



California Regional Water Quality Control Board Lahontan Region



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INVESTIGATIVE ORDER NO. R6V-2010-0038 TO CONDUCT ADDITIONAL GROUNDWATER INVESTIGATION TO THE EAST AND NORTH, PACIFIC GAS AND ELECTRIC COMPANY, HINKLEY, SAN BERNARDINO COUNTY

This letter requires Pacific Gas and Electric Company (PG&E) to submit a technical report for additional groundwater investigation for hexavalent and total chromium that is found above background concentrations to the east and north of the previously identified chromium plume. This requirement is made pursuant to Section 13267 of the California Water Code. Pursuant to Section 13268 of the Water Code, a violation of a Water Code Section 13267 requirement may subject you to civil liability of up to \$1,000 per day for each day in which the violation occurs.

On July 28, 2010, Water Board staff received information from PG&E staff that hexavalent and total chromium concentrations exceeded background concentrations at three residential supply wells and four shallow monitoring wells along Summerset Road, and to the east of Summerset Road, north of Santa Fe Avenue. Three of these wells contained hexavalent chromium greater than 4 micrograms per liter ($\mu\text{g/L}$), with a maximum hexavalent chromium concentration of 5.5 $\mu\text{g/L}$ detected. PG&E's July 30, 2010 *Second Quarter 2010 Groundwater Monitoring Report* contains the results for these wells.

Cleanup and Abatement Order No. R6V-2008-0002 (amended by Order Nos. R6V-2008-0002 A1 and R6V-2008-0002 A2) required PG&E to achieve containment of the chromium plume by December 31, 2008, with compliance determined through the Boundary Control Monitoring Program (BCMP). One perimeter well in the BCMP is currently exceeding its control limit of 4 $\mu\text{g/L}$ —Monitoring Well MW-62A. That well is located on the northeast corner of the Desert View Dairy, west of Summerset Road. PG&E was notified of this violation of the Cleanup and Abatement Order and has submitted a plan to address plume expansion in that area. The Water Board recently granted PG&E Amended Waste Discharge Requirements to facilitate groundwater extraction and treatment of contaminated groundwater in that area. No additional BCMP wells on the periphery of the chromium plume are exceeding their control limits.

California Environmental Protection Agency

Nonetheless, it is evident that chromium exceeding background concentrations is present in a larger area than previously identified. Additional investigation is needed to define the vertical and lateral extent of elevated chromium concentrations in groundwater to the east and north of the previously identified chromium plume area.

Report Justification

Water Board Staff believes that, in light of the following facts, there is evidence to support requiring that a technical report be provided in this particular situation and that the burden, including costs, of providing these reports is reasonable in relationship to the need for the report and the benefits to be obtained from the reports.

1. Chromium from PG&E's discharges at its Hinkley Compressor Station has been shown to be the source of a plume of elevated hexavalent and total chromium concentrations in groundwater in the Hinkley area.
2. In parts of the chromium plume, concentrations of total chromium exceed the current drinking water standard of 50 µg/L, thereby rendering areas of the groundwater unusable for its designated beneficial use of municipal and domestic supply.
3. Concentrations of hexavalent and total chromium exceeding background concentrations have been detected approximately 2,500 feet east and 1,900 feet north of the previously identified chromium plume boundaries.
4. Further investigation is necessary to evaluate the extent of impacts that potentially threaten public health and water quality.

Orders

Pursuant to Water Code section 13267, you are required to submit the following technical reports to the Water Board:

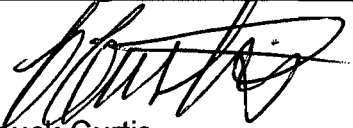
1. **By September 10, 2010**, submit a workplan for additional investigation to define the vertical and lateral extent of elevated chromium concentrations in groundwater in the area east and north of the previously identified chromium plume boundaries. The workplan must describe the manner and method of investigation, identify locations of proposed sampling, and propose a schedule for implementing the investigation.
2. **By the date identified in the work plan and agreed to by Water Board Staff**, submit a report with investigation results, including a description of the work performed, results of laboratory analytical data for samples collected, identification of the vertical and lateral extent of elevated chromium concentrations in groundwater in this area, discussion of the results with respect to the plume migration path from the chromium source area or other areas of the chromium plume, and the need for additional investigation if the complete vertical and lateral extent of the plume has not been defined by this investigation.

Technical reports submitted to the Water Board must be appropriately signed and stamped by a California licensed geologist or civil engineer responsible for the work.

The Water Board needs the required information in order to determine the extent of impacts from a plume of elevated hexavalent and total chromium concentrations in groundwater that potentially threaten public health and water quality. You are required to submit this information because, based on the available information, PG&E is responsible for the discharge. The evidence supporting this requirement is discussed above.

Please be sure that copies of all documents sent to the Water Board's South Lake Tahoe office are also sent to the Water Board's Victorville office at 14440 Civic Drive, Suite 200, Victorville, California 93292.

If you have any questions, please contact Lisa Dernbach at (530) 542-5424 (LDernbach@waterboards.ca.gov) or me at (530) 542-5460 (CCurtis@waterboards.ca.gov).



Chuck Curtis
Supervising Water Resource Control Engineer
Manager, Cleanup and Enforcement Division

Enclosure: Section 13267 Fact Sheet

cc: PG&E Mailing List
Yvonne West, State Water Board Office of Enforcement

CLC/clHT: PG&E expanded plume order 8-10.doc
File: PG&E Hinkley

**Fact Sheet – Requirements for Submitting Technical Reports
Under Section 13267 of the California Water Code**

October 8, 2008

What does it mean when the regional water board requires a technical report?

Section 13267¹ of the California Water Code provides that "...the regional board may require that any person who has discharged, discharges, or who is suspected of having discharged...waste that could affect the quality of waters...shall furnish, under penalty of perjury, technical or monitoring program reports which the regional board requires".

This requirement for a technical report seems to mean that I am guilty of something, or at least responsible for cleaning something up. What if that is not so?

Providing the required information in a technical report is not an admission of guilt or responsibility. However, the information provided can be used by the regional water board to clarify whether a given party has responsibility.

Are there limits to what the regional water board can ask for?

Yes. The information required must relate to an actual or suspected discharge of waste, and the burden of compliance must bear a reasonable relationship to the need for the report and the benefits obtained. The regional water board is required to explain the reasons for its request.

What if I can provide the information, but not by the date specified?

A time extension can be given for good cause. Your request should be submitted in writing, giving reasons. A request for a time extension should be made as soon as it is apparent that additional time will be needed and preferably before the due date for the information.

Are there penalties if I don't comply?

Depending on the situation, the regional water board can impose a fine of up to \$1,000 per day, and a court can impose fines of up to \$25,000 per day as well as criminal penalties. A person who submits false information is guilty of a misdemeanor and may be fined as well.

What if I disagree with the 13267 requirement and the regional water board staff will not change the requirement and/or date to comply?

Any person aggrieved by this action of the Regional Water Board may petition the State Water Board to review the action in accordance with Water Code section 13320 and California Code of Regulations, title 23, sections 2050 and following. The State Water Board must *receive* the petition by 5:00 p.m., 30 days after the date of the Order, except that if the thirtieth day following the date of this Order falls on a Saturday, Sunday, or state holiday, the petition must be received by the State Water Board by 5:00 p.m. on the next business day. Copies of the law and regulations applicable to filing petitions may be found on the Internet at:

http://www.waterboards.ca.gov/public_notices/petitions/water_quality or will be provided upon request.

Claim of Copyright or other Protection

Any and all reports and other documents submitted to the Regional Board pursuant to this request will need to be copied for some or all of the following reasons: 1) normal internal use of the document, including staff copies, record copies, copies for Board members and agenda packets, 2) any further proceedings of the Regional Board and the State Water Resources Control Board, 3) any court proceeding that may involve the document, and 4) any copies requested by members of the public pursuant to the Public Records Act or other legal proceeding.

If the discharger or its contractor claims any copyright or other protection, the submittal must include a notice, and the notice will accompany all documents copied for the reasons stated above. If copyright protection for a submitted document is claimed, failure to expressly grant permission for the copying stated above will render the document unusable for the Regional Board's purposes, and will result in the document being returned to the discharger as if the task had not been completed.

If I have more questions, who do I ask?

Requirements for technical reports normally indicate the name, telephone number, and email address of the regional water board staff person involved at the end of the letter.

¹ All code sections referenced herein can be found by going to www.leginfo.ca.gov. Copies of the regulations cited are available from the Regional Board upon request.

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