chyke@lusd.sbcounty.gov

Name: HENRY T JAMES JR
Address: 551 Agnes Dr
Tel. /e-mail: Barstow Ca 92311
Agency (if applicable): (760) 256-8597

## RESPONSE TO COMMENT LETTER C205

C205-1 Comment noted.

## COMMENTS C206

Topic – Land use and Aesthetics

Your project site will be situated in the middle of a significant off road recreation area. The people of Hinkley live here because we love the awesome beauty the desert serves up during every season. The project you propose is situated within feet of ~~old~~ dd campground we have used over the years and off road paths that we still use today. The eye sore you are proposing is not exceptable. C206-1

Topic – Biological resources

Even though your report addresses the hazards to the deserts wildlife and vegetation. You offer no solution to the effect these hazards will have on the delicate ecosystem ~~that~~ or how you will implement these solutions, Who will oversee these changes or the long term harm to the environment? The water, air? C206-2

Topic – Traffic

I travel between Hinkley and Baron often ~~and~~ What is the impact of so many trucks traveling every day – year after year have on an already over crowded and dangerous hiway? How are they going to maintain the small, County ~~dirt~~ graded dirt road (Helendale Rd) that connects Hiway 58 to the large community of Silverlakes 9 miles to the South? C206-3

My Concerns - I live 7 mile east of this site. Knowing how fiercely the seasonal winds can blow, what exactly would ~~B~~ I be inhaling? ~~two~~ How do they keep the waste water from leaching into the ground water? We visited the site of a very large deposit of some type wood chips. There was painted, oil soaked wood, accoustic ceiling tiles, some large pieces of wood. What are the wood chips they talk about made of? Where will these large chunks of whatever is left over be dumped? How much? Will it be toxic? Who would over see this project, monitor the air quality? Who do I turn to when this stuff deposits itself in my Back yard and drinking water? Why such short notice? We need more time and answers. Nursery Products LLC's report was vague, so vague that I ~~and~~ left with no answers to lots and lots of questions

C206-4

C206-5

C206-6

1 F:\PROJECTS\Nursery Products LLC\checklist form-(final IS).doc

## RESPONSE TO COMMENT LETTER C206

C206-1 Please refer to section 5.1 Aesthetics of the DEIR.

C206-2 Please refer to the Mitigation Measures Section 5 of the FEIR.

C206-3 See response to comments COB-30, COB-31, and B6-2.

C206-4 See response to comments RWQCB-8, CDHS-4, and B6-4.

C206-5 See response to comments MWA-2, RWQCB-8, COB-22, and RWQCB-7.

C206-6 See response to comments RWQCB-8 and B5-6.

In addition, please see the Mitigation Measures Section for Air Quality and Hazards and Hazardous Materials in the FEIR.

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## COMMENTS C207

**California Sludge to Hinkley – Crisis in a Crippled Community**

**Draft Environmental Impact Report**
**Nursery Products Hawes Composting Facility**

**State Clearinghouse 2006051021**

RECEIVED
NOV 15 2006
LAND USE SERVICES DEPT.
ADVANCE PLANNING DIVISION

**Comments by:**

**Maureen Reilly**
**Sludge Watch**
**Maureen.reilly@sympatico.ca**
**Tel 416 801 4099**

From: Maureen Reilly
c/o 408 Pioneer St
Barstow CA
92311

**Date: November 13, 2006**

**Introduction:**

Nursery Products LLC proposes to bring 400,000 wet tons (or more) of sewage sludge and green waste to lay out in static pile windrows in the desert near Hinkley just south west of Barstow California. In the alternative, they are looking at siting the open air sewage sludge windrows in Newberry Springs, at Fort Cady Road.

This skimpy report fails to accurately and fully address the environmental and health impacts that the proposed facility would have, and fails to adequately outline the 'No Proposal' option. These comments on the inadequacy of this draft EIR may be amended with subsequent comments.

Basics:

The report fails to point out that San Bernardino County and the Inland Empire areas already have many biosolids management and disposal options, and that additional capacity for sewage sludge disposal is not required in this part of California.

It also fails to demonstrate any realistic market for Nursery Products finished compost. Indeed, even if there is a market for finished sewage sludge compost there is a huge Synagro sludge compost facility in Corona that will be closing next year, and has thousands of tons of finished material to bring into the 'marketplace'. This means that it will be that much harder to get rid of the sludge from the proposed Hawes or Newberry Springs facility. C207-1

As a result, the sludge 'compost' is likely to sit around the open air in a dry condition where particles, aerosols and gases will continue to contaminate the host community. Also the finished sludge compost would likely sit around the Hinkley Hawes Road site or the Newberry Springs For Cady property.

1/15

This issue and the associated air, water, soil, health, habitat impacts is not explored in the Draft EIR.

**Section 2 - Project Description**

This section talks about Phase One of the project. But since they are planning phase 2 or 3 where is the description and the impact of these subsequent phases? Under CEQA an EIR has to evaluate the whole project, not just one phase of it.

C207-2

Where are the maps, windrow locations, stormwater retention ponds, tub grinders, windrow turners, and environmental impacts outlined or all the phases of this proposed facility.

Without a dry ton measurable quantifiable description, there is no adequate description of the size of the project. There is too much wiggle room that would allow for a much bigger site.

**Construction of the berm around the property.**

In my Scoping Comments I asked what materials the berm would be made out of, and what the impacts of the berm and berm construction would be. This Draft EIR didn't include the answer in this Draft EIR. Again: will there be sewage sludge in the berms? Will there be recovered soil from the Adelanto TPS facility like the Adelanto site?

C207-3

What will be the composition of the berms around the property and what will be the environmental impact of bringing those soils to the site? What will be the construction impacts on air and water and health?

**Design and Operations:**

The project description is in 'wet tons'. But 'wet tons' is not an empirical measurement since some materials will be very dry … 10 percent moisture and some may be 95 percent moisture. It will be impossible to verify just how much sludge or waste is being brought to the site if the measurements are all in wet tons. In my scoping comments I stated that dry tons were needed to provide empirically verifiable quantities for the project.

The numbers don't add up. It is unlikely that a maximum of 400,000 tons of sludge/greenwaste plus 200 tons per day of inert materials will turn into 400,000 cubic yards of sludge. The consultant needs to put the tonnage into plausible dry weight figures and demonstrate how these numbers would make sense. And without knowing the actual dry weight verifiable tonnage for the site, the whole draft EIR is without verifiable data and impact. This needs to be addressed in the final EIR.

C207-4

2

Again…given that it seems that Jeff Meberg has a historic and likely financial relationship with TPS in Adelanto…will the sludge compost be amended with recovered soils from this facility? What materials..exactly…will be used to amend the compost. What about the actinomycetes that he used in Adelanto and are part of his 'static' pile process? Will these materials be brought on site? How will they be stored? What are the impacts on desert fauna and flora? What about impacts of the health of desert residents of this compost enhancer? Will it cause speeded up composting in people's backyards? Will it cause rapid decomposition of vegetation in the desert…vegetation that may be food to some desert creatures? C207-5

**Finished product on site:**

The Draft EIR says the finished material may be kept on site for erosion control or 'further processing'.

No where does the Draft EIR explain what 'further processing' is intended. What will be the impacts of the 'further processing'? What equipment, what technology will be used? C207-6

**Receiving Operation:**

The project says that no hazardous waste will be allowed to be received but the project description indicates trucks may dispose of material all day and all night seven days a week, but it is not indicated that the site will be staffed 24hours per day and seven days per week.

Will the facility be locked when no staff are on site? How can they prevent drops of contaminated or illegal material with no staff on site? What will be the environmental impacts of such an unstaffed arrangement? C207-7

How can they make sure that the sludge will be incorporated within 4 hours of arrival? The project description is ambiguous about the green waste. How long will it sit without be incorporated into a compost pile?

**Grass**

The Jeff Meberg stated in the past that it was grass clippings that caused odor and fly problems in Adelanto. He further stated that future projects will not allow grass clippings. Yet here it is indicated that grass clippings will be allowed.

In this case, there should be an investigation of the grass clippings impact on fly and odor problems since the project intends to allow grass clippings to arrive on site. C207-8

3

**Processing Operation:**

In my scoping questions I asked if there will be a constructed compost pad for the whole length of the windrows and what that construction of the compost pad will be. Or will it be only a mixing pad that has a concrete pad? What are the impacts of allowing sludges to decompose without a proper lined compost pad? C207-9

The draft EIR is ambiguous as to the compost technique. In one paragraph it says the piles will be turned 5 times in 15 days. Then it says they will not…they may be part of a 'static pile' methodology.

The static pile method as described is not compliant with the 503 regulations for composting sewage sludge into Class A. The EPA Pathogen Equivalency Committee reviewed this 'modified static pile approach' when the EPA permitting authority for Region 9 provided them with a description of the process. The PEC said that they felt that this process needed a full review to establish whether it met the minimum requirements of the Part 503 pathogen reduction requirements.

This review by the PEC needs to be done before this approach can be evaluated for health and environmental impacts. In light of the many complaints about odor, flies, illness, particulate from the Nursery Products Adelanto site, these issues of inadequate composting need to be thoroughly addressed in the EIR. C207-10

Lauren Fondahl sent me a memo that this site will compost properly under the composting alternative as set forth in the 503s…but this EIR states they will use 'modified' static pile. What is the truth?

Complaints about the static pile process and the horrific impacts of the Nursery Products practices are on record in the minutes of meetings of the California Integrated Waste Management Board permitting and enforcement meetings. A local school principal and staff and lawyers for Los Angeles Department of Water and Power ( LADWP ) testified about how dangerous and disgusting the sludge site impacts were on neighbors to the site.

These issues need to be addressed , and are not addressed, in this draft EIR. It would appear that Nursery Products is ready to use exactly the same inadequate compost techniques with exactly the same materials as at the Adelanto facility that was ordered to stop receiving sludge by court order due to neighbor complaints and impacts.

**Monitoring and testing**

The Draft EIR states that a composite sample of 12 locations will be submitted. This may serve to dilute inadequately treated materials. In addition, the sludge compost C207-11

4

should be tested by an EPA approved lab, not just a US compost council approved lab for testing.

There is really only one lab in California that can adequately perform the Class A tests on compost, and the lab should be approved and certified to do the tests required under the 503 regs. The results of all tests need to be publicly available, not just to the LEA.

**Hours of Operation**

C207-12

Will trucks be arriving when no staff are present? If so … how will the facility prevent trash or hazardous materials from arriving on site?

**Traffic**

C207-13

This traffic count does not account for the trucks bringing soil amendments, or trucks taking out materials, or trucks bringing in water.

There will be far more trucks back and forth to the site than indicated in this draft EIR.

With 96 daily truck trips bringing materials in…how can there be less than 10 taking material out? The stuff will just stay there…forever? Something is wrong with these numbers. They are missing the vendor trucking, the water trucks, and the soil amendments trucks (at least 15 – 20 per day)

Where are the totals of the grading equipment trucks? The water trucks? The fire fighting water trucks?

**Monitoring**

C207-14

The Draft EIR doesn't explain how much green material will be needed to properly compost sewage sludge? What are the ratios?

**Water**

In my Scoping comments I pointed out that water would be needed for;

Composting
Fire Suppression
Dust Control
Washing the sludge trucks

C207-15

In the draft EIR there is no adequate assessment of the water needs of the site. How much water will be needed for composting..keeping the pile moist in desert conditions? If the piles aren't watered they won't compost properly.

5

How much for fire suppression? They will need plenty of water and enough power to pump the water to all parts of the site. Where is the power? Where is the water coming from? Where will the water go? C207-16

The County of San Bernardino required fire hydrants around the perimeter and water pressure not less than 1500 gpm, and a fire hydrant every 300 feet at the Adelanto facility. Where is the fire suppression plan for this site? What are the impacts of this plan? C207-17

Dust control will require about 1 acre foot since the project doesn't intend to pave the roads. This means trucks will need to run around all day and all night to keep the dust under control. Their emissions will need to be evaluated. So will the use of so much water. As a mitigation … all the roads should be paved. The impacts of having dusty roads and driving the dust water truck in circles all day and night are not fully evaluated in the draft EIR. C207-18

Truck washing: There is no discussion of the need to wash off the sludge trucks after they dumped their gooey loads on the site. The wheels, wheel wells and under carriage will need to be washed before the empty trucks return to the highway. Otherwise the local traffic will be trucking in sludge cake onto their home driveways, and schools and businesses.

How much water will be needed to wash the trucks? Where will the the contaminated wash water go? What are the impacts of that water runoff? What is the impact of spraying filthy sludge water on the compost piles? Will the pathogenic spray carry off site for 10 miles in a wind? What will be the impact on this pathogen laced wash water on the desert tortoise and other endangered species. What is the impact of bioaerosols on people and the desert fauna and flora? C207-19

As well the consequences of taking so much water from limited local supplies will need to be evaluated in the EIR.

The EIR needs a full accounting of how much water will be used for each purpose, where the water will come from – and go to – and what the impacts of that water use and water taking will be.

**Water Retention Basins**

What is the impact of having sludge contaminated water basins? Won't wild birds be drawn to the sludge water basins and then transfer pathogens far and wide? Where is this vector issue examined? C207-20

**Litter**

Green waste is well known to contain a high percentage of litter and plastics. Where will the plastic and litter go? Often there is up to 10% litter and plastic in green waste. What C207-21

6

about the truck traffic carrying away the litter? Where are their dust and emissions and environmental impact evaluated? Which landfill will take that litter?

**Site Restoration**

At the closed Adelanto site the berm around the site is still in place. What is the heavy metal concentration of the berm? Why was it not removed? Will the berm be removed as part of the site restoration? Again..what soil will the berm be made of? Where will this soil come from? Will some soil come from TPS? What about the environmental impact of transporting and utilizing those soils?

C207-22

When the site is closed…where will the sludge compost and the berm materials go? What is the impact of using these heavy metals based materials in its final destination? Will there be finished compost storage? Will anything be stored at the Fort Cady road site in Newberry Springs? If the Newberry Springs site is used for storage of finished material…what is the environmental impact on the air, soil, and water for doing this.

**Seismic Risk and Impacts.**

There is inadequate discussion of the impact of seismic action on this proposed site. This is an area that would be prone to liquification if there is an earthquake. This could bring sludge contaminants and pathogens into the groundwater.

C207-23

What would be the impact of an earthquake on the berms? On the groundwater? On the holding ponds?

This needs to be evaluated.

**Utilizing sewage sludge compost:**
**subdivisions, playing fields, home gardens, nurseries, roadways, and agricultural use.**

Recent reports by the USGS have demonstrated that sewage sludge can have high levels of trace pharmaceuticals and hormones and endocrine disrupting materials. Nursery Products intends that the finished materials be used for a variety of end uses…including gardens, agriculture, roadway erosion control, and new subdivisions.

There is evidence that using sewage in agriculture can leave contaminants in the soil and groundwater. Where is the evaluation of the various pathways of exposure to humans of pathogens, heavy metals, drugs, personal care products, and dioxins and furans, and PCBs from the further utilization of the sludge compost that will be produced and distributed from this site?

C207-24

If it is used by CALTRANS for erosion control…what is the impact of getting all those nitrates and phosphorus in the run off water in a storm event? What is the impact of

7

distributed material blowing around the desert? What is the impact of the unfinished compost material? What is the impact of the finished material on animals and humans?

**Blowing off site**

Activity at the site…blowing particulate and green waste from the site will enrich the soil in the desert in a way that is not normal for the area. There will be seeds of non native and invasive species that blow around the site . Not only is the risk of non native plants an issue, but the growth of non desert plants in the desert will create a fire hazard when those plants die off and turn to tinder.

Where is this risk evaluated? This could be mitigated by an enclosed facility. Why is there no analysis for a fully enclosed facility. This mitigation needs to be evaluated..and isn't. Since other areas in California require 'best available technology' and require fully enclosed composting of sewage sludge and/or green waste this would be a reasonable mitigation. C207-25

The sludge and green waste materials would not just blow off site in circle around the facility. The drying sludge particles and sludge dusts would blow off site…and then blow further away the next day. And then blow further the next day…and the next. So there would be a long area of impact from the sludge compost site and storage piles as well as from the end use locations.

Since some of the sludge, especially the static pile material, may not be completely composted but only desiccated, the pathogens in the sludge compost could re-emerge when the 'finished' material gets wet.

**Pathogens**

Sludge that does or does not meet the Class B treatment levels may arrive at the proposed compost site. Where is the pathogen evaluation for this arriving material. The sludge could arrive very very wet…at say… 4% solids. This would be a liquid material. What is to stop them from taking this liquid sludge? Where will it run off to? What about bioaerosols from liquid sludge? Where is the assessment of the environmental impacts? C207-26

What about pathogen regrowth in finished compost. Research shows that regrowth can be a problem. What does this mean for stored compost on and off site and what does it mean for users of compost?

The kind of pathogens found in sludge compost may very well carry extra antibiotic resistance…where are these impacts evaluated?

**Desert Tortoise**

8

This site is on prime habitat for the endangered Desert Tortoise. The Desert Tortoise in the Mojave has been dying from Mycoplasma pneumonia. Mycoplasma flourish in the anaerobic digesters from sewage treatment plants and are found in sewage sludge. What impact will Mycoplasma in the sludge have on the Desert Tortoise? What about other nutrients or pathogens?

The greenwaste will arrive with pesticides and herbicides. What impact will the pesticides and herbicides in the greenwaste have on the surrounding lands and their fauna and flora?

What is the contamination that comes in on the greenwaste and what is its environmental fate? Green waste and sewage sludge contain nonylphenol – which is found in the sludge and in the pesticides and herbicides. Some of the sludge and green waste will blow offsite. What impact will these contaminants have on the groundwater and on the surrounding fauna and flora and endangered species?

As well, the surfactants in the sludge and greenwaste will assist in allowing deeper soil penetration of contaminants. This may well pose a problem for groundwater and surface runoff.

C207-27

The mitigations proposed involve moving individual tortoises off the site. But the Desert Tortoise is territorial and does not respond well to being relocated.
In addition, Nursery Products has a very poor track record at relocating endangered species. At the Adelanto site they promised to relocate the Yucca trees on their property. So their site is now surrounded with dead Yucca trees…who were not adequately moved and cared for.

Would the proposed project deteriorate existing ish or wildlife babitat (CEQA Appexdix I II.5.d) ? The suggestion in the Draft EIR that the debris and sludge and compost and pesticide coated greenwaste blown off the site would not expose the Desert Tortoise to increased heavy metals or contaminants from the proposed project is unsubstantiated nonsense.

The Desert Tortoise is supposed to be provided with clean habitat in order that its numbers can recover. This project will not help the Tortoise recover..it will constitute a further assault on this endangered species. This part of the report fails to accurately address the habitat and health issues posed by the proposed project, and required under CEQA.

A fully enclosed facility would provide better mitigation. A fully enclosed facility with air filters needs to be considered as a mitigation.

The review of the site and surrounding area for the presence of endangered and threatened species of plants, animals, birds and the Desert Tortoise was inadequate.

9

Some species can only be located at certain times of the year, so the survey should have been done over the course of a year…so that the fauna and flora present at the site all year round is part of the survey.

The analysis of the site for fauna and flora is inadequate under CEQA. A full year survey should be part of the EIR, particularly for the Desert Tortoise, Mojave Ground squirrel and Burrowing Owl.

**Is this enough equipment to generate 400,000 cubic yards of compost per year?**

In my scoping comments I asked for a work assessment on how much equipment is needed to provide 5 turnings of the windrows, and screening, and watering, and waste removal, and truck washing, and transporation of finished product, and bringing and storing amendments. I see no work analysis. I understand that the windrow turners break down regularly so one windrow turner isn't enough for this project. I don't this this draft EIR has adequately analysed how much equipment is needed to properly, legally , adequately compost 400,000 wet tons of sludge. C207-28

**Site Characterization to First Water**

In my scoping comments I stated that the EIR needed to do a site characterization to first water. We do not have a full site characterization. The draft EIR says there may be a well and may not be a well. What is the analysis of all the layers of soil underlying the site? What kind of compost pad will be constructed under the windrows? At the mixing pad? What will be the impacts on soil and groundwater and what will be the runoff impacts at the site?

The draft EIR states that this area gets about 6 inches of water a year. But last year they got 6 inches of precipitation in an hour. This draft EIR doesn't adequately address stormwater use at the site. They say they will have stormwater ponds, but that the water won't stay in the ponds. This is contradictory. How exactly will stormwater be managed? If it is spraying on roads or on compost what are the bioareosol and health implications of spraying pathogen and metal and chemical laced stormwater on the roads and sludge piles? What impact will these bioaerosols have on fauna, flora, and human health down wind? C207-29

Where is the data that would suggest that only winds of 30 mph or more would constitute a problem that requires mitigation? Where is the data that suggests that there are no offsite impacts when winds are 10, 15, 20, 25, 29 miles per hour? And since the wind is a 15 minute average, what about gusting winds? Again, the EIR needs to consider a mitigation that involves a full enclosed site.

There is no site characterization to first water. There is no analysis of the impact of drawing out adequate water for the site from a local well. There is no full impact of delivering and storing adequate water supplies at the site provided in the Draft EIR.

10

**Air Impacts**

The air quality expert employed for this draft EIR does not appear to have significant or extensive or adequate credentials to evaluate the air quality impacts of this project. Cristina Ferrari has only a BS in chemical engineering and one year experience.

It is not reasonable to suggest that a fully enclosed facility would present the same air pollution issues as the proposed open air facility. The draft EIR needs to consider a fully enclosed facility in its alternatives. Such a facility would significantly contain PM10, PM 2.5, ozone, ammonia and smog producing compounds and volatile organic compounds.

A fully enclosed facility would also contain the weed seeds, blowing particles of nutrient rich soil, and non native species of plant seeds. A fully enclosed facility would better retain moisture in the compost and require less water for composting and dust control and would provide better facilities for fire suppression. A fully enclosed facility could provide a filter to address issues related to the generation of Volatile Organic Compounds. Experts at the San Joaquin Valley Air Pollution Control District have determined that Volatile Organic Compounds are a significant source of air pollution. They have proposed a variety of required mitigations for sewage sludge composting facilities. The South Coast Air District also requires mitigations…in fact a fully enclosed facility with air filters. These mitigations or alternatives need to be considered by the Nursery Products EIR. They are not included in the draft EIR. **C207-30**

**Air borne pathogens and the Swamp Cooler**

Most desert homes and schools and businesses use a 'swamp cooler' for air conditioning. If bacteria and particulate leave the site they would end up being introduced into these air conditioners where they could create biofilms and slimes and be an on going source of aerosolization of harmful bacteria in home, school and office environments. This health issue is not addressed in the draft EIR. **C207-31**

**Bacteria regrowth**

There is new data that shows that there is a huge regrowth problem with many sewage sludges after anaerobic digestion and centrifuging. This means that the sludges that are hauled up to the site may have more than 100,000 times more bacteria than previously thought. This research has been provided to Carrie Hyke by email. There needs to be an assessment of this high level of bacteria and the impact on the site and the neighbours and fauna near the site. **C207-32**

**Breaking the crust of the soil**

11

Breaking up the soil at the site and disturbing the soil may have impacts on the soils, fauna, and people downwind of the site, and may have far reaching impacts on the desert ecology.

**The No Project Alternative**

This project fails to enumerate all the sludge processing facilities in San Bernardino County and the Inland Empire. Because it doesn't adequately or accurately consider the existing facilities in this district, nor has it considered the environmental impacts of the current disposal methods for

A judge has just extended the ability of Los Angeles and the Southlands to continue spreading sewage sludge and utilizing sludge compost and processing sites in Kern County. There is plenty of time for the large cities of Southern California to continue their current waste disposal practices and to develop better, more environmentally friendly, sewage sludge management alternatives. Best management practices, and state of the art facilities should be required. Hinkley and Newberry Springs are already non attainment areas for air quality objectives. This project will further exacerbate already poor air quality and is likely to cause further health problems for a population that is already struggling with asthma and poor health care. C207-33

Better alternatives are available.
Already there is a proposal to build a large power plant in Kern County that is fuelled by sewage sludge. This alternative is proposed to have excellent air pollution control technology and would obviate the need for south California sludge to come to a facility with poor air quality controls and mitigations in the Hinkley or Newberry Springs area. The 'no project alternative' doesn't include the Rialto facility, the Corona facility, the California Biomass sites in Victorville and elsewhere. It doesn't include the Chino facility and it doesn't look at the environmentally preferable low impact sewage sludge incineration and biomass facilities that are planned for Kern and Imperial Counties , or the use of sludge as a fuel at cement kilns in California. This 'no proposal' alternative also needs to look at the environmental impact of just continuing current sludge disposal practices.

**Truck spills and overturns.**

Sludge trucks will spill at a predictable rate. What sludge hauling companies are proposed and what is their spill and accident rate per driven miles? What are the environmental and transportation implications of these spills and overturns? Where is the sludge coming from…? Where is the finished sludge going? These questions need to be answered to address the air quality issues associated with the trucking and diesel fumes as well as the impact on traffic and congestion. C207-34

12

**Flies and odor**

Flies and odor caused huge problems at the previous Nursery Products site. Hundreds of people and dozens of businesses were impacted. The problems at that site were the result of the materials received and the composting processes utilized. But this site plans to use exactly the same materials and the same processes. So why would the outcome be any different? This EIR needs to look at the generation of odors and flies at the site and consider the public health consequences.

Odors have been found to have extensive health impacts. Intermittent or persistant odours, according to some studies act to depress the immune system and to cause depression. Since odors are the result of particles and gases being ingested by the body, the gases and particles need to be quantified as to health impacts. Research by Dr David Lewis showed an increased incidence of s. aureus near sludge sites. Many studies show that common flies carry disease and antibiotic resistance genes and so the impact of the vector moment of pathogens and virulence and antibiotic resistance needs to be evaluated for this proposed project. C207-35

Windborne transport of bioaerosols and gram negative bacteria and spores needs to be evaluated in this EIR. Again a fully enclosed facility would have much better containment of flies, dust, particles, pathogens, odors. It is absurd that this projects says that there is very little difference between an in vessel or a fully enclosed facility or a fully enclosed facility and this static pile of sludge in the open air in the desert proposal! Where is the data to support this claim? The alternatives and the air, health, soil, vector, pathogen, fire impacts of the alternatives and the proposed facility are not fully explored and quantified.

Non composting alternatives could also be considered in terms of alternative methods of managing sewage sludge and green waste in this EIR. Where is the evaluation of the environmental impacts of the current sludge and greenwaste management?

Since most of the sludge would be coming from the Los Angeles basin, where is the truck traffic data to bring into the EIR the full air emissions impact of this proposal in the other air sheds in California from the truck traffic and spills? This is inadequately addressed in this draft EIR.

**Traffic**

Where is the examination of what a spill would mean to traffic on Highway 58? There are no other roads to detour around…and getting around a spill could take a dozen hours of travel time. A crash could mean that emergency vehicles could not reach other emergencies or hospitals in the area. This is inadequately addressed in this draft EIR. C207-36

What about spills on the Highway 5 or Highway 99 from the heavily populated sludge generating cities near and around Los Angeles? That is where the sludge for this project is likely to originate. Again, the location of the origin of the sludges are not detailed in

13

the report but they should. If the report accurately conveyed the starting point for the transportation of the sludges and the destination of the finished material, then the EIR would have meaningful information as to the environmental impacts of the proposed project. But since it fails to describe the project size, source of inputs, delivery of output, and even throughput precisely and accurately, then it is impossible for it to have accurately and adequately addressed the environmental impacts of the proposal and its alternatives.

In the event of an fire at the site, dust and debris would obscure the roads. Indeed, in a high wind, even if there was no windrow turning or screening, winds could whip up particulate from the berms and impact residents and traffic on Highway 58 a mere mile from the road.

**Fort Cady Site**

This 'alternative' is so poorly addressed that they haven't even specified a discrete location for the project, but merely suggested that either the Fort Cady site or another site near Fremont Peak would be possible locations for the project. The Rest Stop just east of the proposed site is a big unaddressed issue. Many people stop there and many people may even sleep overnight. It is like having a hotel just a few scant miles downwind from the Fort Cady site.

**Hinkley already impacted by Chromium VI.**

As is well known, the residents and the groundwater and the soil and air around Hinkley have been contaminated by Chromium VI from PG&E ponds and by subsequent groundwater evaporation of contaminated water. This impact report should look at the impact on soil, air, surface and groundwater water and public health of exposing the chrominium contaminated residents of Hinkley to further health risks from sewage sludge and sewage sludge compost, a reduced air quality from the project. C207-37

The residents of Hinkley need to have a health inventory in this draft EIR so we can assess how further assault from heavy metals, particulate, VOCs, odors, flies, and pathogens will impact this community. There is no health inventory or impact study as part of this draft EIR.

**Issues of equity, race, poverty, language barriers, disability and geography**

A very high percentage of the residents who live near the proposed sludge projects in Hinkley, Barstow, Newberry Springs, are Hispanic and Spanish speaking. None of the notices are available in Spanish, and the Draft EIR is not available in Spanish. Translation services have not been made available for the draft EIR. C207-38

Many more people could have responded to the proposal had it been written in a language they speak. Many more people could participate in the meetings if they were conducted in part in Spanish.

14

The health and neighborhood issues posed by this project will fall on predominantly poor people…people who are less likely to have health care, people already medically compromised by environmental contamination from Chromium VI, and people of Hispanic descent. The sludge will come from the rich white cities of the Southlands and bring filth, odor, flies, disease, and misery to the poor Hispanic, and health challenged Hinkley area.

**Disabilities – onerous requirements to participate**

The documents for the proposal are available from public records in San Bernardino. That is very far away from Hinkley. Also the meeting of the Planning Commission and the Board of Supervisors is in the City of San Bernardino … far away from the residents of Hinkley, Barstow, Newberry Springs who would be impacted by this project.

This makes it difficult for the impacted residents to attend the decision making meetings that concern them, their part of the desert, and their own health and well being.

**Conclusion**

This draft EIR is inadequate on many issues that are CEQA relevant. The description of the project is vague, the water use and sourcing is vague, the impacts of local fauna and flora is inadequately assessed. The health risks to the local population and the storage sites and the end users is not addressed. The authors of the report should review my scoping comments…included again here…and prepare another draft EIR for public review in the languages of the area.

A longer comment period for this current draft EIR is needed, since there are many complex issues to address, and for the public to understand. The comment period on the current EIR should be extended and the consultants should prepare a more complete draft EIR study. Particularly air emissions and health impacts need to be addressed as well as better elucidation of water use and water contamination. C207-39

The County seems to be trying to move undue haste to hustle into existence a facility that isn't needed to address the San Bernardino waste requirements and isn't fully evaluating the projects impact on the residents of the High Desert. The impacts on animals, plants, people, air, and the ecosystem need to be fully explored.

Desert residents deserve to be protected. The desert itself is in desperate need of protection and respect. Using the desert for this kind of 'haul and dump' retrograde project is not reasonable.

I am emailing in the Scoping Comments I provided again today so that the County can be reminded that this draft EIR doesn't not include the many items I raised in the scoping comments.

Maureen Reilly
40 408 Pioneer St
Barstow CA 92311

## RESPONSE TO COMMENT LETTER C207

C207-1 The purpose of the CEQA process is to provide information related to the environmental impacts that may result from a project so that an informed decision can be made. The need for the project is not typically addressed unless it relates to the potential environmental impacts that may result from the project. As described in response to comment B5-6, permit conditions will avoid large, long-term storage of compost on the project site. The evaluation in the EIR assumed 720 days of storage as specified in Section 2.3.2.

C207-2 There are only two phases proposed as shown on Figure 2.3 and described in Section 2.3. The evaluation in the EIR includes both phases. The facility layout is shown on Figures 2.4 and 2.5.

C207-3 Berms designed for storm water control would be constructed from soils or other engineered fill that would be specified by the hydraulic design specifications. The soil excavated for the retention pond would be a likely source. Soil may be imported to the site if needed. The construction of the berm and the environmental impacts would be almost identical to the operations of the project. (Trucks will bring in the material and it will be moved by heavy equipment to form soil berms, instead of windrows.) Consequently, the environmental analysis in the EIR encompasses construction of the berms.

C207-4 The project will have a scale to weigh each truck of material delivered to the site. The EIR evaluation was based on the deliveries of 400,000 tons per year, with a maximum of 2,000 tons per day. Solid Waste Facility Permit will have a condition that limits deliveries to these levels. Permitted solid waste facilities must maintain scale records and these are reviewed by the enforcement agency. It doesn't matter if the material is wet or dry, once the 2,000 tons limit in any given day is reached (or 400,000 tons in a year) , the facility must discontinue receiving new deliveries or it will be in violation of the permit.

The commentor is correct that if the biosolids entering the site are on the wetter side (heavy), there would be fewer cubic yards in a ton of material. The EIR used the estimate of 400,000 cubic yards as a conservative estimate so that the environmental impacts would not be underestimated.

C207-5 As indicated in Section 2.3, clean soil or other inert materials (i.e. sand, gypsum, sawdust) will be used as a bulking agent or amendment as needed and will not exceed 200 tons per day.

C207-6 Further processing would include additional screening or mixing to develop a compost to a particular customer's specification. It would also include use as foundation for new windrows.

C207-7 Section 2.3.1 provides this information. The reason for delivery by appointment only is to assure that staff are on hand to receive and process the biosolids when they are

delivered. Also, as specified in section 2.4, normal delivery and sales operations will occur between 7:00 a.m. and 7:00 p.m.

C207-8 Section 2.3.1 states that loads of green material with excessive grass clippings will be rejected.

C207-9 Composting on an unlined pad has the potential to result in contaminating the soil beneath the pad. Because of this potential, Mitigation Measure W-3 is included. This requires annual sampling and monitoring in areas of unlined compost pads.

C207-10 See response to B4-24.

C207-11 Composting sampling is a standard methodology used for assessing environmental contamination. Because the tests will focus on heavy metals, nitrates and other chemical constituents, the testing capabilities of a California certified hazardous waste laboratory would be more appropriate than a laboratory that performs Class A tests. Once the test results are provided to the LEA, they become publicly available under the California Public Records Act.

C207-12 See response to C207-7.

C207-13 The standard approach to traffic analysis is to convert truck trip into Passenger Car Equivalent (PCE). The analysis used a very conservative ratio of one truck equals 3 cars to account for various service vehicles. Additionally, as shown in Appendix D, the roadways and intersections are projected to operate at Level of Service (LOS) A and B with the traffic from the project. The County criteria for significant traffic impacts is a LOS of C or better, and this level would not be reached even if 20 additional trucks per day were added.

C207-14 The specific ratio will vary depending on the moisture content of the biosolids.

C207-15 As indicated in Section 4.7.3.1, the facility would use 1,000 gallons of water per day. The biosolids provide adequate moisture to promote composting without the need to add water.

C207-16 Mitigation Measure HM-3 has been modified to require the applicant to consult with the local fire agency to determine the quantity of water to maintain on site. The water would be sprayed using the water truck.

C207-17 Water storage, water trucks and wide fire breaks would be an integral part of the fire protection plan at this site.

C207-18 The water truck would operate when vehicles visit the site which will typically be from 7 am to 7 pm as indicated in Section 2.4. The operations of the water truck was included in the analysis conducted in the EIR.

C207-19 Washing delivery trucks is not a part of the proposed project. No truck-washing facilities are included.

C207-20 Mitigation Measure HM-4 (see page 4-50) specifically addresses management of standing water within the basin.

C207-21 See response to SWMD-1 and C207-13.

C207-22 It would be speculation to assume that contaminated soil would be used for berms at the site. Additionally, the Solid Waste Facility Permit will have requirements properly closing the facility.

C207-23 See response to COB-15.

C207-24 The facility would produce a Class A compost which is considered safe by the US EPA and CIWMB. Considering that the biosolids that would be composted at the facility are currently being land applied to agricultural fields in the San Joaquin Valley without treatment and subject to run-off and wind erosion, the operation could be viewed as a better biosolids management option.

C207-25 See response to CDFG-6, CDHS-1, B3-3, and B3-5.

C207-26 The facility will not accept liquid waste. As previously stated, the US EPA considers Class A compost as safe. It pathogen regrowth was a substantial issue, it is not conceivable that home improvement stores would continue to carry bags of packaged compost or that it would continue to be widely used in landscaping and site stabilization for grading projects.

C207-27 The surveys conducted, combined with the pre-construction surveys specified in the biological resource mitigation measures (see Section 4 of this EIS), provides adequate data to understand the biological resources on the project site. Also see response to CDFG-6, USFWS-3, USFWS-6, USFWS-9, and USFWS-12.

C207-28 The EIR lists the equipment that would operate at the site in Section 2.2. Equipment that is readily available through an equipment rental company could be used for operations should a breakdown occur.

C207-29 See response to C207-9, MWA-2, and CDFG-6. Additionally, the retention pond will be sized to handle water from a storm of the size that happens on average only every 100 years, and it assumes that the storm will last for 24 hours (24-hour, 100-year storm event).

C207-30 The air analysis was conducted under the direct supervision and review of John Lague who has over 33 years of experience. The commentor is correct that an enclosed facility would reduce emissions. In fact, the EIR indicates that an enclosed facility would reduce air emissions by 80% (page 4-21). Also see response to comments CDHS-1, B3-3, and

B3-5.

C207-31 See response to CDHS-4 and B6-4.

C207-32 See response to C207-26.

C207-33 One of the key objectives of the proposed project is to produce a high-quality compost for the nursery and agricultural markets. The alternatives listed in the comment are alternatives for biosolid management, but would not produce compost so they are not reasonable alternatives for this project. Also see response to B3-3, B3-4, B3-5, and COB-2.

C207-34 See response to RWQCB-8 and CIWMB-5. As indicated by the commentor, much of the biosolids generated in the Inland Empire and southern California is transported to Kern and Kings counties. In considering accident potential, the most common used benchmark is miles traveled. The proposed project would reduce the miles traveled by trucks with biosolids and would consequently reduce the risk of truck spills. It would also reduce the emissions and traffic associated with these truck trips, resulting in a benefit instead of an impact.

C207-35 The potential for odor from the facility was evaluated in Section 4.3.3.3. As shown on Table 4.3.11, odors at the site boundary would be significant. However, odors at the nearest house (1.5 miles away) would be well below the thresholds established by the Air Quality Management District.

Flies can occur at composting operations, especially if excessive grass clipping are present in the green material. As indicated in Section 2.3.1, loads of green material with excessive grass clippings will be rejected. Additionally, Mitigation Measure HM-9 includes fly control measures when they become necessary.

Also see responses to CDHS-4, B6-4, B3-5, and RWQCB-8.

C207-36 See response to C207-34. A truck accident on Highway 58 as a result of this project would be a rare event. Just like any other transportation accident, it is expected that cleanup would occur as expeditiously as possible under CalTrans direction. Due to the infrequency and the short-term duration, the impact would not be considered as significant.

C207-37 The analysis in the EIR encompassed an assessment of the impacts on Hinkley. The air analysis displays Hinkley in the results for the air toxics and odor impacts analysis. The groundwater discussion specifically indicates that the basement highs and Lockhart Fault form an impenetrable barrier to ground water flow between the Harper Valley Basin beneath the property near Hawes Airport, and the groundwater within the Lower Mojave River Valley Basin, which underlies the Hinkley area.

C207-38 See response to comment B4-37. Also the Draft EIR was available at the Barstow branch of the San Bernardino County Library and the Hinkley Senior Center.

C207-39 Comment noted.

## COMMENTS C208

**NURSERY PRODUCTS COMPOSTING FACILITY PROJECT** **May 18, 2006**
**PUBLIC SCOPING MEETING COMMENT CARD**

Please use this to inform us of your questions or concerns regarding this project. The California Environmental Quality Act (CEQA) Initial Study/Environmental Checklist identifies a number of environmental issues as listed below. Please attach additional sheets if necessary.

Environmental Issues
1. Aesthetics
2. Air Quality
3. Biological Resources
4. Cultural Resources
5. Geology and Soils
6. Hazards/Hazardous Materials
7. Hydrology/Water Quality
8. Land Use and Planning
9. Noise
10. Transportation/Circulation

**Topic#** **Comment**

6,2&3 I AM CONCERNED THAT THERE ARE NO MEASURES TO CONTAIN AIRBORNE HEALTH HAZARDS FROM THIS PROJECT. I LIVE IN AN AREA APPROXIMATELY TEN MILES EAST OF THIS SITE ON THE PREVAILING WINDS. A HAVE BEEN DIAGNOSED WITH ALLERGIES TO MANY OF THE PRODUCTS TO BE "COMPOSTED" BY THIS PROJECT. THESE ALLERGIES TRIGGER ASTHMA ATTACKS AND CAUSE ME HEALTH AND RESPIRATORY PROBLEMS. THERE ARE APPROXIMATELY 25 OTHER FAMILIES THAT LIVE IN THE IMMEDIATE AREA OF MY HOME. I HAVE EXPERIENCED HEALTH AND RESPIRATORY PROBLEMS CAUSED BY SMOKE AND DUST FROM AREAS MORE THAN 30 MILES AWAY FROM MY HOME, BROUGHT BY THE PREVAILING WINDS. WHAT MEASURES DOES SAN BERNARDINO COUNTY PROPOSE TO TAKE TO MITIGATE AIRBORNE BIOHAZARD MATTER FROM REACHING OUR HOMES AND CAUSING HEALTH PROBLEMS FOR THOSE WHO LIVE DOWNWIND? C208-1

5- WHAT MEASURES WILL SAN BERNARDINO COUNTY REQUIRE IN THIS PROJECT TO PREVENT WASTE PRODUCTS FROM BEING WASHED FROM THE PROJECT SITE ONTO US HIGHWAY 58 BY INTERMITTENT FLASH FLOODING COMMON IN THIS AREA? THE SITE DESCRIPTION STATES THAT TWO FLOOD FLOW ROUTES RUN THROUGH THE MIDDLE OF THE SITE. (PG 10) THE SITE IS UPGRADE FROM US HIGHWAY 58. C208-2

Use additional pages if needed. Please turn in your questions at this meeting, *or:* Mail **before June 8, 2006** to: Carrie Hyke, Land Use Services Dept., San Bernardino County, 385 North Arrowhead Ave., San Bernardino 92415-0182 *or:*
● Fax: (909) 387-3223 ● Tel. 909-387-4147 ● E-mail: chyke@lusd.sbcounty.gov

Name: JAMES T. BILES

Address: 25844 US HIGHWAY 58 BARSTOW, CA 92311

Tel. /e-mail: 760 253-4242 , JTBILES@EARTHLINK.NET

Agency (if applicable): N/A

Biles 1/2

VERIFIED RECEIPT 6-7-06
CARRIE HYKE 10:51AM

SENT SUCCESSFULLY BY FAX
@ 5:37AM 6-7-06

## RESPONSE TO COMMENT LETTER C208

C208-1 Please refer to the mitigation measures A-1 through A-4 outlined in Section 5 of the Final EIR.

In addition, see response to comments CDHS-4 and B6-4.

C208-2 See response to comments MWA-2.

12 2006 10:32AM BARSTOW HOSPITAL ICU 9573027 p.1

## PETITION1

### PETITION OPPOSING THE OPERATION OF NURSERY PRODUCTS LLC's BICSOLID/GREEN WASTE OPERATION OUTSIDE OF HINKLEY & BARSTOW

1. ***WHEREAS*** NURSERY PRODUCTS LLC seeks to site a biosolid/green waste composting facility on a 160 acre parcel 8 miles west of Hinkley and 22 miles west of Barstow, California (hereafter referred to as the WASTE PROCESSING PLANT);

2. ***WHEREAS*** the prevailing winds will cause the WASTE PROCESSING PLANT's smells, airborne pathogens and other waste products to blow across an area where children attend school, a senior citizen center is located and people live expecting their air quality to be uncontaminated; P1-1

3. ***WHEREAS*** the WASTE PROCESSING PLANT will be fed by an additional 522 truck trips per day, making Highway 58 dangerous to families, school buses and children that have to enter, exit and cross Highway 58; P1-2

4. ***WHEREAS*** the exact nature and composition of the biosolid waste that is being imported to the WASTE PROCESSING PLANT is not identified in any reports, nor is any provision made to independently monitor by qualified scientists the composition of incoming biosolid waste should the plant be allowed to operate; P1-3

5. ***WHEREAS*** the exact nature and composition of the green waste that is being imported to the WASTE PROCESSING PLANT is not identified in any reports, nor is any provision made to independently monitor by qualified scientists the composition of incoming green waste (should the plant be allowed to operate) nor the nature and character of any airborne effluent and liquid runoff from the operation of the WASTE PROCESSING PLANT; P1-4

6. ***WHEREAS*** the exact nature and extent of potential impact to the areas's aquifers, ground water, highly erodible soils and the fragile desert ecosystem from the WASTE PROCESSING PLANT's operations is not addressed by a study based on adequate information obtained from coring and monitoring wells in the area of the proposed operation; P1-5

7. ***WHEREAS*** the very building and operation of a WASTE PROCESSING PLANT will cause a devaluation of property values; P1-6

***WE, THE PEOPLE*** WHO SIGN BELOW, ASK THAT THE NURSERY PRODUCTS LLC WASTE TREATMENT PLANT not be given final approval to operate.

| NAME | MY PROPERTY ADDRESS | SIGNATURE |
|---|---|---|
| (1) Eileen Tucker | P.O. Box 32 Barstow, Ca. | Eileen Tucker |
| (2) Veronica Saiz | 350 Armory Rd | Veronica Saiz |
| (3) Abran Saiz | 350 Armory Rd | Abran Saiz |
| (4) John Tucker | PO Box 32 Barstow, Ca. | John Tucker |
| (5) Patricia Leslie | 28074 Ironwood Barstow | Patricia Leslie |

| NAME | MY PROPERTY ADDRESS | Sp# | SIGNATURE |
|---|---|---|---|
| (1) Louis Sedillo | 30204 Old Hwy 58 | 1 | Louis Sedillo |
| (2) [illegible] | 30204 old hwy 58 Spc | #1 | Austin Court |
| (3) Reyna Hart | 40275 IRWIN RD | | |
| (4) Jeff Hart | 40275 IRWIN RD BARSTOW CA 92311 | | Jeff Hart |
| (5) Shanita Parker | Shanita Parker 40275 IRWIN RD | | |

| | | |
|---|---|---|
| (1) Genevieve Fox | 45577 Alos Vaides Rd Newberry Spgs | Genevieve Fox |
| (2) Theresa Contreras | 2250 Armory rd Barstow CA | Theresa Contreras |
| (3) CASEY JONES | 28820 HOWARD DRIVE | |
| (4) MARTHA GONZALEZ | 28758 Vernon Dr. | Martha Gonzalez |
| (5) MELVIN HARRIS | 1724 SUNRISE RD BARSTOW | Melvin Harris |

| | | |
|---|---|---|
| (1) Petra Garcia | 34232 Birch Rd | Petra Garcia |
| (2) Maria Mata | Hinkley | Maria Mata |
| (3) Rosie Gallegos | 1350 nancy st. | Rosie Gallegos |
| (4) Margarita Beltran | 3011 Bauego | [illegible] |
| (5) Erin Barlow | 308 5th st | Erin Barlow |

| | | |
|---|---|---|
| (1) SAL TAFOYA | 1241 IRWIN SUNRISE ST BARSTOW | 10/19/06 |
| (2) Arturo Molina | 1231 SANTA FE BARSTOW | 10/19/06 |
| (3) Gerardo Chuparro | 923 T. STREET LAVERNE BARSTOW | 10/19/06 |
| (4) Cecilia Goodale | 779 Yale Dr Barstow | Cecilia Goodale 10/19/06 |
| (5) Amanda Mayural | 1716 SUNRISE. Barstow | [illegible] |

| | | |
|---|---|---|
| (1) Zenaida Castro | 36261 RIFLE RD | Zenaida Castro |
| (2) Willie Mitchell | 4750 Rattlesnake Canyon | Willie Mitchell |
| (3) William R Mitchell | "Same" | William R Mitchell |
| (4) | | |
| (5) | | |

(1) EVELIO HERNANDEZ 36236 SERRA HINKLEY
(2) MONICA L. HERNANDEZ 36236 SERRA HINKLEY
(3) Dolores Miller 22662 Community Blvd. Hinkley Ca. 92347
(4) Jason miller 941 choctaw Dr. Barstow ca 92311
(5) Rudy GARCIA 311 Juniper St Barstow

SIGNATURE

(1) Salvador E Reyes 42494 Hinckley Rd
(2) Ramon Aguayo Hinkley ca
(3) ANA MONTES
(4) Silvia mandujano
(5)

(1) Laura McCrady 351 Armory Rd. Barstow
(2) Rita Soi 05647 Bejeal St
(3) 157 W. Buena Vista
(4)
(5)

(1) Amber Brink 7655 Vanawing
(2) Nakeisha Whitesides 1120 Desert Ave.
(3) Adrianna Garcia 37019 Colby AVE
(4) Nelwyd Cadal 303 N 5th Ave
(5) Cristina Cuellar 11690 Desert Falls

(1) Elizabeth Harris 1845 Atlantic ST.
(2) Jennifer Kommenhoek 700 Keith st
(3) Sabrina Rodriguez 1123 Broadway Ave
(4) Sabrina Justice 37831 Redbird Hinkley CA 92347
(5) Peggy Padilla 1929 Yosemite Ct 92311

(1) Roberto Ramirez 36948 Lenwood RD Roberto Ramirez
(2) Juan Davalos 1020 Pine Barstow
(3) Lydia McGuire 241 E. VIRGINIA WAY
(4) Rosi Barela 27343 Hawk
(5) Raymond Gutierrez 305 McBroom Ave Barstow, Ca 92311 Raymond Gutierrez

(1) DANIEL B. TURNER 32500 Hinkley Rd Barstow, CA 92311 Daniel B. Turner
(2) VICKIE C. TURNER 32500 Hinkley Rd Barstow Calif. Vickie C. Turner
(3) DEBORAH GARCIA 9908 Redwood AVE HESPERIA, Ca 92345 Deborah Garcia
(4) Andrea Gutierrez 305 McBroom Barstow, Calif. 9234
(5) Mayra Ruiz 1224 Harvard Barstow, Ca Mayra Ruiz

(1) Tazy L. M. Vorce 1330 Tara St
(2) Lucia Tindell 1021 madrona Lucia Tindell
(3) Patricia D. Garcia 1150 Wisteria Dr. Barstow Patricia D. Garcia
(4) Virginia S Garcia 1141 Lotebush Ln. Barstow
(5) Art H. Garcia 1141 Lotebush Ln. Barstow

(1) Jeremy Hutchinson 1824 Sunrise Rd. J. Hutchinson
(2) CATHERINE J. DILLINGHAM 1120 Flora st. Catherine J. Dillingham
(3) ROBERT R. DILLINGHAM 1120 Flora st.
(4) HELEN GARCIA 1140 WISTERIA Helen Garcia
(5) DEBBIE GARCIA 1020 PINE AVE Debbie D. Garcia

(1) Tommy Ward 1980 E main #66 Barstow, Ca 92311 Tommy Ward
(2) Robert Ramos 1980 E. main #61 Barstow, Ca 92311 Robert Ramos
(3) Charlett Dennison 1980 E Main #54 Barstow Ca 92311 Charlett Dennison
(4) Harry Smith 30204 US Hwy 58 #2 Barstow Ca 92311 Harry Smith
(5) Bernday Smith 30204 US Hwy 58 #2 Barstow Ca 92311 Bernday Smith

(1) Deborah Fisher 28515 Old Hwy 58 Fisher
(2) Thomas Fisher 28715 Old Hwy 58
(3) Deanna Morrow 30204 US Hwy 58 #8 Barstow, Calif 92311 Deanna Morrow
(4) Gene Milligan 30204 US Hwy 58 #3 Barstow Calif, 92311 Gene Milligan
(5) Earlene R Milligan 30204 US Hwy 58 #8 Barstow Calif 92311 Earlene Milligan

## RESPONSE TO COMMENT LETTER P1

P1-1 A general concern is expressed over the possibility of remote transmittal of pathogens by wind from the proposed composting operation to residents miles away. U.S. EPA and the State WRCB have regulations that address pathogens in biosolids and composting, respectively. Composting is one of several techniques commonly used to reduce concentrations of pathogens. The commenter notes the remaining potential for untreated spores of this pathogen to escape the treatment or composting process, and adversely affect workers handling biosolids or compost materials and members of the general public. The regulatory agencies define the procedures for pathogen reduction, and the Project will comply with these procedures. Remaining comments express opposition to the Project.

In addition, see response to comments CDFG-6, CDHS-4, and B6-4. Please refer to Section 4.6.3.1 Impacts of the DEIR and the Mitigation Measures Section for Hazards and Hazardous Materials of the FEIR.

The potential for odor from the facility was evaluated in Section 4.3.3.3. As shown on Table 4.3.11, odors at the site boundary would be significant. However, odors at the nearest house (1.5 miles away) would be well below the thresholds established by the Air Quality Management District.

P1-2 See response to comments COB-30, COB-31, and B6-2.

P1-3 Please refer to Section 1.4 Basics of a Composting Process and The Project and Section 2.3 Design and Operations of the DEIR.

P1-4 Please refer to Section 1.4 Basics of a Composting Process and The Project and Section 2.3 Design and Operations of the DEIR.

P1-5 See response to comments COB-22, RWQCB-7, B4-29, MWA-2, and RWQCB-9.

Please refer to Section 4.7.3 of the Hydrology and Water Quality Section in the DEIR and the Mitigation Measures Section for Hydrology and Water Quality in the FEIR.

Water for operations will be provided by an on-site well or be purchased and stored, or a combination of both.

P1-6 The land surround the site is vacant for at least a mile in all directions. An evaluation of impacts to property value from the project would be speculative and is not included in the EIR.