



California Regional Water Quality Control Board

Lahontan Region



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RESPONSE TO REQUESTS MADE TO WATER BOARD AT THE OCTOBER 2010 BOARD MEETING

This letter responds to your email of October 21, 2010 requesting Water Board staff's response to your requests to the Water Board at its October 13, 2010 workshop on the Pacific Gas and Electric Company's (PG&E) Hinkley chromium cleanup project. Below are your questions, followed by staff's response.

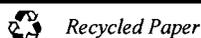
1. When will the Water Board Staff issue a Notice of Violation (NOV), including monetary fines, to PG&E concerning their violation of Cleanup and Abatement Order (CAO) R6V-2008-0002?

Response: Water Board staff do not plan to issue an NOV for the current plume expansion that violates the CAO, as verbal enforcement for this ongoing violation has already been given, and PG&E has responded by presenting plans for addressing the plume expansion in the area northeast of the Desert View Dairy and for additional groundwater investigation to the north and east. Water Board staff have approved those plans. Monetary fines are issued by the Water Board through Administrative Civil Liability (ACL) Orders, not through NOVs, following staff issuance of an ACL Complaint and a hearing before the Board. Water Board staff may consider issuing a Complaint at a future date to address this and other violations of Water Board Orders to PG&E. Also, Water Board staff will acknowledge and address this violation in an amended Cleanup and Abatement Order, a formal enforcement action (see discussion below).

2. When will PG&E be required to delineate the full vertical and lateral extent (both upper and lower aquifer) of the hexavalent chromium (Cr(VI)) plume in Hinkley? Will it be a written requirement within an amended CAO?

Response: The August 11, 2010 Investigative Order No. R6V-2010-0038 requires PG&E to define the vertical and lateral extent of elevated chromium in the upper aquifer north and east of the previously identified chromium plume boundaries. The extent of elevated chromium in the upper aquifer is already defined in other areas. Staff have verbally required PG&E to define the extent of elevated chromium in the

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lower aquifer near monitoring well MW-23C. No other area of elevated chromium has been identified in the lower aquifer. By mid-November, 2010, Water Board staff plan to require additional investigation in an Investigative Order pursuant to Water Code section 13267 to more clearly define the western edge of the clay layer separating the upper and lower aquifers and to provide more information about water quality in the lower aquifer near the edge of the clay layer. Water Code section 13267 gives the Water Board the authority to require investigation of the quality of the State's waters.

- 2a. When will the Water Board Staff issue PG&E a written requirement to define the plume in the vicinity of MW-23C? Will the Water Board Staff officially state that contamination of the lower aquifer is an additional violation of the CAO?

Response: Water Board staff have required PG&E through verbal direction to more closely define the extent of elevated chromium in the lower aquifer near monitoring well MW-23C and have approved PG&E's MW-23C investigation plan by email of September 27, 2010. As indicated above, Water Board staff plan to require additional investigation in an Investigative Order to more clearly define the western edge of the clay layer separating the upper and lower aquifers and to provide more information about water quality in the lower aquifer near the edge of the clay layer, in addition to the current investigation efforts near MW-23C.

Chromium in the lower aquifer at MW-23C exceeded background concentrations at the time CAO R6V-2008-0002 was issued. The Order requires (1) no further migration or expansion of the chromium plume to locations where hexavalent chromium is below the background level and (2) no further migration or expansion of the 50 micrograms per liter ($\mu\text{g}/\text{L}$) total chromium plume. The CAO identifies the Boundary Control Monitoring Program as the method to determine compliance with these requirements. Although concentrations have increased in MW-23C since the CAO was issued, it is not clear that migration or expansion of the chromium plume to locations where hexavalent chromium is below the background level has occurred, as no monitoring wells in the lower aquifer other than MW-23C have exceeded background conditions. Nonetheless, one could assume that with the increasing concentrations at MW-23C there has been additional migration or expansion of the chromium plume in that area. The Boundary Control Monitoring Program does not include wells in the lower aquifer, so the increase and potential migration or expansion in the lower aquifer is not addressed by the CAO. Staff plan to amend the CAO by late December 2010 to address that issue, as well as plume expansion that is not evidenced by the Boundary Control Monitoring Program.

3. When will PG&E be formally required, in an amended CAO, to submit maps where Cr(VI) plume boundaries are mapped to the 3.1 $\mu\text{g}/\text{L}$ concentration?

Response: Staff have verbally directed PG&E to delineate the 3.1 $\mu\text{g}/\text{L}$ hexavalent chromium concentration contour in quarterly plume maps starting with the data for the Third Quarter 2010. As indicated above, staff plan to amend the CAO in the

near future, and plume delineation requirements pursuant to Water Code section 13267 will be included in that amendment.

4. When will PG&E be formally required, in an amended CAO, to establish formal plume map data requirements?

Response: As indicated above, staff plan to amend the CAO in the near future, and plume map requirements pursuant to Water Code section 13267 will be included in that amendment.

5. When will PG&E be formally required, in an amended CAO, to submit quarterly plume maps?

Response: Water Board staff have verbally directed PG&E to update plume maps quarterly based on the data collected for that quarter (they were previously updated semiannually). As indicated above, staff plan to amend the CAO in the near future, and quarterly plume map requirements pursuant to Water Code section 13267 will be included in that amendment.

6. When will the Water Board Staff require PG&E to increase their fiscal responsibility to the State of California to allow for additional regulatory oversight?

Response: Water Board oversight of the PG&E Hinkley chromium cleanup has not been limited by PG&E's cost recovery agreement with the Water Board. Water Board staff devote the time needed for the project considering its priority and the staff resources available to the Region.

Thank you for your continued interest in the Water Board's actions addressing PG&E's chromium plume. You will receive copies of the Investigative Order and amended CAO identified above.



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cc: PG&E mailing list

CLC/clhT:PG&E Gonzalez 10-21-10 email response.doc
File: PG&E Hinkley WDID 6B362031001 (VVL)