



California Regional Water Quality Control Board

Lahontan Region



Matthew Rodriques
*Secretary for
Environmental Protection*

2501 Lake Tahoe Boulevard, South Lake Tahoe, California 96150
(530) 542-5400 • Fax (530) 544-2271
www.waterboards.ca.gov/lahontan

Edmund G. Brown Jr.
Governor

September 23, 2011

Tom Wilson
Director, Remediation Program Office
Pacific Gas and Electric Company
3401 Crow Canyon Road
San Ramon, CA 94105-1814

INVESTIGATIVE ORDER NO. R6V-2011-0078, REQUEST FOR INVESTIGATION AND REPORTS ON AGRICULTURAL UNIT NO. 5 AND CONCEPTUAL REMEDIAL ACTION PLAN FOR THE NORTHERN BASIN, PACIFIC GAS AND ELECTRIC COMPANY (PG&E), HINKLEY COMPRESSOR STATION, SAN BERNARDINO COUNTY

This Investigative Order directs PG&E to submit notifications and technical reports to the Water Board associated with planned discharges to land of chromium contaminated groundwater from the PG&E Hinkley Compressor Station. The Water Board's requirement that you submit technical reports is made pursuant to Section 13267 of the California Water Code. Pursuant to Section 13268 of the Water Code, a violation of 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.

Background

The Water Board has received the documents, "Response to Comments on Proposed Agricultural Unit No. 5 (AU 5)," dated August 25, 2011 and "Conceptual Remedial Action Plan for the Northern Basin (Conceptual RAP)," dated September 9, 2011.

The AU 5 document provides responses to Water Board staff's comments from July 2011 for the proposed operation of an agricultural pivot, called AU 5, to be located southwest of Mountain View Road and Santa Fe Avenue. The operation will involve the discharge to land of groundwater pumped at a rate of 160 gallons per minute (gpm) from eight extraction wells and containing an average chromium concentration of 20 ppb. The parcel to be used for agricultural operations is not a currently operating agricultural field.

The Conceptual RAP describes remedial system expansion to the north and east of the chromium plume. Up to three additional AUs are proposed between Santa Fe Avenue and Salinas Road. A combined irrigation rate of 725 gpm will be discharged to the three fields from a total of 14 extraction wells. The average chromium concentration of extracted groundwater is estimated to be 25 ppb hexavalent chromium. None of the parcels proposed for discharge are currently operating agricultural fields.

California Environmental Protection Agency

Comments

Both the above-referenced documents state the purpose of the AU operations is for chromium plume containment. Thus, the AUs will be operated for remedial use. The proposed levels of chromium in discharge effluent will be at a concentration that is greater than the background chromium concentrations of 3.1 ppb Hexavalent Chromium and 3.2 ppb Total Chromium. Chromium to be discharged may be considered a waste from historical releases at the Hinkley Compressor Station.

Based on this information, the projects described in both documents involving the discharge of waste to land fall under the California Water Code and are subject to waste discharge requirements, pursuant to section 13260.

As mentioned in past meetings with Water Board staff, we intend to prepare a general permit establishing waste discharge requirements for remedial activities, including these types of agricultural operations in the Hinkley Valley following certification of a subsequent environmental impact report (SEIR). We anticipate the Water Board considering the certification of the SEIR and adoption of the general permit no later than July 2012. Following these Water Board actions, PG&E will be required to submit a Notice of Intent to operate the AUs.

In the meantime, Water Board staff has no objection to your operation of the AUs as an interim measure for plume containment and to obtain information needed for submitting a future Notice of Intent. At AU 5, we remain concerned about the proposed discharge to land which has the potential to push out chromium plume boundaries to the northwest, affecting nearby receptors such as residences and the Hinkley School. The PG&E AU 5 response to comments predicts that mounding created by the discharge to AU 5 will be completely contained by pumping of the combined extraction wells. Water Board staff finds that given the closeness of receptors, within 1,600 feet, a tracer test is necessary to evaluate the effects of the discharge and verify PG&E's predictions.

Requirements

Pursuant to section 13267 of the California Water Code, PG&E is required to submit the following notifications and technical reports to the Water Board:

1. **At least 14 days prior to the start up of AU 5**, provide a plan for implementing a tracer test in conjunction with the initial discharge to AU 5. Propose a monitoring program that will verify when the discharge (from the agricultural operation) reaches groundwater, the capture extent of the discharge to groundwater, and potential migration of discharge away from extraction wells. The plan must propose at least one multi-depth monitoring well on the western boundary of the center pivot for evaluating potential western migration of the chromium plume boundary and the discharge.
2. **Within four days** after start up of a new AU, send an electronic notification to the Water Board.

3. **Beginning February 15, 2012**, submit quarterly technical reports detailing the interim action of discharging chromium-contaminated groundwater to land. The reports must contain the following information for each operating AU:
- Location of extraction wells.
 - Pumping rate range of extraction wells.
 - Total volume of discharge to land.
 - Average water quality data for combined effluent from extraction wells.
 - Lysimeter water quality data below AUs.
 - Monitoring well data showing background water quality for each AU.
 - Results of any tracer test conducted.
 - Capture zone range with supporting data.
 - Any unexpected or unplanned findings or results
 - Potentiometric map.
 - The stamp and signature of a state licensed civil engineer or geologist.

Subsequent quarterly reports must be submitted to the Water Board on the following schedule: **May 15, August 15, November 15, and February 15 of each year**. In addition, reports must be uploaded to the State Water Resources Control Board's Geotracker database within three working days of the due date.

4. **Within 60 days** of Water Board adoption of a general permit for waste discharge requirements, submit a Notice of Intent to operate all un-permitted AUs.

Please contact me at 542-5436 or Lisa Dernbach at (530) 542-5424 or ldernbach@waterboards.ca.gov, if you should have any questions.



LAURI KEMPER
ASSISTANT EXECUTIVE OFFICER

Enclosure: Section 13267 Fact Sheet

LSD/clhT: PGE AU comments 13267 order 911 lk
File: WDID No. 6B369107001 (VVL)

**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.