

Nick Panchev, Commenter, Deponent and Intervenor
On behalf of the Inhabitants, town of Hinkley, California
2400 Ridgeview Dr. #803
Chino Hills, California 91709
Tel 909.614.4645
Email: nickpanchev@gmail.com

July 11, 2011

Harold Singer, Executive Officer, et al, Staff
California Regional Water Quality Control Board (CRWQCB), Lahontan Region
2501 Lake Tahoe Blvd.
South Lake Tahoe, California 96150
Tel (916) 542-5412 Email: hsinger@waterboard.ca.gov

Mr. Singer and Prosecution Team Staff:
Kimberly Niemeyer, Esq. Tel (916) 341-5547 Email: kniemeyer@waterboards.ca.gov
Lisa Dernbach, Tel (530) 542-5424 Email: ldernbach@waterboard.ca.gov

(Link to the Draft, Amended Cleanup and Abatement Order No. R6V-2011-0005A1
WDID No. 6B369107001, Requiring Pacific Gas and Electric Company (PG&E
Corporation, a Parent Company, NYSE: PCG), by CRWQCB, Lahontan Region:
http://www.swrcb.ca.gov/rwqcb6/water_issues/projects/pge/docs/pubnot070111.pdf)

WHEREAS, *the Lahontan Water Board is interested in receiving comments regarding all aspects of the Draft Order. Specifically, comments are being solicited on:*

- 1. The rationale for requiring whole-house replacement water.*
- 2. The criteria for defining the parties to whom Pacific Gas and Electric Company would be required to provide whole-house replacement water.*
- 3. The schedule by which Pacific Gas and Electric Company would be required to comply with the Order.*

COMMENTS ON DRAFT CLEANUP AND ABATEMENT ORDER, PACIFIC GAS AND ELECTRIC COMPANY, HINKLEY COMPRESSOR STATION, SAN BERNARDINO COUNTY

The Intervenor appreciate the opportunity to comment on the draft Amended Cleanup and Abatement Order (Order) for the Pacific Gas and Electric Company's (PG&E) Hinkley Compressor Station in San Bernardino County, California (Order No. RV6-2011-0005A1).

In regards to comments sought on "Amended Cleanup and Abatement Order No. R6V-2011-0005A1 WDID No. 6B369107001, Requiring Pacific Gas and Electric Company to Clean Up and Abate Waste Discharges of Total and Hexavalent Chromium to the Groundwaters of the Mojave Hydrologic Unit", in specific within the affected areas, per Paragraph 29, Draft CAO No. RV6-2011-0005A1.

WHEREFORE, the Intervenor states that the rationale, criteria and the schedule by which Pacific Gas and Electric Company, hereinafter PG&E, and/or the Discharger, would be required to comply with the Order, is also subject to Environmental Justice and absent of affirmative resolution, will trigger the exhausted administrative remedy issue and commence the due process of law, in the appropriate judicial venue.

WHEREFORE, the Inhabitants from the town of Hinkley, County of San Bernardino, State of California, must not be subjected to be in the mercy of PG&E, at their whim to provide whole-house water, thereafter admitted guilt, a toxic tort for the past sixty years and for another forty years of proposed Cr(VI) cleanup, also alleged as an illusionary.

WHEREFORE, the issue remains at-issue, in regards to commingling the non-naturally occurring Cr(VI) with naturally occurring Cr(VI), thus deviating from the undisputable fact that the Discharger did contaminate the ground waters below the town of Hinkley, California, upper and lower aquifer, with over 350 million gallons of the non-naturally occurring toxic carcinogen hexavalent Cr(VI) and there must not be anything on the contrary, construed as expanded “bail out” methodology, to diminish the responsibility of the Discharger, thus lessening the magnitude in a Trial De Novo against the Discharger.

[“This is not working”].

THEREFORE, the Inhabitants from the town of Hinkley, County of San Bernardino, State of California, will await the Lahontan Water Board final and long overdue resolution on the sought subject matter (in fact an emergency matter), not later than September 13, 2011 and will accept only an Order by the Lahontan Water Board, that is demanding from the Discharger to reimburse the Inhabitants for all costs associated therewith whole-house water provided by a water suppliers of the Inhabitant’s choice. “Anything less than that is a waste of the Inhabitant’s time”. [Strong emphasis added].

WHEREAS, per California Department of Public Health (CDPH) Link: <http://www.cdph.ca.gov/certlic/drinkingwater/Pages/Chromium6.aspx>

“California currently uses a 1-ppb detection limit for purposes of reporting ([DLR](#)) for monitoring chromium-6 in drinking water. However, analytical results at concentrations below the DLR may be submitted to CDPH when laboratories have associated quality assurance data for their results.”

WHEREFORE, locating Cr(VI) plume in the ground waters of the Upper and Lower Aquifer, below the town of Hinkley, County of San Bernardino, State of California, must be prepared based upon unbiased tests, inclusive of new unbiased tests, and in adherence to the current established regulatory detection limit of 1 ppb [Cr(VI) concentration of 1 µg/L], with all costs associated therewith borne by the Discharger, Pacific Gas and Electric Company (PG&E).

WHEREAS, per U.S. EPA, Link: <http://water.epa.gov/drink/info/chromium/guidance.cfm>
“EPA recommends the following steps for monitoring specifically for chromium-6. Public water systems should contact a drinking water laboratory they typically use for compliance monitoring and request sample analysis using a modified version of EPA Method 218.6, "Determination of Dissolved Hexavalent Chromium in Drinking Water, Groundwater and Industrial Wastewater Effluents by Ion Chromatography" (Rev. 3.3, 1994; www.nemi.gov). These modifications allow for improved low concentration measurement and are outlined in Dionex Corp. Application Update 144 "Determination of Hexavalent Chromium in Drinking Water by Ion Chromatography". With these modifications, laboratories are capable of attaining a detection limit as low as 0.02 µg/L (ppb) and can support a reporting limit of 0.06 µg/L (ppb).”

WHEREFORE, per the U.S. EPA mandates, any Laboratory firm can easily detect, for monitoring purposes, based upon the concentration threshold of 1 ppb [1 µg/L] of Cr(VI) presence and all regulatory governmental agencies, must alleviate procrastination, while deliberating substantially lower thresholds, as low as 0.02 ppb, thus all test to trace Cr(VI) must be, as a minimum, based upon said threshold of 1 ppb and shall be expedited, in an effort to alleviate circumvention of the Safe Drinking Water Act, as amended. [Strong emphasis added]

WHEREFORE, based upon these mandating regulatory grounds for Cr(VI) plume concentration of 1 ppb [1 µg/L], all maps (revised existing and new), delineating the extent of contaminated ground waters, in all aquifers, with Cr(VI) [reiterate, the non-natural occurring carcinogen hexavalent Cr(VI)], must be re-created and/or re-drawn and/or corrected in regards to the existing maps and all new maps must be prepared by others, not the consultants for PG&E, thus the biased issue, being now at-issue will not rule in the court of law.

THEREFORE, the Intervenor seeks just and proper on behalf thereof the Inhabitants from the town of Hinkley, County of San Bernardino, State of California and demand that new maps, delineating the true boundary and the true contamination level of ground waters with Cr(VI) plume, at concentration of over 1 ppb [1 µg/L], be prepared by an independent and unbiased firm, selected by a bidding and qualification's process by the Lahontan Board and approved by the Inhabitants from the town of Hinkley, County of San Bernardino, State of California. [By a Majority Vote].

All costs associated therewith herein above, must be borne by PG&E.

Comes NOW, the Intervenor and further raises myriad of other relevant, in fact, more than relevant issues, at-issue, some in addition to herein above stated commentary, not limited to:

1. The Inhabitants in the town of Hinkley, County of San Bernardino, State of California are rejecting all rejections by the Assessor's Office, County of San Bernardino, State of California, to retroactively, since 1952, reassess the real properties with contaminated ground waters, being sixty years of overdue reassessment, **due to calamity, at zero-value** and not limited to rejecting the calamity's rejection by Richard Castanon, from the County of San Bernardino, Department of Risk Management, construed as being without the due process of law, thus positioning himself above the law, inclusive of steering the Inhabitants to litigate the County of San Bernardino, which act is exactly what the Inhabitants will now entertain, not later than September 13, 2011, since the administrative remedy, sought by the Assessor, are now deemed and construed as exhausted.
2. Attached hereto, is a true copy of At-Issue Memorandum that was sent on July 11, 2011 to the California Department of Real Estate Legal Counsel and the California Real Estate Commissioner, and incorporated herein for reference.

Attn: N Daniel E. Kehew, Real Estate Counsel
BARBARA J. BIGBY, Acting Real Estate Commissioner
DEPARTMENT OF REAL ESTATE, Legal Section – Attn: Regulations
220I Broadway, P. O. Box 187007
Sacramento, CA 95818-7007
Tel (916) 227-0425 DRERegulations@dre.ca.gov

AT-ISSUE MEMORANDUM

RE: Appropriate Public Notice is sought from the California Department of Real Estate, in regards to WARNING: Caveat Emptor (Buyer be Aware) when acquiring real property in the town of Hinkley, County of San Bernardino, State of California.

This MEMORANDUM is as a direct result thereof:

COMMENTS ON DRAFT CLEANUP AND ABATEMENT ORDER, PACIFIC GAS AND ELECTRIC COMPANY, HINKLEY COMPRESSOR STATION, SAN BERNARDINO COUNTY. (Order No. RV6-2011-0005A1).

In specific, in regards to comments sought on “Amended Cleanup and Abatement Order No. R6V-2011-0005A1 WDID No. 6B369107001, Requiring Pacific Gas and Electric Company to Clean Up and Abate Waste Discharges of Total and Hexavalent Chromium to the Groundwaters of the Mojave Hydrologic Unit”, in specific within the affected areas, per Paragraph 29, Draft CAO No. RV6-2011-0005A1.

Link to CAO Draft:

http://www.swrcb.ca.gov/rwqcb6/water_issues/projects/pge/docs/pubnot070111.pdf

cc:

Michael Baes (mbaes@oehha.ca.gov)
Pesticide and Environmental Toxicology Branch
Office of Environmental Health Hazard Assessment (OEHHA)
California Environmental Protection Agency
1515 Clay St., 16th floor
Oakland, California 94612
Attention: PHG Project
<http://www.oehha.ca.gov/water/phg/chrom123110.html#comments>

The Honorable Lisa P. Jackson, Administrator US EPA jackson.lisap@epa.gov
United States Environmental Protection Agency (US EPA)
IRIS Hotline http://cfpub.epa.gov/ncea/iris_drafts/recordisplay.cfm?deid=221433
c/o EPA Docket Center, Mail Code 28221T EPA-West Building
1301 Constitution Avenue NW
Washington, DC 20005
Tel (202) 566-1676
iris.webmaster@epa.gov

The Honorable Nora Campos, Assemblymember
Capitol Office: State Capitol
P.O. Box 942849
Sacramento, CA 94249-0028
Tel: [\(916\) 319-2023](tel:9163192023)
Sheila.Ngo@asm.ca.gov

cc: To others, per recipient's list

The Deponent, on behalf of Stakeholders, states the followings and respectfully request that the California Department of Real Estate disclose to the Public, under WARNING, factual and critical issues, now at-issue, by a Consumer Alert Warning (Caveat Emptor).

WHEREAS, BARBARA J. BIGBY is the Acting Real Estate Commissioner Department of Real Estate and it is the Commissioner's responsibility to enforce these laws in a manner which achieves maximum protection for real estate consumers. In administering the laws and regulations, the Commissioner exercises judgment impartially, with fairness to both the consumer and the industry.

WHEREAS, in regards to: *Environmental Hazards Booklet. 10084.1.*

(a) Notwithstanding Section 10450.6,.....the department..... shall develop a booklet to educate and inform consumers on all of the following:

*(1) Common environmental hazards that are located on, and affect, real property. The types of common environmental hazards shall include, but not be limited to...**water and soil contamination.***

(2) The significance of common environmental hazards and what can be done to mitigate these hazards.

(3) What sources can provide more information on common environmental hazards for the consumer. (b) *The department shall seek the advice of the Office of Environmental Health Hazard Assessment to assist it in determining the contents of the booklet prepared pursuant to this section, and shall seek the assistance of the Office of Environmental Health Hazard Assessment in the writing of the booklet.*

WHEREAS, in regards to: *Injunction . 10167.14. Whenever any person has engaged or threatens to engage in any acts or practices which constitute, or will constitute a violation of a provision of the article, the superior court of the county in which the acts or practices have taken place, or are about to take place, on complaint of the commissioner, the attorney general, district attorney, or city attorney, may enjoin such acts or practices by appropriate order. The proceedings under this section shall be governed by Chapter 3 (commencing with Section 525) of Title 7 of Part 2 of the Code of Civil Procedure, except that no undertaking shall be required.*

WHEREAS, in regards to: *Misdemeanor. 10167.15. Any person, including an officer, director, or employee of a corporation who willfully violates any provision of this article is guilty of a misdemeanor.*

WHEREAS, in regards to: *Applicable Laws. 10167.16. A person or corporation licensed pursuant to this article and not engaging in acts for which a real estate license is required under Article 1 (commencing with Section 10130) of Chapter 3 of Part 1 of Division 4, shall be subject, in addition to the provisions of this article, to the provisions of Chapter 1 (commencing with Section 10000) and Chapter 2 (commencing with Section 10050) of Part 1 of Division 4, and to Sec. 10450, 10452, 10453, and 10454.*

WHEREAS, in regards to: *Appraisal. Disclosure of Fair Market Value... 10232.6. a) A real estate broker, acting within the course and scope of his or her license, who arranges for or engages the services of an appraiser licensed or certified by the Office of Real Estate Appraisers for the applicable transaction, and delivers the resulting appraisal to... the prospective purchaser as required by Section 10232.5, has met the broker's obligation of full and complete disclosure solely pursuant to paragraph (2) of subdivision (a) of Section 10232.5 and paragraph (2) of subdivision (b) of Section 10232.5, and is not required to provide a separate estimate of fair market value under Section 10232.5. (c) Nothing in this section is intended to relieve the broker of any obligation or requirement to disclose what he or she knows about the value of the property.*

WHEREAS, the Commissioner shall consult with: *OFFICE OF ENVIRONMENTAL HEALTH HAZARD ASSESSMENT, CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY, OFFICE OF ENVIRONMENTAL HEALTH HAZARD ASSESSMENT SAFE DRINKING WATER AND TOXIC ENFORCEMENT ACT OF 1986 (PROPOSITION 65)*

The California Environmental Protection Agency's Office of Environmental Health Hazard Assessment (OEHHA) is the lead agency for the implementation of the Safe Drinking Water and Toxic Enforcement Act of 1986 (Proposition 65). The Carcinogen Identification Committee (CIC) advises and assists OEHHA in compiling the list of chemicals known to the State to cause cancer as required by Health and Safety Code section 25249.8. The Committee serves as the State's qualified experts for determining whether a chemical has been clearly shown through scientifically valid testing according to generally accepted principles to cause cancer.

WHEREAS, per (CAL. CIV. § 1102.4): *Real Estate Transfer Disclosure Statement. The Real Estate Transfer Disclosure Statement (TDS) describes the condition of a property and, in the case of a sale, must be given to a prospective buyer as soon as practicable and before transfer of title. In the case of a transfer by a real property sales contract (as defined in Civil Code Section 2985) by a lease coupled with an option to purchase, or by a ground lease coupled with improvements, the TDS is to be delivered before the execution of any of the foregoing.*

The seller and any broker(s)/agent(s) involved are to participate in the disclosures. If more than one broker/agent is involved, the broker/agent obtaining the offer is to deliver the disclosures to the prospective buyer unless the seller instructs otherwise.

Delivery to the prospective buyer of a report or opinion prepared by a licensed engineer, land surveyor, geologist, structural pest control operator, contractor, or other expert (dealing with matters within the scope of the professional's license or expertise) may limit the liability of the seller and the real estate broker(s)/agent(s) when making required disclosures. The overall intention is to provide meaningful disclosures about the condition of the property being sold or transferred.

WHEREAS, in regards to: *Sec. 2785. Improper Influence of Real Property Appraisers. PUBLIC PROBLEM, ADMINISTRATIVE REQUIREMENT, OR OTHER CONDITION OR CIRCUMSTANCE THAT THE REGULATION IS INTENDED TO ADDRESS*

Section 1090.5 of the Civil Code was added to the Civil Code in 2007. The statute bars a person with an interest in a real estate transaction from engaging in a variety of actions that would improperly influence or attempt to improperly influence the appraisal of the real estate. (Also applicable to the Appraisers from the County of San Bernardino Assessor's office.) The legislation was prompted by behavior of individuals, including real estate licensees, during the "real estate bubble" that led to the current financial crisis, with the result of such improper influence being over-estimations of many real properties. The statute includes a non-exhaustive list of actions that are specifically deemed "improper influence." The statute specifically references licensees through subsection (c): "If a person who violates this section is licensed or registered under any state licensing or registration law and the violation occurs within the course and scope

of the person's duties as a licensee or registrant, the violation shall be deemed a violation of that law." This subsection was included in the original version of section 1090.5, with minor amendments made in 2009.

Although the Civil Code, and this section in particular, is applicable to real estate licensees in the course of their work, Department staff believe that the Real Estate Commissioner's Regulations are more commonly referenced by licensees. Thus, section 2785 is proposed for adoption into the Regulations by the Department. Section 2785 would highlight the applicability of Civil Code section 1090.5 to real estate licensees regulated by the Department. The proposed section also includes a more extensive, but still not exhaustive, list of specific actions that are deemed, "improper influence" of an appraisal. The Department asserts that each of the behaviors listed would already subject a licensee to license discipline under Civil Code section 1090.5.

Purpose: This adoption will highlight and further clarify that real estate licensees are barred from improperly influencing the work of real estate appraisers.

Rationale: Where parties to a real estate transaction have struck a bargain, there is great temptation for a real estate licensee involved in that transaction to influence or attempt to influence the appraiser hired to value the property to reach the conclusion that the property is worth the price specified in the bargain. During the "real estate bubble" earlier this decade, too often the values reached were not supported by the facts of the real property, and this was in part due to improper influence exercised by real estate licensees. Civil Code section 1090.5 prohibits such improper influence. This proposed regulation highlights, and provides further specific behaviors that are barred by, Civil Code section 1090.5.

WHEREAS, California department of Public Health, (CDPH) has stated that: *"CDPH's priority to continue to be protecting public health and to assure the delivery of safe drinking water to all Californians served by over ~ 7,500 public water supply system in the state."*

WHEREAS, CDPH has stated that *"CDPH supports the goals of the State Water Resources Control Board and Regional Boards to clean up contaminated water of the state covered by the California Water Code; however, we would like to express our concern with referencing the Draft chromium +6 Public Health Goal (PHG) in the Draft Order as the trigger for providing replacement water."*

WHEREFORE, the meaning of priority to continue protecting public health should imply urgency and not procrastination for over 60 years.

WHEREFORE, the Inhabitants, town of Hinkley, California, are demanding that Safe Drinking Water Act, (SDWA) (2) is invoked, rather than a PHG, deemed as an illusionary goal, by timely setting the Cr(VI) threshold for safe drinking water of not higher than 1.00 ppb [1.00 µg/L], strictly for a non-naturally occurring Cr(VI) and without stipulation as Total Chromium (TC or just T) and absent of the irrelevant Cr(III), not limited to that the regulatory agencies are not steering the Inhabitants to depend on PG&E for potable water supply, delivered to their real properties.

The Inhabitants of said town are demanding that they shall obtain water from sources of their choice and all cost associated therewith shall be borne by Pacific Gas and Electric Company, hereinafter "PG&E" or the "Discharger ".

WHEREFORE, regardless of the promulgated undertakings, acts, actions and stipulations by the regulatory agencies, all assumed to disregard the emergency nature and timely setting the standard for the drinking water, particularly when contaminated with the non-natural occurring toxic Cr(VI), the Inhabitants will commence litigations in the appropriate judicial venues, seeking the infinite just and proper, on myriad of ground, inclusive thereof on Toxic Tort and not limited to alleged gross negligence and intentional procrastination.

WHEREFORE, the Inhabitants are seeking just and proper, to be first administratively fostered by the regulatory agencies, within Sixty (60) Days of their motion, as sought therein and absent of an amicable solutions and/or a resolution, will promulgate that all administrative remedy are exhausted and commence to seek just and proper in the appropriate judicial venues. The Inhabitants, as of motion's date, will no longer entertain myriad of drafts, illusionary goals, procrastination's act, methodology and protocols to deviate and set aside critical issues, in the cumulative impacts construed as a dog and pony show fiascos.

WHEREFORE, in the absence of drinking / potable water from water wells, the only source fostering survival, all real properties within the delineated therein and attached hereto for reference contaminated area map, for the town of Hinkley, County of San Bernardino, State of California, are construed as contaminated and have **zero-value**.

THEREFORE, all real properties, not just the one that have existing water well, are deemed as contaminated, per said contamination map, construed as evidentiary and all of these real properties have virtually zero-value for all intensive purposes, not just for reassessment by the San Bernardino County's Assessor, to virtual zero-value real properties, reflected at zero-taxable roll.

Comes NOW the Deponent and on behalf of the Stakeholders, respectfully request from the Commissioner, California Department of Real Estate, to immediately post WARNING NOTICE (Caveat Emptor), in regards to said contamination and virtually zero-value real estate properties within the delineated contamination area's map. Uninformed buyers of real properties, absent of sought disclosure, can suffer total loss.

Respectfully submitted,

Nick Panchev

Nick Panchev, Deponent on behalf of Stakeholders

///

(1), (Since 1952, when Pacific Gas and Electric Company, hereinafter "PG&E", contaminated the ground waters in the upper and lower aquifers with 350 million gallons of non-natural occurring Chromium 6, a toxic and known human carcinogen, hexavalent Cr(VI)].

(2)Safe Drinking Water Act, (SDWA), Enacted by the 93rd United States Congress, U.S.C. 42 U.S.C. § 300f. As amended 1996 by the 104th Congress

<http://www.gpo.gov/fdsys/pkg/PLAW-104publ182/pdf/PLAW-104publ182.pdf> .

The SDWA does not apply to bottled water. Bottled water is regulated by the Food and Drug Administration (FDA) under the Federal Food, Drug, and Cosmetic Act.

3. Attached hereto, is a true copy of Administrative Remedy Before Mojave Water Agency, that was sent on June 29, 2011 to: MOJAVE WATER AGENCY and incorporated herein for reference.

Nick Panchev
2400 Ridgeview Drive, #803
Chino Hills, California 91709
Tel 909.614.4645
Email nickpanchev@gmail.com

Deponent on behalf of the People
Town of Hinkley, California

ADMINISTRATIVE REMEDY

DOCKET June 29, 2011

Received by MWA _____

By: _____

Administrative Remedy Before

MOJAVE WATER AGENCY
22450 Headquarters Drive
Apple Valley, California 92307
Kirby Brill, General Manager
Kathy A. Cortner, CFO and
Bill Brunick, Esq. Respondent

BOARD OF DIRECTORS
Art Bishop, President ; Kimberly Cox, Vice President;
Beverly Lowry, Treasurer; Doug Shumway, Secretary;
Richard Hall, Director; Mike Page, Director; and
Jim Ventura, Director

DEMAND BY THE PEOPLE BEFORE THE MOJAVE WATER AGENCY TO CEASE ASSEPTANCE OF PROPERTY TAX COLLECTED BY THE COUNTY OF SAN BERNARDINO TAX COLLECTOR FROM THE REAL PROPERTY'S OWNERS, TOWN OF HINKLEY, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA.

WHEREAS, while the People in the town of Hinkley, County of San Bernardino, State of California, hereinafter the People, eke miserable existence, has suffered, are suffering and will suffer for the next forty years an unprecedented toxic tort, due to contaminated ground waters with approximately 350 million gallons of Toxic Chromium 6 [Hexavalent Cr(VI)] by Pacific Gas & Electric Co. (PG&E), hereinafter PG&E and/or the Discharger, from 1952 to present,

being just about sixty years and beyond for at least the next forty years, in the cumulative of 100 years, whereas some of the People have died from illnesses associated therewith said contamination, some are getting ill and many are utilizing the contaminated ground waters via their water wells, being the only source of a “whole house” water. At all times herein mentioned above, the Assessor, County of San Bernardino, the Treasurer and Tax Collector, County of San Bernardino, hereinafter the Assessor/Tax Collector and the Mojave Water Agency (1), hereinafter the MWA, were unjustly benefiting from property taxes paid by the People.

WHEREAS, the Cr(VI) toxic plume, for the past sixty years, has been seeping from the upper to lower aquifer, thus all aquifers are contaminated and it will continue to migrate beyond the town of Hinkley boundary, despite some efforts by the Discharger, PG&E, to either control the migration, or dilute the Cr(VI) to Cr(III), and despite some enforcement actions by the Lahontan Regional Water Quality Board, hereinafter the Lahontan Board, against the Discharger PG&E.

- (1) MOJAVE WATER AGENCY, a California body politic and corporate, organized pursuant to the California Water Code, Appendix Section 97-1, et seq. (“Agency”). “Corporation” shall mean the Mojave Water Agency Public Facilities Corporation, a nonprofit public benefit corporation.”

WHEREAS, *Mojave Water Agency “(1)” was formed by popular vote in 1960, when residents, concerned about the overdraft of the region’s aquifers, agreed to become part of the State Water Project (SWP) and secure a source of supplemental water for the region. Section 1.5 of the Mojave Water Agency Law states that:*

“...the purpose of the agency shall be to do any and every act necessary to be done so that sufficient water may be available for any present or future beneficial use of the land and inhabitants of the agency...”

WHEREFORE, the agency did not do any and every act necessary to be done so that sufficient water may be available for any present or future beneficial use of the land and inhabitants of the agency, in specific to the land and inhabitants in the town of Hinkley, County of San Bernardino, California.

WHEREAS, *the Agency’s adopted mission, which is very similar, reads: “to manage the region’s water resources for the common benefit to assure stability in the sustained use by the citizens we serve.”*

WHEREFORE, the Agency did not manage the region in the town of Hinkley, County of San Bernardino, State of California water resources for the common benefit to assure stability in the sustained use the citizens served in said town.

WHEREAS, *the Agency property taxes MWA 1 and 2(a) provided the funds necessary to build water storage reserves in our groundwater basin to provide the water necessary for a single dry year and multiple dry years’ supply of water to use when water supplies from the State Water Project system are limited.*

WHEREFORE, although the Agency received substantial taxes MWA1 and 2(a) which provided the funds necessary to build water storage reserves in our groundwater basin to provide the water

necessary for a single dry year and multiple dry years' supply of water to use when water supplies from the State Water Project system are limited, nothing was done in the town of Hinkley, County of San Bernardino, State of California, thus zero benefit to the land and inhabitants of said town.

WHEREAS, property taxes from MWA 2(b) provided the funds necessary to build infrastructure aimed at increasing recharge capacity, to provide a comprehensive water conservation program that will stretch available supplies into the future, and to pay for other capital improvement projects identified in the Strategic Plan.

WHEREFORE, property taxes from MWA 2(b) provided the funds necessary to build infrastructure aimed at increasing recharge capacity, to provide a comprehensive water conservation program that will stretch available supplies into the future, and to pay for other capital improvement projects identified in the Strategic Plan, nothing was done in the town of Hinkley, County of San Bernardino, State of California, thus zero benefit to the land and inhabitants of said town.

WHEREAS, the Reliability Assessment collected in the wholesale water rate, together with reserves set aside from MWA 1 and 2(a) property taxes, provided the funds necessary to purchase additional State Water Project Table A amount, providing additional supplies available to meet future demands.

WHEREFORE, the Reliability Assessment collected in the wholesale water rate, together with reserves set aside from MWA 1 and 2(a) property taxes, provided the funds necessary to purchase additional State Water Project Table A amount, providing additional supplies available to meet future demands, nothing was done for the town of Hinkley, County of San Bernardino, State of California, thus zero benefit to the land and inhabitants of said town.

WHEREAS, Chapter 97 of Appendices to the Water Code ("MWA Law") enabled formation of the Mojave Water Agency, and prescribes the powers and duties of the MWA; and,

WHEREAS, Section 15 (a) of said Chapter 97 declares that "The Agency may do any and every act necessary so that sufficient water may be available for any present or future beneficial use or uses of the lands or inhabitants of the agency including without limiting the generality of the foregoing, irrigation, domestic, fire protection, municipal, commercial, industrial, and recreational uses."

WHEREFORE, although Section 15 (a) of said Chapter 97 declares that "The Agency may do any and every act necessary so that sufficient water may be available for any present or future beneficial use or uses of the lands or inhabitants of the agency including without limiting the generality of the foregoing, irrigation, domestic, fire protection, municipal, commercial, industrial, and recreational uses, nothing was done for the town of Hinkley, County of San Bernardino, State of California, thus zero benefit to the land and inhabitants of said town.

WHEREAS, *Subsection (11) of Section 15 (b) of said Chapter 97 empowers the Agency “To gather data for, and to develop and implement, after consultation and coordination with all public and private water entities who are in any way affected, management and master plans to mitigate the cumulative overdraft of groundwater basins, to monitor the condition of the groundwater basins, to pursue all necessary water conservation measures, and to negotiate for additional water supplies from all federal, state and other sources.*

WHEREFORE, although Subsection (11) of Section 15 (b) of said Chapter 97 empowers the Agency “To gather data for, and to develop and implement, after consultation and coordination with all public and private water entities who are in any way affected, management and master plans to mitigate the cumulative overdraft of groundwater basins, to monitor the condition of the groundwater basins, to pursue all necessary water conservation measures, and to negotiate for additional water supplies from all federal, state and other sources, nothing was done for the town of Hinkley, County of San Bernardino, State of California, thus zero benefit to the land and inhabitants of said town.

WHEREFORE, in fact, the MWA could not perform any recharge of the Hinkley ground water basin, since the ground waters were already contaminated, nor anything else, thus the People in the town of Hinkley, California had zero benefit, regardless that had paid taxes for the past Sixty years.

THEREFORE, THE PEOPLE RAISE AND DEMAND THAT MOJAVE WATER AGENCY IMMEDIATELY CEASE ASSEPTANCE OF PROPERTY TAX COLLECTED BY THE COUNTY OF SAN BERNARDINO TAX COLLECTOR FROM THE REAL PROPERTY’S OWNERS, TOWN OF HINKLEY, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA.

Comes NOW, the People and seek just and proper.

Although nothing was done by the MWA for the mutual benefit and for the real properties ground waters, inhabitants respectively, during these Sixty years, the Real Property Owners will seek, as a part thereof the Administrative Remedy, refund of only Thirty years of Taxes paid, construed as more than a reasonable settlement.

Absent of an amicable resolution, as sought herein, also construed as exhausted Administrative Remedy, within sixty (60) days from this demand, will place the People at no other alternative, but to seek just and proper before the appropriate judicial venue.

On Behalf of the People, town of Hinkley, California

Nick Panchev

Nick Panchev, Deponent

Disclosure: Deponent is one of the Real Property Owner in the town of Hinkley, California.

At any time, during Administrative Remedy Proceedings, the Deponent can be represented by an Attorney, admitted by the California State Bar and can invoke all Constitutional, private property and any other inherent rights. Any retaliatory acts will trigger the doctrine of Exhausted Remedy.

Link to Lahontan Water Board:

http://www.swrcb.ca.gov/rwqcb6/water_issues/projects/pge/index.shtml

Notices to:

Deponent:

Nick Panchev

On behalf of the People

2400 Ridgeview Dr. #803

Chino Hills, CA 91709

Tel: 909.614.4645

Email: nickpanchev@gmail.com

cc: Deponent's Legal Counsel

Respondent:

Kirby Brill, General Manager ; or Bill Brunick, Esq.

Mojave Water Agency.

22450 Headquarters Drive

Apple Valley, CA 92307

Tel: 760. 946.7000

Email: publicaffairs@mojavewater.org

///