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MEETING
STATE OF CALIFORNIA
LAHONTAN REGIONAL WATER QUALITY CONTROL BOARD

REGIONAL BOARD PUBLIC MEETING
HAMPTON INN
JACKRABBIT ROOM
2710 LENWOOD ROAD
BARSTOW, CA 92311

THURSDAY, NOVEMBER 4, 2015
6:00 P.M.

REPORTED BY:
PAMELA STEELE, DIGITAL REPORTER

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APPEARANCES

- Kimberly Cox, Chair
- Amy Horne, Ph.D
- Don Jardine, Board Member
- Patty Z. Kouyoumdjian - Executive Officer
- Keith Dyas, Vice Chair
- Peter C. Pumphrey, Board Member
- Eric Sandel, Board Member
- Kimberly Niemeyer, Advisory Team
- Doug Smith, Advisory Team
- Richard Booth, Advisory Team
- Ian Webster, IRP Manager
- Kevin Sullivan, PG&E
- Lauri Kemper, Prosecution Team
- Anne Holden
- Lisa Dernbach
- Laura Drabant
- Sue Genera, Executive Assistant
- Gita Kapahi, Facilitator

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APPEARANCES (Cont'd)

Public Forum Speakers:

Daron Banks

Roger Killian

Barbara Ray

Elizabeth Hernandez

Penney Harper

1 BARSTOW, CALIFORNIA - WEDNESDAY, NOVEMBER 4, 2015

2 6:00 P.M.

3

4 CHAIR COX: Good evening, members of public and
5 Lahontan staff. Welcome to the regular meeting of the
6 California Regional Water Quality Control Board, Lahontan
7 Region.

8 My name is Kimberly Cox from Hollendale, and I
9 am the Board Chair.

10 I want to thank the public for attending. Your
11 comments, ideas, and participation are vital to our
12 decision-making process. We do a better job when you give
13 us your input.

14 At this time, I would like to introduce the
15 members of the Regional Board.

16 To my left, we have Mr. Keith Dyas from
17 Rosamond. To my far right, we have Dr. Amy Horne from
18 Truckee. Next to her, we have Don Jardine from
19 Markleeville. We have Mr. Peter Pumphrey from Bishop to
20 my left, and at the far end is Eric Sandel from Truckee.

21 The Executive Officer is Patti Kouyoumdjian.

22 Ms. Kouyoumdjian, do you have any announcements
23 or introductions you would like to make?

24 MS. KOUYOUMDJIAN: Good evening, everyone. I have an
25 announcement. One is that we are canceling our

1 January 13th and 14th Board meeting in South Lake Tahoe.
2 We had a number of enforcement items that we are
3 postponing until March. That will be March 9th and 10th
4 in South Lake Tahoe. So our next Board meeting will be
5 February 10th to 11th, either in Apple Valley or Barstow,
6 yet to be determined.

7 Another -- just welcome the Board. The same
8 Board is joining us this evening; so thank you for making
9 the trip.

10 And lastly, I want to make an announcement with
11 a bit of sadness and a bit of happiness. Richard Booth,
12 who is over here, who many of you have worked with -- this
13 is his very last board meeting of his career. He is
14 retiring to travel the United States and all kinds of
15 wonderful places. So we will sadly miss Richard, and it's
16 been a wonderful pleasure and a delight, and again, filled
17 with sadness and happiness.

18 MR. BOOTH: Thank you.

19 CHAIR COX: Thank you, Ms. Kouyoumdjian.

20 This is a hearing to consider item No. 6 on the
21 Board's agenda, Adoption of a Cleanup and Abatement Order
22 requiring PG&E to address its historic discharges of
23 hexavalent chromium to the groundwater of the Hinkley
24 area.

25 The parties and the public have all had an

1 opportunity to provide comments, both oral and written, on
2 several iterations of the CAO.

3 Today will be an opportunity for the parties and
4 the public to summarize those comments and concerns for
5 the Board and to offer any comments on changes made on
6 this final version, which was sent out to the public on
7 October 16th.

8 At the conclusion of the hearing the Board may
9 go into closed session to deliberate on a decision based
10 on the evidence received. We will discuss that question
11 when we get to the end.

12 The Board may decide to adopt the Order as
13 proposed, adopt it with changes, reject it, or postpone
14 further action on the item until a later Board meeting.

15 I would like to recognize the collaborative
16 process that has brought us to this point. Most
17 importantly, I want to thank all the participants,
18 especially the Hinkley residents, for contributing their
19 ideas. We began working on this item last fall when we
20 held a series of workshops and comment opportunities to
21 encourage broad involvement. Participation and outreach
22 has been a cornerstone for this effort, and although
23 unique, the facilitated breakout sessions really allowed
24 all participants to work together and share ideas.

25 The discussion this evening will build upon

1 those earlier actions, and we look forward to hearing from
2 everyone.

3 The Water Board is divided into a Prosecution
4 Team and an Advisory Team. The purpose of doing this is
5 to provide a fair hearing by ensuring that the same
6 individuals that are making the final decision are neutral
7 and are not the same individuals that are prosecuting or
8 advocating for a particular outcome. This also requires
9 that the Water Board and its advisors not have ex parte
10 communications with any interested persons.

11 With that brief description of the separation of
12 functions that we have followed in this matter, let me
13 introduce the members of the Advisory Team.

14 We have Patti Kouyoumdjian to my right
15 Mr. Doug Smith, Rich Booth, and our counsel, Kim Niemeyer.

16 The Prosecution Team consists of Lauri Kemper,
17 Lisa Dernbach, Anne Holden, and Laura Drabant.

18 The order of the presentation for this hearing
19 will be as follows:

20 The Advisory Team will present the changes to
21 the draft -- to the September 1st draft CAO. The IRP
22 manager will have 20 minutes to summarize
23 previously-submitted comments and provide oral comments on
24 changes to the September 1st draft CAO.

25 PG&E will have 20 minutes to summarize

1 previously-submitted comments and provide oral comments on
2 changes to the September 1st draft CAO.

3 The Water Board Prosecution Team will have 20
4 minutes to summarize previously-submitted comments and
5 provide oral comments on changes to the September 1st
6 draft.

7 Each member of the community wishing to address
8 the Board on the CAO may have three minutes, and if you
9 would, fill out the orange slip.

10 After each of the presentations -- after each of
11 the presentations by the IRP manager, PG&E, and the
12 Prosecution Team, everyone will have the opportunity to
13 ask questions of the presenter.

14 Gita Kapahi from the State Board is here to help
15 us facilitate with the questions and the comments.

16 Clarifying questions about the proposed Order or
17 the Advisory Team's presentation should be addressed to
18 the Board, who may then announce the advisers to weigh in
19 as appropriate.

20 All persons who wish to participate and have not
21 yet submitted a speaker's card are requested to do so now.

22 This hearing will not be conducted according to
23 the technical rules of evidence. The Board will accept
24 any testimony that is reasonably relevant to the matter
25 under consideration.

1 There's also a late comment letter from Carmela
2 Spasojevich.

3 And so are there any objections to those coming
4 into the record?

5 So I would recommend that we allow both of those
6 late comments into the record. That doesn't necessarily
7 mean that the Board agrees or disagrees with any of the
8 information. It just means that information is available
9 to be considered by the Board.

10 There was also a late comment that came in from
11 Sam Knott, which he asked to be read into the record. It
12 was a reiteration of a previously-submitted comment; so
13 I'm going to recommend that since we already have his
14 comment in the record that we don't read his -- his email,
15 and we have that information in that.

16 CHAIR COX: So we will accept those late submittals
17 and acknowledge the one from Mr. Knott as already having
18 its place --

19 MS. NIEMEYER: And I think if we want to hold on a
20 both, Sue has those items to pass out to the Board members
21 and make available. I think a lot of people already
22 received those via email.

23 CHAIR COX: We thank you for your patience as we read
24 through and discussed those procedural items.

25 At this time, I would like to turn it over to

1 our facilitator, Ms. Gita Kapahi, and thank you for being
2 with us today and providing your services.

3 MS. KAPAHI: My pleasure. Thank you, Chair Cox, and
4 Board members.

5 So a couple things, ground rules. I would ask
6 that you all please honor time. Turn off your phones, be
7 respectful. I, as the facilitator, may limit time. If
8 you have made a point, I may ask you to move on. In the
9 interest of time, we have a lot of presentations to cover
10 tonight, and I want to make sure that we hear from
11 everybody that wishes to speak.

12 And I want to bring your attention to a few
13 things that are at the back of the room.

14 As mentioned earlier, there's a packet on
15 objections. There are two change sheets. There's a pink
16 sheet that you should be aware of. There are --
17 Dr. Izbicki's email is back there, Ms. Spasojevich -- I
18 apologize, my name is hard too. Your comment letter is
19 back there. And the Prosecution Team written comments
20 submitted last night are also at back of the room.

21 There are, as we mentioned, the bright orange,
22 yellow cards. If you wish to speak, please fill out a
23 comment card and give it to me, and I will make sure that
24 I cover -- I include you in our comments.

25 Again, I am going to ask folks to make their

1 presentations, and then I will make sure that at the
2 appropriate time that we call you up.

3 The order that I will do them will be -- well,
4 first -- well, first there will be a presentation from the
5 Advisory Team followed by IRP, PG&E, and after each
6 session, we will have comments as follows: PG&E,
7 Prosecution Team, the public and then Board members.

8 So with that, I ask the Advisory Team to please
9 make your presentation.

10 MR. SMITH: Thank you, Gita, thank you, Sue.

11 Good evening. I'm Doug Smith, Supervising
12 Geologist in the Water Board South Lake Tahoe office, and
13 I am presenting as part of the Water Board's Advisory
14 Team.

15 First and foremost, there's a late addition
16 enclosure 4, which was sent out like a week ago, where we
17 inadvertently forgot to include the draft cleanup and
18 abatement Order that was sent out September 1st. So
19 that's been provided. There were copies, and it's -- it's
20 replacement in its entirety.

21 There's also a few other late revisions which
22 are on a single pink sheet, and I will go over those at
23 the end of my presentation.

24 As I said, I'm part of the Water Board Advisory
25 Team, and there are three other members here, and they

1 were introduced. The Advisory Team's (inaudible) for
2 enforcement cases such as this one where the Water Board
3 needs assistance in compiling the public comments on an
4 issue and with providing neutral advice and
5 recommendations.

6 For enforcement cases like this, the Water Board
7 has a special Prosecution Team whose purpose is to take a
8 position on an issue and put out a draft enforcement order
9 for public review. It did.

10 Then, the Advisory Team steps in when all those
11 comments come in, and our job is to help synthesize all
12 those comments to help the Board through that. And we
13 will suggest changes to ensure that the Order is legally
14 defensible and supported by substantial evidence, and
15 where possible, we will suggest ways to strike a balance
16 between opposing viewpoints.

17 The Advisory Team does not communicate with the
18 Prosecution Team, nor anyone else, on these matters to
19 preserve the separation of function, and so the Advisory
20 Team remains neutral in this case.

21 So let me dive into the presentation, if I can
22 get it to work.

23 All right. Now, let me dive into the
24 presentation. Okay.

25 So I have a total of 19 slides, nearly half of

1 which are aerial photos of maps. My presentation will
2 briefly go through the chronology of this item, which you
3 already heard a little bit about. Then I will spend most
4 of my time on the comments and proposed changes, which
5 were comments that you received on five key issues.

6 And for each of the five key issues, I will
7 present viewpoints and give the Water Board Advisory
8 Team's recommendation, and then following that, we expect
9 the three other presentations.

10 Then following all the presentations, the Water
11 Board has the chance to deliberate this item, and the
12 Water Board could choose to either adopt the Order, adopt
13 it with modifications, or reject it or postpone final
14 disposition on it to a later Water Board meeting.

15 The development of the Cleanup and Abatement
16 Order began more than a year ago when the Water Board's
17 Prosecution Team held two public workshops in late 2014 at
18 two regularly scheduled Water Board meetings. From the
19 input received, the Prosecution Team released a draft
20 Cleanup and Abatement Order in January of this year.

21 You received comments on that first draft in
22 March, and the Advisory Team held a public workshop in
23 May, and the Advisory Team held that it was a facilitated
24 workshop to gather more input by seeking consensus on six
25 key policy issues.

1 Following that facilitated workshop in May, the
2 Prosecution Team and PG&E jointly submitted consensus
3 text, which can be found in the enclosure four beginning
4 on page 6-175.

5 The Advisory Team took all the consensus text
6 submitted, and with the comments received, released draft
7 No. 2 of the Cleanup and Abatement Order on September 1st
8 for a 30-day comment period.

9 Midway through the public comment period, the
10 Water Board held a public workshop on September 16th and
11 received additional comment. The written comment period
12 ended September 30th. So the Advisory Team considered all
13 those comments, researched a few items, then put out a
14 proposed Cleanup and Abatement Order on October 16th,
15 which is in front of you as enclosure 1 today.

16 The proposed Order is a comprehensive set of
17 requirements which streamlines requirements from 18
18 previous Orders into a single Order. The proposed Order
19 ensures the safety of private drinking water wells, holds
20 PG&E responsible for cleaning up its discharge, and
21 establishes a cleanup time frame.

22 These are the five key issues which received the
23 majority of comments from all those various comment
24 periods. I will cover each issue in the next slides and
25 spend most of my time talking about the last one, and that

1 being the requirements.

2 Long-term replacement water. We understand this
3 issue is important to the community; so we wanted to make
4 sure the advice we give to the Water Board considers the
5 various viewpoints and is something that is supported by
6 law and science. The comments on this issue came from
7 community members, the IRP manager, and the Prosecution
8 Team.

9 These comments opine that long-term replacement
10 water should be provided for whole house uses, including
11 all indoor uses such as showering and swamp coolers.

12 Well, the division of drinking water considered
13 the risk from three different exposure pathways to
14 chromium 6 related to the water -- drinking water. The
15 first exposure pathway is the drinking water, (inaudible),
16 the second one is inhaling the vapors or the steam, like
17 when you are showering, and the third is contacting the
18 chrome 6 through the skin, the dermal pathway.

19 And they determined the primary risk was from
20 drinking and not from inhalation of vapors or contact with
21 showering. This is consistent with what the California
22 Office of Environmental Health Hazard Assessment concluded
23 in 2011. The Water Board can only require replacement
24 water for the uses at risk, which is for drinking and
25 cooking and not showering or use in (inaudible).

1 Because no systems are currently certified or
2 registered for Chromium 6 removal, we suggest a late
3 revision that requires PG&E to consult with the division
4 of drinking water before providing long-term replacement
5 water. Fortunately, there are no private drinking water
6 wells impacted with Chromium 6 above the drinking water
7 standard at this time.

8 So this requirement will not be used currently
9 and will be for a future "what if" scenario. With the
10 plume capture requirements in place, the Advisory Team
11 believes it is unlikely that private wells will be
12 affected in the future; so there is a strong chance that
13 these requirements will not ever be implemented.

14 The next issue is the lower aquifer cleanup
15 wells. The lower aquifer is smaller in aerial extent than
16 the overlying upper aquifer. The lower aquifer generally
17 is (inaudible) about the Eastern two-thirds of the
18 Southern plume area and is separated from the upper
19 aquifer by a blue clay layer.

20 The blue clay disappears or pinches out to the
21 west so there's a hydraulic connection between the upper
22 and the lower in that area where it pinches out. This is
23 where Chromium 6 from the upper aquifer was pulled down
24 into the lower aquifer from agricultural well pumping.

25 The Advisory Team suggests the Order to require

1 cleanup that is linked to PG&E's discharge or remediation
2 activities and there is insufficient information to set a
3 cleanup level at this time.

4 The comments that you had received were
5 primarily from the Prosecution Team, which had asserted
6 that sufficient evidence exists to establish a non-detect
7 cleanup level and that the orders should require
8 continuation of ongoing remediation and extraction from
9 certain wells.

10 The contamination in the lower aquifer appears
11 to be localized in a relatively small area, and extraction
12 is ongoing to capture the chromium that has been pulled
13 down from above. While evidence exists to show that
14 Chromium 6 in the lower aquifer is linked to PG&E's
15 discharge, there's insufficient information to establish a
16 cleanup level at this time.

17 It is insufficient because there is little to no
18 water quality data from the transition zone, an area
19 between the upper and the lower. We do not know the full
20 extent of the natural background concentrations in all
21 parts of the lower aquifer and we do not have an
22 evaluation of the remediation effects.

23 Generally, how this is addressed is following
24 the steps specified in State Board Resolution 92-49, which
25 applies to all cleanup and investigation, and that

1 requires the discharger to evaluate the required
2 remediation and the effects the remediation is expected to
3 have. We need this information to ensure that additional
4 contamination from the upper aquifer is not pulled down
5 into the lower aquifer during the remediation. Therefore,
6 we suggest adding the Order the requirement to update the
7 site conceptual model -- actually, we already put that in;
8 it's not a late revision -- and we require to conduct an
9 evaluation of the remediation.

10 The late revision that I have up here on the
11 slide is to add text in the findings stating the need for
12 those requirements, because all orders need to be
13 supported by findings.

14 What the Advisory Team is suggesting is not very
15 different from what the Prosecution Team proposed since it
16 achieves the same end point. The only difference is that
17 our suggested changes follow the State Board policies and
18 procedures for conducting investigation and cleanup.

19 Okay. The next issue.

20 The word "uncertain" was used as a modifier for
21 the northern plumes. The comments received, which were
22 from the community and the Prosecution Team, stated that
23 the term was not defined and the uncertainty was about the
24 background level, not about the presence of chromium.
25 Also, the comments indicated that the word "uncertain" may

1 be inappropriate since the sources disputed, but not the
2 presence of chromium -- since chromium certainly exists in
3 the north. Accordingly, the Advisory Team recommends
4 change the word to "disputed" as in the northern disputed
5 plumes to more accurately portray the situation.

6 We have also added text in the findings for
7 explanation on how the term is defined and how it should
8 be used.

9 Finding 10 on Bates page 6-12 in the proposed
10 Order mentions scientific evidence submitted on March 13,
11 2015, which presents geochemical, geologic, and
12 hydrogeologic hypotheses which dispute the assertion that
13 chrome 6 in the north is linked directly to PG&E's
14 discharge.

15 Resolving this dispute is a goal of the
16 information that is hoped to be gathered from the USGS
17 background study. PG&E submitted that evidence on
18 March 13th as part of the comments on the original draft
19 Order that was put out in January. This document was part
20 of -- or that document was part of the 128-page submittal
21 and is included in the record as a hyperlink to the PDF --
22 to this PDF document on the public website, and it's
23 listed at the bottom of the enclosures listed on the green
24 sheet, the last page of the green sheet. And I have a
25 hard copy, if you need to look at it.

1 The next issue involves the word "interim" as
2 used in interim maximum background levels of
3 concentrations. The Prosecution Team was the only
4 commenter on this issue and was concerned that using the
5 word "interim" is confusing and inappropriate since it
6 would change how the maximum background levels could be
7 applied and enforced.

8 The Advisory Team considered these comments and
9 is recommending to keep the word interim as a modifier as
10 used in interim maximum background levels. Keeping the
11 word "interim" echoes the commitment the community and the
12 Water Board has in completing the USGS background study
13 and using the word also reinforces the Water Board's
14 intent to change the numbers to final background numbers.
15 Because of the comments, the Advisory Team also added text
16 to the Order to better explain how the term "interim" is
17 to be used.

18 I've saved this issue for last because it is
19 important to a lot of people, especially the community.
20 Four years ago, when the Water Board first required the
21 prescriptive mapping requirements, there were hundreds
22 less of monitoring wells than exist today and much less
23 information than we have. The prescriptive mapping was
24 needed at that time to provide consistent expectations for
25 the community since there was not a drinking water

1 standard for Chromium 6 at that time, and PG&E was
2 implementing a whole-house water replacement program
3 within the one-mile buffer surrounding the 3.1 line of the
4 chrome.

5 Since that time, the drinking water has been set
6 at 10 parts per billion Chromium 6. Hundreds more
7 monitoring wells have been installed, and remediation
8 systems have been installed and are currently operating.
9 The mapping requirements need a change to methods that
10 define where the chromium occurs and to show a more
11 accurate representation of the remediation effects.

12 The change in mapping requirements does not
13 change the responsibility for PG&E to capture and
14 remediate; rather, it only requires more detailed and
15 accurate representation of the chromium occurrences and
16 the effects of remediation. Community members,
17 Prosecution Team, and IRP manager submitted extensive
18 comments upon this issue.

19 The concerns raised opine that the prescriptive
20 mapping of connecting monitoring wells located a half a
21 mile apart should continue because this is what the
22 community expects and it will produce maps that can be
23 compared to maps over the last four years.

24 The Prosecution Team asserted that requiring
25 mapping based solely on best professional judgment will be

1 a step backward to a time when the Water Board staff and
2 PG&E professionals disagreed over the mapping. Others
3 said it would cause disagreement and give the perception
4 the plume has disappeared from certain areas.

5 Those are all valid concerns. However, the
6 original proposal for connecting wells with Chromium 6
7 detections above the interim max background level within
8 half mile must change because it shows Chromium 6 in
9 locations where it does not occur above interim background
10 levels and it doesn't allow to show remediation
11 effectiveness.

12 To address the concerns and the need to change
13 the mapping requirements, the proposed requirements are
14 different than the draft that was released on
15 September 1st. That draft had simply required the plume
16 to be mapped using best professional judgment and it went
17 on to define the minimum factors that must be considered
18 in using best professional judgment.

19 However, that draft language failed to specify
20 the performance requirement for mapping. What is needed
21 is the requirement to map the chromium isoconcentration
22 contour lines, and isoconcentration contour line is a line
23 connecting equal concentrations or values of Chromium 6.
24 The requirement to map the isoconcentration contour lines
25 is in effect at federal sites across the nation, and the

1 Water Board has required this mapping method at other
2 sites in the region.

3 At PG&E's Topock compressor site in Needles --
4 it's not in (inaudible) region -- where there was a
5 Chromium 6 release as being overseen by federal and state
6 agencies, the Chromium 6 is being mapped by the
7 isoconcentration contour line method. Just a few miles
8 away perchlorate plumes are being mapped by drawing
9 the isoconcentration contour lines. This mapping method
10 requires that all available data be used to draw the
11 lines.

12 Now, if a technical disagreement arises, we have
13 added a dispute resolution process resolving that dispute.
14 This process was never explicitly stated nor required
15 previously. So here is the map of the perchlorate
16 isoconcentration contour lines of that -- of that
17 contamination just a few miles away. But our focus isn't
18 about that; it's about Hinkley. So let's get back here.

19 So the northern part of the Hinkley area has two
20 zones containing Chromium 6 above the interim maximum
21 background level, which we recommended referring to them
22 as the northern disputed plumes. This aerial map shows
23 the approximate lateral extent of the disputed plumes
24 where the area shaded pale green contains Chromium 6 at or
25 above 3.1 parts per billion. This from the second quarter

1 2015 monitoring results. And you can see the southern
2 plume for reference.

3 The Advisory Team made this map by superimposing
4 the compliance map on an aerial photo and shading the area
5 green that is at or above the interim maximum background
6 level 3.1 for Chrome 6. We added the green shading to
7 illustrate some points, which I will explain on the next
8 few slides.

9 The map on the left is what I just showed you,
10 and the map on the right is PG&E's interpretation of that
11 northern area. No green shaded area is shown on that map
12 because PG&E has stated that the Chrome 6 in the north is
13 likely not from PG&E's discharge, based on scientific
14 evidence.

15 At the September 16th workshop, there was a lot
16 of concern that the September 1 draft mapping requirements
17 could produce an interpreted map, like the one on the
18 right, giving the impression that disputed plumes would
19 disappear. To ensure that wouldn't happen, the Advisory
20 Team added a requirement to map isoconcentration contour
21 lines. Here is what the Advisory Team would expect to see
22 meeting that mapping requirement.

23 The requirement to draw the isoconcentration
24 contour lines is expected to produce maps substantially
25 similar to what has been required in previous maps. For

1 the isoconcentration contour map, the Advisory Team used
2 all the data available and drew the outline in the area
3 containing Chromium 6 above the interim background level.
4 We drew this map to illustrate the point that the
5 isoconcentration maps are expected to be substantially
6 similar to the maps required in the (inaudible). There
7 will be some subtle differences, namely, in the southern
8 plume. So let me zoom into an example to show you that.

9 Here is the compliance map showing the
10 approximate extent of Chromium 6 in the western finger
11 part of the southern plume. The Advisory Team uses second
12 quarter 2015 results and followed the required mapping
13 that was done by connecting monitoring wells located
14 within one-half mile of each other.

15 The problem with this method is that it doesn't
16 show remediation effectiveness, and it shows Chromium 6 in
17 areas that the monitoring indicates there is no Chromium
18 6. I will elaborate this point over the next few slides.

19 I will now compare this map to PG&E's
20 interpretation submitted for those same quarterly results.

21 As you can see, PG&E's interpretation is that
22 the finger is gone because PG&E believes the chromium
23 located in the finger is not related to its discharge and
24 should not be part of the contiguous southern plume.
25 PG&E's interpreted map shows their interpretation of the

1 southern contiguous plume, not the isoconcentration
2 contour lines of all the chromium in the area. The
3 requirement to draw the isoconcentration contour lines
4 addresses the shortcomings of the two different mapping
5 methods shown above.

6 Drawing the isoconcentration contour lines
7 requires that all chromium is mapped, regardless of the
8 source. This mapping method also requires that it
9 accounts for all other scientific information. So for the
10 western finger, the Advisory Team would expect a map
11 looking like the above where the chromium is shown but has
12 recently become detached from the main southern plume.
13 The Advisory Team drew the 3.1 isoconcentration contour
14 lines by using the monitoring well data and the fact that
15 injection wells have input fresh water along that line to
16 reverse the gradient to prevent westward migration of the
17 southern plume.

18 PG&E began injecting fresh water into five of
19 these injection wells in March 2010 and added two more
20 injection wells in March 2014 to form a groundwater mound
21 or barrier to groundwater flow. This detachment reflects
22 the fact that a line of fresh water injection wells has
23 created a freshwater barrier. Therefore, it is not
24 scientifically supported now to connect the detached plume
25 at the west to the main plume to the east.

1 This doesn't change the responsibilities for
2 PG&E. Rather, it acknowledges that remediation is
3 happening and the plume is being cleaned up. As the
4 remediation activities continue, we would expect to see
5 more and more parts of the plume becoming detached and
6 shrinking in extent and concentration over time. The
7 remediation is a positive action that needs to be shown
8 and reflected in the mapping, and mapping the
9 isoconcentration contour lines is the only method that
10 shows that.

11 So that is the majority of my presentation.
12 Now, that brings me to the late revisions, which are on
13 the pink sheets, which you have. There are seven of them;
14 so bear with me. I wasn't going to go over them in
15 excruciating detail, unless you want me to, but I will
16 just highlight a couple things.

17 The first one on Bates page 6-18 -- just give me
18 a second while I get that page. I want to make sure I
19 have that correct text.

20 So -- so in that paragraph on -- in finding
21 34 b) on that page, the words "directly" and
22 "unequivocally" were intended originally to be taken out.
23 Now they made it back in. It's probably my fault. So
24 take those out. We had another comment saying, no, those
25 should be taken out. They are all correct. It should

1 have been taken out. So please delete that.

2 Also, what id not shown on this late revision
3 sheet, in that same paragraph, a little bit higher up,
4 there is -- there's the words "with substantial
5 certainty." It's about -- it's in the third sentence
6 down, and the words "with substantial certainty," we need
7 to take those out because that's not the -- we don't need
8 substantial certainty to link the chrome to require
9 cleanup. We just need it to be linked.

10 Okay. A couple of these -- the second one on
11 this pink sheet was just an error, having an extra zero.
12 I don't know how that got in there, but it did.

13 And then No. 3 is that one that I had mentioned,
14 adding text to the finding.

15 Number 4 is removing the reference to the
16 Division of Drinking Water. And the reason why we removed
17 that evidence is we, unfortunately, could not find that
18 evidence in a written record anywhere, and so it was -- it
19 was best to remove it. It doesn't have any effect on us.

20 Because what we did, later on, is we had it at
21 the bottom of this, added the requirement to "consult with
22 the Division of Drinking Water." So it takes care of
23 that.

24 Then Item 5 is adding some findings about the
25 release of the draft on September 1, 30-day comment

1 period, the September 16 meeting, or workshop that you
2 held to receive input on that. And then the 11 comments
3 that came in on September 30th, and then the date when the
4 proposed Order was released, which was October 16.

5 Number 6 doesn't really say much there. You go
6 to No. 6, on page 6-25. It just says add Roman Numeral
7 "IV.A.1." And what -- what is that?

8 Well, what that is is the requirement under
9 IV.B., which is the requirement to submit work plans for
10 installing wells for all that, meant to include all of the
11 wells that may need to be installed for the northern area
12 and for the southern plume. And in some of those drafts,
13 we had moved some words, and we forgot to put that one
14 back in there requiring that work plan. So putting in
15 that, along with 4.A.2 covers it for any wells that are
16 proposed for the northern area and any wells for the
17 southern area.

18 And then, of course, the last one is adding in
19 the requirement that PG&E consult with the Division of
20 Drinking Water for the long-term replacement water, for
21 the technologies.

22 And that concludes my presentation, except the
23 last thing is that the Advisory Team, based on all that,
24 our recommendation, at least on this, was to stop the
25 Order and all nine attachments as proposed with the late

1 revisions at this time.

2 MS. KAPAHI: Thank you, Doug.

3 Board members, do you have any questions?

4 Okay. Thank you.

5 With that, the next presentation is the IRP
6 manager.

7 MR. WEBSTER: Good evening. My name is Dr. Ian
8 Webster. I am the independent review program manager
9 representing the Hinkley community. I have been
10 participating in the Hinkley project for almost four
11 years. I have stood in front of you many times. I don't
12 think time has been (inaudible) this.

13 We're going to consider adopting an Order that
14 basically consolidates the PG&E (inaudible) the 18-plus
15 (inaudible) into one singular document that becomes a
16 guiding light for the next 20 years, roughly, in this
17 remediation program so that (inaudible) from here tonight
18 is very important task, and my role was basically to stand
19 in front of you and give you a perspective of my own,
20 professionally, but also the input I get from the
21 community in trying to tell a story for you so that you
22 can help make informed decisions, especially on
23 (inaudible) tonight with respect for (inaudible).

24 I think, if I were in your shoes, I would be
25 placing the (inaudible) array of details on a grand level

1 and also a small level with individual words that need to
2 be changed, or recommended to be changed, from strikeouts
3 -- this has been done for perhaps over a year back and
4 forth in various documents. Even though I am close to the
5 project, I still have trouble keeping up with which
6 document was revised where and what strikeouts redlined.
7 So the challenge you have got, I am sure, is enormous and
8 (inaudible) tonight is try and make the right decision.

9 So, again, the next 15 or 20 minutes, I want to
10 give you a perspective that I think matches what the
11 community wants to see embodied in the Order, especially
12 with respect to where is the plume and where has the
13 discharge gone.

14 A large fraction of the -- apart from the
15 remedial technologies that are now in place splitting up
16 the plume, a large, conformed (inaudible) of community's
17 interest in this project is where has the historical -- at
18 least from the late '50s and '60s, where has it gone, and
19 what methodology are in there in the future to determine
20 where it is, appropriately map it, and clean up to the
21 background standard that we said in the future with -- and
22 from the USGS background study.

23 So a lot of my talk tonight, my -- either of 19
24 slides (inaudible), most of my 18 slides are around the
25 mapping of the plume and helping you with your decision.

1 Also, I think, the one note of congratulations I
2 want to say that everybody gives us, this document that
3 has been written takes the 18 other Orders, condenses them
4 into one, sets a road map for the next 20 years, is an
5 incredibly difficult thing to put on paper and write. I
6 imagine 10 years from now people looking at this thing for
7 guidance as to how basically it works (inaudible).

8 So the challenge actually of taking ideas and
9 concepts and putting them into sentences, the (inaudible)
10 of the task should not be overlooked tonight, and
11 congratulate the group working collaboratively on that
12 process.

13 So my goal is perspectives, especially with
14 respect to plume mapping. Straight out of the bag, one of
15 the remarks that was made with respect to replacement
16 water by the Advisory Team was let's -- a key point needs
17 to be reminded, I think, is the Order is considered is
18 that all sample domestic wells right now are below the MCL
19 and PPB.

20 So from a protection of human health
21 perspective, things (inaudible) going well. The plume is
22 north of the (inaudible) .1 plume is not where the
23 exposure points are. And as it was said before, the
24 probability of the replacement water trigger being kicked
25 in, the Order of victims is exceedingly (inaudible).

1 The (inaudible) presentation go (inaudible)
2 might be. Respect to perspective again, I think this
3 is -- (inaudible) this is a good factoid. You need to
4 bear in mind you had your (inaudible).

5 The process did start about a year ago. It has
6 been long, exhaustive, and detailed. I think for someone
7 like myself who spent probably about 30 years working
8 under orders from Water Board, DTSC, USEPA especially Gulf
9 Coast and the California, this process has been unlike any
10 other in terms of transparency, exhaustive, and exchange
11 of ideas. And again, congratulations to everyone here in
12 the room tonight for taking this end point (inaudible).

13 The Water Board has initiated many meetings
14 (inaudible). Also, public -- so many meetings.

15 Public comments have arrived in response to
16 these meetings, and also, the IRP manager, with my staff,
17 we have submitted four large documents codifying what we
18 think of the community's opinion throughout this long
19 process. Again, with respect to such things as plume
20 mapping, replacement water, lower aquifer, and the
21 process, and especially the role of the USGS background
22 study, that (inaudible) of the work will appear in my talk
23 later on, and it's also (inaudible) Dr. Izbicki here.

24 Just, you know, maybe put more icing on the cake
25 here, this has been an exceedingly long process, and this

1 next slide you got in front of you basically bullet
2 (inaudible) some of these points. I will let you read
3 them yourselves. I have it in some of the yellow ones,
4 but I will take it as you understood how difficult and
5 long this process has been and many years. Also, the
6 discussion has been candid, frank, and I think to the
7 point where there's not any hidden nuances in (inaudible)
8 years hidden in the documentation.

9 So some special points I want to raise for your
10 consideration as you deliberate on the Order and what to
11 do here tonight. I am going to focus again on how the
12 Order will probably map Chrome 6 going ahead. And, again,
13 as I said, the community is exceedingly interested in
14 knowing where is the Chrome 6 and can PG&E be held
15 accountable with (inaudible) technologies to basically
16 treat and continue to manage that Chrome 6 release.

17 One of the major components of the Order is
18 monitoring and reporting plan. There's over roughly
19 500-plus monitoring points that exist around the plume,
20 and almost a hundred domestic wells. There's a large
21 number of data points that are collected every quarter.
22 So well in our data gaps and where the plume may exactly
23 exist, the plume is generally well understood in terms of
24 education, at least the numbers above 3.1.

25 What we introduced and what the IRP manager

1 introduced, I think, to the satisfaction of the community
2 was potentially monitoring this target becomes
3 (inaudible). That's to say perhaps a couple wells there's
4 no (inaudible) recorder.

5 There's a decision-making process that follows
6 such as prime concentration trends where the data has been
7 going with respect to sounding of that particular well.
8 So the addition of these two decision trees for the
9 northern part of the plume and the southern part of the
10 plume become an important part of the Order and provide a
11 roadmap for when wells should be sampled, and this is, I
12 think, to the satisfaction of the community and a viable
13 addition to the Order.

14 So the eyeball of the community has been on this
15 process, and I think (inaudible) if I was smart enough to
16 realize that (inaudible) marks.

17 This is an important slide. I'm going to talk
18 about the process by where, as the IRP manager, we talked
19 to the community about plume monitoring and the scope and
20 scale of it. We first started talking about -- a slight
21 delay in my animation. So there is a historical release
22 data that everyone knows, late '50s, early '60s, around
23 the compression station.

24 Today, you see the extremely high concentrations
25 of Chrome 6 remaining in that area. PG&E's work is

1 focused, especially in the IRG technology, to try and
2 treat the Chrome 6 aggressively in that area.

3 PG&E has installed, let's say, 500-plus
4 monitoring points. One of the key things the community
5 now understands is it's not domestic wells or private
6 wells that have been used for monitoring. These are
7 dedicated well monitoring points that basically collect
8 water samples of the appropriate location in the aquifer
9 to get the most accurate targeted Chrome 6 concentration
10 for mapping.

11 So basically, you install roughly 560 of these
12 points, and you end up with an array like this plume --
13 many, many data points, which they don't allow you to
14 contour using this 3.1 number. 3.1 number is an
15 historical number, upper conference limit. There has to
16 be a yardstick for drawing maps, and I know most members
17 of the Board here will recall this 3.1 number came from an
18 older background study. It is subject to revision,
19 obviously, with the new background study by the USGS.

20 But that number allows a shape like this to be
21 drawn on the map. The key thing that I want to stress is
22 that going ahead PG&E -- well, the 3.1 number, I think,
23 needs to be used for contouring and a yardstick. Beyond
24 that, further information is now available to try and
25 shape the plume directly or to draw the right shapes in

1 the map, and that is (inaudible) knowledge that PG&E has
2 collected over the past two or three years, referred to by
3 the previous speaker. And information continues to be
4 collected, especially through the USGS study. So it's
5 like a continuous curve, and it would be, I think,
6 inappropriate to not consider new information that might
7 modify the shape of that purple line as it becomes
8 available.

9 This is all in the spirit of the Order for
10 adaptive management, was a big component. As information
11 becomes available, it has been vetted, it's believed to be
12 appropriate, it should be applied (inaudible) most of you
13 plume shapes.

14 So, again, to reemphasize in that previous
15 figure, both the Water Board and PG&E will have incoming
16 themselves new information, especially from the USGS
17 study. Dr. Izbicki is the caretaker and keeper of that
18 information. There is an ongoing process that has been
19 worked out and will continue to refine where that
20 information from that study will be spat out and become
21 available to the Water Board for further plume
22 decision-making requirements.

23 I seriously hope that the order going ahead
24 continues to have that flavor of the USGS information and
25 be allowed to shape the plume appropriately. And so the

1 information that will come, obviously, is a plume
2 (inaudible) modeling, especially information in the
3 (inaudible) Dr. Izbicki has at his disposal.

4 So the concern, I think, and sometimes a little
5 storm in a teacup here over these different competing
6 orders is when to incorporate new information such that
7 the 3.1 shape can be appropriately modified. You heard
8 the previous speaker show a plume map of the northern
9 part, and then there was a PG&E version with (inaudible)
10 part. The question is, you know, if you start off with a
11 base point of the prevailing 3.1, you would draw lower and
12 upper plume. My recommendation is that you start off with
13 that point of departure, and as the information comes in
14 from the USGS study that we can all buy into, the plume
15 shape will be appropriately modified. I think the Order
16 contains that language right now.

17 There's a lot (inaudible) shoulders going ahead,
18 but this information is vital. The Water Board and the
19 PG&E and future plume shape (inaudible).

20 So what I -- I thought long and hard about the
21 right words here. I think there should be a trend towards
22 the use of professional judgment. That's to say, right
23 now point of departure requires a yardstick, you draw a
24 3.1 shape, and it stops.

25 PG&E has taken it a little bit further by saying

1 but we know, using professional judgment, our belief is
2 that the (inaudible) release is not in these areas, and so
3 they still modify the plume.

4 I think that with new information coming in, the
5 plume shape will change from the very strict 3.1 shape
6 that exists right now. So this -- this kind of
7 information here is important added information in terms
8 of plume shape calculation.

9 So this next slide kind of (inaudible) just
10 made. This one is important kind of (inaudible) here. So
11 basically, you start off with a -- we are in the three
12 point here. You collect data and you apply it, and you
13 get basically the (inaudible) 3.1 plume shape.

14 From that, the community is happy with that
15 process. It's aged, it's flawed, but it works right now.
16 Into this process is basically being plume shaped by the
17 Advisory Team, by the Prosecution Team, and by PG&E vary.

18 The dilemma that I am trying to
19 (inaudible) over where do you take the 3.1 map plume going
20 ahead and what information do you use, and I think it is
21 the use of this USGS information. If you do that, the
22 whole story evolves such as this, and you end up with a
23 USGS data information modified plumb with a starting
24 departure point being 3.1.

25 Now, I just scrolled into the bottom right. The

1 figure very complicated, unbeatable blue shape. That
2 figure, actually, appears in greater detail in your slide
3 there. It is the process that is whereby vetted
4 information will be abstracted from the USGS study and
5 made available to the Water Board for decision making and
6 plume shape right sizing. Good word, right sizing.

7 So summing up, I think the CAO does the
8 join-the-dots approach, I think has worked so far, that
9 requires modification. It creates a (inaudible) in the
10 north plume where the new information that arrives on the
11 scene dictate whether that plume shape will
12 stand over time. In the past, we didn't have a mechanism
13 for basically deriving independent information; we now do.
14 So (inaudible) here.

15 The USGS study, as I mentioned, is pivotal. I
16 think in (inaudible) of right-sizing the plume. And the
17 new -- the latest fashion of the Order, I think we're
18 going to act on tonight doesn't, in my opinion, contain
19 appropriate language to include consideration of the USGS
20 background study information.

21 The words in the bottom left here, I think, will
22 be agreeable to Dr. Izbicki. That's to say that fully
23 vetted new information will be available to the Water
24 Board definitely before 2019. That's only roughly three
25 years from now, but I think through the process of that

1 diagram I showed you earlier, tons of information will
2 become available earlier to allow both the Water Board and
3 PG&E to reach consensus on a right-sized plume.

4 The key factor, I think, is the northern area.
5 It was highlighted in the previous discussion, is it there
6 or not, is it created by PG&E's discharge? I think that
7 Dr. Izbicki's work will be able to allow -- put that issue
8 to rest.

9 I'm not going to go through the diagram, too
10 complicated. In fact, will be a discussion topic even
11 tomorrow afternoon. There's a technical working group
12 here in the background study. A lot of it is focused on
13 when will information become available and when it can be
14 used to basically, again, right size the plume.

15 So with the reminder that no one sampled
16 domestic wells exceed the MCL, my starting slide,
17 protection of human health, the environment, which is the
18 main goal here, no one right now is being exposed to
19 greater than 10 ppb MCL Chrome 6 water. An important
20 factor, all concentrations that are high are within PG&E's
21 own land and within the plume shape.

22 So my conclusions are as follows: I think it's
23 a grand conclusion. The CAO's flexibility allows -- very
24 much allows for change. As technology changes, as data
25 changes, what plans can be written that the Water Board

1 can consider, all embody the subset of the abatement
2 Order. The decision trees that I mentioned way back,
3 probably 15 slides ago, allow monitoring, again, to be
4 right-sized and appropriately done, and the community,
5 again, is satisfied. There was great concern early on
6 that PG&E was removing wells from the system. The
7 decision tree process is basically, I think, I'm satisfied
8 that concerns that wells will be sampled appropriately at
9 the right time.

10 And I recommend, again, this big issue of plume
11 contouring, I would say let the plume contouring gradually
12 evolve from the 3.1 yardstick that has been used right
13 now, and it gradually evolves from the use of modern newer
14 information regarding dry water hydrogeology. Most of it,
15 again, coming into the project through PG&E and USGS.

16 Again, allow, (inaudible) there is a process in
17 place for the background study to release this information
18 to the Water Board -- PG&E to assist in right -- right
19 plume size right size.

20 So, in conclusion, one of the things I do want
21 to end with, there's sometimes not enough thanks given in
22 this project to a lot of hard work, tremendous amount of
23 work, and I just want to acknowledge, I think, the hard
24 work the Board does listening to competing opinions,
25 trying to weigh things. And again, the task you have got

1 in front of you of adopting this Order tonight is a large
2 one and hopefully this help -- my remarks help (inaudible)
3 the picture. Thank you.

4 MS. KAPAHI: Thank you, Ian. You came in under your
5 20 minutes. Very -- very good, though.

6 So first up for comments? PG&E?

7 Prosecution Team? No?

8 MS. KEMPER: Water Board members, my name is Lauri
9 Kemper. I'm the Assistant Executive Officer and Chief of
10 the Prosecution Team. I just want to thank Dr. Webster
11 for sharing that very complicated-looking table
12 called actionable items.

13 And I just want to remind the Board that we
14 submitted a memo from Dr. Izbicki -- Dr. Webster in our
15 September 30th comments to the Board and, hopefully, they
16 are in your packet. That memo describes what Dr. Webster
17 was talking about in greater detail, and it's a really
18 important memo because it was developed at these technical
19 working groups on how the information, as it comes fort
20 from the USGS study, will be brought to the Water Board
21 for its consideration for decisions.

22 And we had requested that that be embodied in
23 the Order. The Advisory Team took some of that language
24 out in the current version that is in front of you. So
25 there are previous versions of the Order that have that

1 information better laid out and clarified. So I just
2 wanted to remind you of that, that information is in your
3 packet in terms of a memo that represents a consensus
4 between the community, project navigator, the CAC, the
5 Water Board, and PG&E.

6 MS. KAPAHI: Thank you.

7 Members of the public have any comments on
8 Dr. Webster's presentation?

9 Seeing none, Board members?

10 UNIDENTIFIED SPEAKER: (Inaudible).

11 MS. KAPAHI: They are at the end. Yes. So this is
12 just on the presentation that was just presented.

13 MR. DYAS: Dr. Webster, I have a question regarding
14 the recommendation you made in mapping the contour line
15 using only 3.1 contour lines.

16 If I understood our Advisory Team recommendation
17 of using isoconcentration contour lines, theoretically, a
18 three-point line could be included in addition to other
19 contour lines, 3.2, 3.4, and (inaudible).

20 Yes? What would be the advantage of using just
21 one concentration instead of many?

22 MR. WEBSTER: None. I recommend that iso plats are,
23 you know, equal concentration lines showing a bulls eye
24 based on available information. That's an integral part
25 of problem-solving target that our remediation approaches,

1 et cetera. I don't want to emphasize totally the
2 three-point solely contouring the 3.1 number. Any
3 chemical engineer, biomechanical engineer, would also take
4 the data and try and find out that the true heart of the
5 animal, you know, where is this Chrome 6 residing,
6 especially since the goal is to remediate the plume.

7 So plume maps, they are created. They do have
8 these bullseye iso plates (inaudible) concentration
9 (inaudible).

10 MR. DYAS: So do you agree with the Advisory Team
11 recommendation?

12 MR. WEBSTER: In terms of having more than one
13 contour plume within the 3.1 number? Absolutely, yes.

14 MR. DYAS: Okay. Thank you, then.

15 MS. KAPAHI: Any other Board member comments?

16 Okay. With that, I call for the PG&E
17 presentation, please.

18 MR. SULLIVAN: Sorry about that. Good evening.
19 Members of the Board, I'm Kevin Sullivan. I'm the
20 Director of Remediation at PG&E. It's a pleasure to
21 address you tonight.

22 I have a very short presentation. Just a couple
23 of slides.

24 MS. GENERA: If you would wait just one second.

25 MR. SULLIVAN: I'm sorry.

1 MS. GENERA: I'm having technical difficulties.
2 (inaudible). Just give me a second. Thank you.

3 MR. SULLIVAN: It's a pleasure to be here tonight.

4 I wanted to just try to summarize our -- PG&E's
5 overall view of the process and just share one or two
6 perspectives on issues that have come up late.

7 Like others this evening, we are feeling, I
8 would say, very good about the process that we have gone
9 through. You have heard some people talk about it. It's
10 a year -- our team looks at it as almost two because we
11 began some of the technical analysis that became the
12 framework for some of the initial drafts back in the
13 spring of 2014, and as we are coming up on two years,
14 also, working with the Prosecution Team, the Advisory Team
15 in preparing some of the materials that were presented at
16 the early workshops over a year ago, again, that started
17 to give us the idea of what the topics might be that were
18 worthy of -- worthy of discussion, worthy of consideration
19 of any Order and for review by the Board and by the
20 public.

21 We spent a lot of time in the late 2014 coming
22 up with the technical basis for the monitoring reporting
23 plan. There was a lot, a lot, a lot of technical work
24 done on that, and I will note that, you know, in this last
25 round of comments that was basically not commented on. So

1 I think that we're solid agreement there.

2 We don't have really any new technical
3 information to present tonight. We gave you a very
4 lengthy comment letter back in March. I believe Doug
5 counted better than I did, 128 pages or something like
6 that. I mean, we feel good that the information has being
7 considered. I won't say that we are happy with all the
8 outcomes, but we felt like at least the information was
9 considered. Where the information wasn't clear, we felt
10 that there had some good dialogue around what did this
11 mean, what did those terms mean, some good discussion on
12 that. We participated in the two workshops. We tried to
13 be responsive where we came with technical information.
14 And then through the summer we worked with the Prosecution
15 Team to develop consensus language on a lot of the topics
16 that were addressed.

17 There has been a tremendous, tremendous amount
18 of work -- work done, and we think -- we think the
19 document shows that. It has a lot of things that, I
20 think, the collective group here should feel proud of. It
21 consolidates a lot of orders that are already out there,
22 which we think improves understanding, improves
23 transparency, lets us see what we are accountable for,
24 lets the community see what we are being held to. I think
25 that's a good thing.

1 We have got stringent cleanup requirements.
2 There are some of the times that we are not very crazy
3 about, frankly, but we think we have also got the right
4 balance of flexibility over time, adaptive management so
5 that as things go in the field, we think we can manage
6 that, and, again, in an open process where we submit, we
7 propose, the Board reviews, the Board decides. That's how
8 it ought to go.

9 We have talked a lot about best professional
10 judgment to assess the site conditions. I think the
11 current language land on something that balances
12 professional judgment as well as the practices of mapping
13 the plume the way that the community is familiar with. We
14 think that the language as written now threads that needle
15 pretty well.

16 Very importantly, we think that the Order does a
17 good job of looking at the science around drinking water
18 and what other agencies have told us in the last few years
19 since earlier Orders were adopted. We think it does a
20 good job of rather than responding to alarm, responding to
21 science, responding to technical facts and coming down
22 with good programs that are protective of the (inaudible)
23 and our response to guidance have been issued by other
24 agencies.

25 Importantly, this CAO, unlike earlier additions,

1 recognize the importance of the value of the USGS
2 background study. I do want to take issue with one thing
3 that was presented in Dr. Webster's presentation. There
4 has been a lot of work towards what I would describe as a
5 very prescriptive "when will the data be available," and I
6 would not -- well, I would not say that that is a
7 consensus language. It's a draft, it's a good working
8 discussion. You saw comments from Dr. Izbicki in this
9 process.

10 I feel very confident, given the process that we
11 have been through in the last -- last year that if and
12 when that data becomes actionable, it will be brought up
13 and discussed in a public forum because most science data
14 is not black and white. And I think Dr. Izbicki made
15 comments to that effect. I mean, hey, he's going to give
16 you his impression as to is this absolutely certain,
17 absolutely uncertain, some shade of gray, and between that
18 I don't want to speculate on what adjectives he might use
19 if and when it's time to use those adjectives.

20 And then we're going to do that in a public
21 forum. People from the public are going to get to tell
22 you their take, people from the Advisory Team and the
23 Prosecution Team and our technical experts will be there,
24 and you will get that information, and you will be able to
25 decide, you know, when that information is actionable.

1 So from our perspective, the intent here was to
2 try to provide space for the science. And that's a
3 commitment that we made a long time ago that we're going
4 to continue to try to live up to. We're not going to be
5 trying to grab random facts that serve one end or
6 another. Should others try to do so, we'll be here to,
7 you know, rebut, and you'll get a chance to decide. But
8 the need for a highly prescriptive "when is the data" we
9 just don't think is really necessary, and we feel
10 confident in the public participation process and the open
11 process that we have had and the dialogue that the last
12 two years has brought out.

13 And then lastly, we think, you know,
14 importantly, we think that the CAOs provide a good
15 framework to keep the community informed about the data
16 that comes available, progress on the cleanup, and so we
17 think that that's an improvement over the current
18 situation.

19 The one figure that I want to show just to kind
20 of frame the discussion, you have seen a lot of discussion
21 about the lower aquifer, and we submitted some technical
22 comments back in September that the Advisory Team, you
23 know, considered. There's been a little more discussion
24 about that, but I offer just one graphical representation
25 of this for you to frame this.

1 The blue outline is what I would say is the
2 fairly well shared and I think the plume map in the south
3 that we have all been looking at, various versions of
4 that, the yellow figures on here are land that PG&E
5 currently owns.

6 The green figure is the current extent of the
7 3.1 in the lower aquifer. And so the high level point
8 that I would like to convey to you is, number one, we take
9 the lower aquifer extremely, extremely seriously. We have
10 a series of actions going back multiple years before we
11 even began pumping. Once we realized what was happening
12 in the lower aquifer, that farmers were pumping and some
13 of the farmers, some of our -- renting our land, were
14 pumping and exacerbating the situation in the lower
15 aquifer, I shared with you in the past graphs showing how
16 we worked to wean them off that, and we built pipelines up
17 from the south to get those farmers alternate water
18 supply. That was done without any Water Board Order.
19 That was done because we realized what was going on, and
20 we could take some steps to fix it.

21 We have been very aggressive in pumping. We are
22 working our way through the challenge. The thing that I
23 would ask you to consider, we think that the current
24 language accurately reflects both the current level of
25 what we understand as well as, importantly, a process to

1 getting us to a scientifically and technically defensible
2 background level, cleanup level, and cleanup plan. We are
3 committed to that, and I want to make sure that there's no
4 ambiguity about the commitment that we have to this.

5 When we look at that green circle entirely
6 contained on our property, not near to any domestic well
7 and within the footprint of the larger plume, we feel like
8 we have got a good grip on what is happening, and we are
9 working hard to treat it and working hard to get a plan
10 that checks all -- dots all the I's, crosses all the T's,
11 gets us a good background number, and accurately depicts
12 the complex geology out there.

13 Should the Board be interested, if this is a
14 good use, you know, we -- our technical experts are here.
15 We are happy to talk through figures we have presented in
16 the past. We don't feel that that is necessary, but we
17 are happy to engage in that discussion. We think that the
18 process that is laid out in the current draft is a good
19 one and will get us where we need to go, and importantly,
20 does not put any public at risk or delay any cleanup that
21 would be happening. So I felt like it was important to
22 say that because I feel like there is a lot of discussion,
23 but we're happy to engage in further discussion tonight.

24 So that's all I have.

25 MS. KAPAHI: Thank you, Kevin.

1 Questions?

2 MR. SULLIVAN: Actually, I just want to share, we did
3 have a letter to submit to you. It had several errata,
4 and your staff picked up all of them. So it rendered this
5 moot. So we had -- we had three errata that were all
6 addressed and things; so we are not submitting any last
7 minute.

8 MS. KAPAHI: Thank you.

9 Comments? IRP manager? No?

10 Prosecution Team?

11 Members of the public?

12 Board members?

13 Thank you. Next, I call for the Prosecution
14 Team's presentation.

15 MS. KEMPER: Good evening, Chair, and members of the
16 Board. My name is Lauri Kemper. I'm the Assistant
17 Executive Officer and Chief of the Prosecution Team, and
18 tonight I want to first -- as all the other speakers
19 before me have thanked the Board and all the individuals
20 that have been involved in this process, it has been -- it
21 has afforded a lot of robust discussion, and I do think
22 that, in many cases, we have got improved findings and,
23 you know, better clarity. I appreciate this opportunity
24 to have one more chance at trying to improve some of that
25 clarity and accuracy.

1 Kevin's description -- so some of the topics
2 we're going to talk -- I want to share tonight are things
3 that represent three key areas that we fundamentally
4 disagree with the Advisory Team on, and then about twelve
5 specific language changes that are just about improving
6 clarity or understanding, and we're coming at it from a
7 constructive approach because we know other people besides
8 us may be implementing this Order.

9 I don't -- I'm not as optimistic as Dr. Webster
10 about this Order being in place for twenty years, but even
11 if it's in place for five, until the background study is
12 finalized, it's important that there is language that
13 anyone who picks it up can understand and know how to
14 implement it. So that's -- that's in the spirit of the
15 written comments that are before you that actually outline
16 the total of nineteen areas with suggested changes for
17 language; so I apologize for the length of the document,
18 but we provided the exact excerpts from the Orders so that
19 it would be easy for you to see the changes we're asking
20 you to consider tonight.

21 Kevin Sullivan talked about the lower aquifer,
22 and much of what he said I do agree with. The Board has
23 the ability to postpone a decision about background
24 concentrations in the lower aquifer and clean-up levels
25 until a future time, but I want the Board to be aware that

1 that means that we may be here a year from now talking
2 about it. And I believe, and our Prosecution Team, and
3 I'm going to show you this tonight, but there's sufficient
4 evidence in the record for you to make that decision
5 tonight, or even in February, and not have to revisit this
6 in a year and potentially save Kevin some time and money
7 by not having to go into as great detail as maybe this
8 Order probably requires. So I'm going to talk about that.
9 That will probably be the longest part of my presentation.

10 Then I will briefly talk about the mapping and
11 request that a new finding that was added in the version
12 before you tonight be deleted as it relates to monitoring
13 well density, just -- it's just a finding that it's not
14 needed and not relevant, and I'm afraid that poses a very
15 dangerous precedent for many of your other Orders that you
16 have on region.

17 So, again, these are our topics. And as part of
18 the clarifications, I'm mostly going to talk a little bit
19 about the dispute resolution process and the background
20 study. So for the lower aquifer, the Advisory Team is
21 recommending that PG&E develop the site conceptual model
22 and a feasibility study assessment to look at feasibility
23 -- has to be the timing for cleanup in the lower aquifer.

24 The Water Board's Prosecution Team believes that
25 there has already been information submitted in the past

1 that lays out a conceptual site model; so we don't believe
2 that's actually needed, and we do support the requirement
3 to do a feasibility assessment. So originally, the
4 Prosecution Team, in its first Order in January, had
5 established an actual date for cleanup to occur, and we
6 are okay with having PG&E take another look at how long it
7 will take to do that. So that's maybe one we want to keep
8 in place.

9 And then -- but we feel that there is enough
10 information in the record about background concentrations
11 in the lower aquifer, and I'm going to share two figures.
12 This one and this one (indicating), and I'm going to
13 go over them in a little bit of detail.

14 So in your packet, these are available both as
15 attachments to the written comments and the slides. This
16 map shows the lower aquifer concentrations in 2011.

17 And just a little bit of chronology. In 2000 --
18 December of 2010, Carmela, at the time, was not married,
19 had a different last name, she came to the Board --
20 talking avoid -- trying to pronounce either one of them --
21 but anyway, Carmela was here in the summer of 2010 and
22 alerted the Board to a number of things that were of
23 concern to her. And one of the things she brought up was
24 that PG&E was beginning to find chromium contamination in
25 the lower aquifer, and that contamination was

1 increasing over time. And she asked the Board to do
2 something about it and do to it -- do so in a very
3 transparent way. After that hearing -- after that
4 meeting -- I think it was an item that she requested to be
5 placed on the agenda -- the Water Board Executive Officer
6 issued an investigative Order, and these are the results
7 of that investigation in 2011.

8 And you can see this -- this little purple dash
9 line is the extents of the blue clay. So in the area to
10 the right of that line is where the aquifer has both an
11 upper aquifer and a lower aquifer separated by the blue
12 clay. And then on this side it's all one aquifer.

13 So as the Advisory Team has mentioned, along
14 this transition zone, there is mixing, you know, because
15 if you move over where the blue clay is, there's obviously
16 the ability for upper aquifer water to kind of diffuse
17 underneath that blue clay because that's where it's all
18 the same on this side. So over here, you have got
19 separation.

20 Okay. So we know that that can occur, but what
21 I want to talk about is what are the concentrations --
22 what we would think of as background, the monitoring wells
23 that are in this location are all non-detect so here is a
24 monitoring well right next to this blue clay. It's
25 non-detect and .34, but it's also close to where this

1 contamination is being seen.

2 And as Kevin mentioned, the farmers pumping
3 wells, in 2011, Riken -- and this is the (inaudible) dairy
4 in this area, and Riken was the operator of the dairy. He
5 had supply wells installed along this road here, and these
6 two green wells would be -- would pump it -- pumping was
7 going on at this time. These wells were screened in both
8 the upper and lower aquifer. So they were pulling and
9 they were pumping at great rates; so they were pulling
10 groundwater in this direction, because the general
11 groundwater flow from the compressor station goes
12 northward. So this action here was forcing lower aquifer
13 water in this direction, which was forcing upper aquifer
14 water to either go through cracks along this transition
15 zone or to come over the lip of this blue clay and
16 contaminate this area.

17 And as you can see, this monitoring well up here
18 is non-detect. Again, in the lower aquifer, basically,
19 downgrading of the contaminated area, but also close to
20 the transition zone. So we have these two wells in 2011,
21 and this one on here, non-detect, this well down here,
22 non-detect, this well, .4. So we -- and there are some
23 more monitoring wells non-detect.

24 So we think that this represents sufficient data
25 to establish that the lower aquifer has non-detect.

1 That's how it was. That's how it is down here by the
2 compressor station and, in fact, we have many wells, even
3 in the upper aquifer, that were non-detect chromium.
4 Remember, the background number that the Board adopted,
5 the 3.1, that's the maximum, and even when the Board
6 established that background concentration, they recognized
7 in the upper aquifer that chromium ranged from non-detect
8 at 3.1, and it was 1.2 was the average.

9 Nowhere during that original background study
10 was 3.1 even measured. It was just statistically derived.
11 So just keep that in mind when thinking about the lower
12 aquifer, because I don't think anybody has ever asserted
13 that there's chromium in the lower aquifer, and even along
14 this transition zone, it doesn't appear by these two
15 monitoring wells that there was ever chromium. You know,
16 that would mean that there was sufficient amount of
17 chromium in the upper aquifer to have an effect on the
18 lower aquifer. We don't have that kind of information in
19 the record.

20 And then four years later, this slide shows --
21 it's interesting because this scale, we're looking a
22 little closer in now. We're actually closer, and the
23 remaining contamination of the lower aquifer is quite
24 small because it's not -- it's even smaller than if we
25 were to overlay these two maps. So the area represents a

1 very small area, and that's because PG&E, as Kevin had
2 mentioned, has been successful at remediating the lower
3 aquifer.

4 And if you see the -- these monitoring wells
5 here, they had previously had chromium in them. They are
6 now non-detect four years later and that's because, as
7 Kevin said, they required that Riken close off these wells
8 that were screened in both the upper and lower aquifer and
9 only install wells that are now just in the upper aquifer
10 only.

11 So they are no longer drawing water in this
12 direction of the lower aquifer, and the ground water
13 gradient has re-established more normally in the lower
14 aquifer to be heading north and not be pulled in this
15 direction. That effort alone helped shrink this plume so
16 it was not being pulled, and then PG&E installed
17 extraction wells in the lower -- in the upper aquifer.
18 This extraction well 29, and I believe there's another
19 one, extraction well 30, where they are pumping from the
20 upper aquifer which is essentially forcing this
21 contamination around the clay and out of the lower
22 aquifer.

23 So this demonstrates -- these red circles are
24 all non-detect. These are monitoring wells that are now
25 all non-detect. This demonstrates it's feasible to clean

1 up the lower aquifer to non-detect. The background number
2 is non-detect. It's non-defect in all these wells, it's
3 non-defect here. The only place it's not non-detect is
4 where the contamination came over from the upper aquifer.

5 So I would assert that you have -- this is the
6 information. We don't -- if PG&E submits a new site
7 conceptual model, we don't expect to learn much -- I
8 didn't learn anything new. I imagine they'll submit the
9 information they submitted in 2011, they'll update it, and
10 then, like I said, we do want to see a more thorough
11 evaluation of how best to clean this up and how long it
12 will take. But we -- we believe today you can say the
13 goal is non-detect for the lower aquifer. That is the
14 background in the lower aquifer. That's not going to
15 change. So we would ask the Board to consider that.

16 Now, and I recognize that your choice is to say
17 we don't want to do that right now. We just want to get
18 out from under it and we'll deal with this a year from
19 now. But I just want you to be aware, these are the facts
20 you have today. And you have the ability to make that
21 decision today, or we can postpone the decision.

22 There has been a lot of talk about plume mapping
23 tonight. And the other thing I want to say before I go on
24 to plume mapping, in the lower aquifers, the wells that we
25 were looking with contamination, the maximum we saw in the

1 lower aquifer was 42 parts per billion. That number in
2 that same well is now 26 parts per billion, but last
3 quarter it was 19. So again, the concentrations aren't
4 that high, and we are seeing progress and it is getting
5 cleaned up. So it is reasonable to assume they can get to
6 non-detect in a fairly short period of time.

7 In terms of plume mapping, the best professional
8 judgment, we appreciate that the Water Board Advisory Team
9 came up with a creative way to not judge the chromium by
10 calling it isoconcentration and that's essentially what
11 they are saying is -- well PG&E is required to map
12 wherever the chrome is, kind of whether it belongs to them
13 or not, and by taking out plume contaminant or
14 contamination plume, especially for the northern area,
15 they don't have to judge that. They just have to map
16 where the chromium is.

17 The problem with words like isoconcentration is
18 that, as Doug said, well, they should only have to map
19 where the chrome is, and that could result in a map that
20 just has circles around 500 monitoring wells, tiny little
21 circles, because we don't really have the information.
22 Unless you have actually sampled the groundwater, how do
23 you know where the 3.1 concentration is, where is the 12
24 or 50 or -- so you could end up with a map. And you have
25 seen some of the maps PG&E has presented on cleanup,

1 because I agree. I think it's great to be able to look at
2 progress of cleanup, and I think Kevin has done a number
3 of presentations before you in the past that has shown
4 cleanup to non-detect. We know there are many places in
5 the plume today that have been cleaned up to non-detect.
6 PG&E has presented that information. They do it in a map
7 with a lot of streaking, which shows those clean areas.
8 And so there are ways to depict that.

9 My concern is that if we open this up now in
10 terms of the quarterly plume mapping, we may see very
11 different maps than we have seen in the past, and they
12 will be very difficult to compare because we, right now,
13 have a set -- a series of four consistent years, 16
14 quarters of mapping under the same type of prescriptive
15 requirements. And we believe that continuing that
16 practice until we have some of the background study
17 results is the best way to move forward in the interim,
18 just so that we don't -- there isn't a lot of confusion.
19 I mean I do think there is still an opportunity for PG&E
20 to share the progress when they have zones of clean --
21 clean water, but it's going to add to confusion. So we
22 are recommending that you continue to continue the
23 existing mapping requirements until such time that you are
24 willing to change those.

25 And as much as I appreciate the notion that we

1 want an adaptive Order and we want to be able to be
2 flexible, one of the concerns we have in not being
3 prescriptive about, you know, actionable items, like what
4 level of data is the Board going to be asked to consider
5 is that anyone at any time can request Patti or you, at
6 the Board, to make changes, and it is a difficult thing to
7 try to balance, you know, not -- to try to be flexible and
8 adaptive and yet not every quarter be discussing it or,
9 you know, people asking for modifications or changes based
10 on some new information.

11 And so as much as Kevin, in terms of will there
12 be a public discussion, is that going to happen here, is
13 that going to happen, you know, hopefully, we can do it at
14 technical working groups) so that if people don't agree
15 with the Water Board staff, then they may be petitioning
16 the Board for changes more frequently.

17 So that was our -- that was the reason why, as
18 Kevin said, there was a lot of time put into that memo
19 that he may not want to follow. I mean, I said it was
20 consensus. Maybe it represented in our staff's mind a ton
21 of time and work to get agreement about what types of
22 information will be used for changes, when to consider
23 changes and not to react or overreact or act on new
24 information as it trickles in, but to wait for these times
25 when basically, to wait for Dr. Izbicki to say there's

1 sufficient evidence, not just one line of evidence, maybe
2 multiple lines of evidence -- to -- to make a change.

3 So those are some of the fears that staff has is
4 that this current Order is written, produced, essentially
5 conflict and things that need to be, you know, disputes
6 that need to be resolved. So that is our intent in trying
7 to maintain the (inaudible). And I think right now the
8 Order, as written, just expresses an intent to have
9 comparable maps from the past, it doesn't require it, and
10 that's whether or not we are really sure how that will
11 work out.

12 And then my last main point is something that
13 was added. And Finding 34b, page 10, in your packet --
14 it's page 6-18, it's a finding describing the northern
15 disputed plumes, and it talks about data from nearly 100
16 monitoring wells. It basically contrasts the northern
17 plume with the southern plume by stating that there's data
18 from nearly a hundred monitoring wells to define the
19 extent of the chromium in the southern areas.

20 Actually, the exhibit, it says for the
21 northern -- this is confusing. It says for the northern
22 disputed plumes data from nearly a hundred monitoring
23 wells (inaudible) finding (inaudible) chromium in excess
24 of background levels.

25 Oh, yes. So there -- okay. So there's a

1 hundred wells in the northern area, but it covers an area
2 five miles long and one mile wide. And then the next
3 sentence is the one that is disturbing for me is that this
4 well density is much less compared to the well density in
5 the southern plume, and it does not give sufficient
6 evidence for the Water Board to link. And now Doug
7 requested that the words "with substantial certainty" be
8 removed which is -- which I like, except I want the whole
9 sentence gone.

10 The well density is much less compared to the
11 well density in the southern plume, and it does not give
12 sufficient evidence for the Water Board to link the chrome
13 to PG&E's historical discharge at this time. That's not
14 the reason -- you know, it's not the number of wells that
15 has anything to do with why PG&E is disputing the northern
16 plume. It's not the density of wells. There's a lot of
17 other factors.

18 They are looking at some of the early data that
19 Dr. Izbicki is sharing. They are looking at geochemistry
20 and geology and flow direction, and I don't even want to
21 conjecture what all they are looking at. But they are
22 not -- it's not the number of wells, and it's not the well
23 density that has anything to do with sufficient evidence.
24 And this sentence is very dangerous because, as we have
25 entered into the record, two cleanup orders, this Board

1 has issued recently in the Hinkley area for diaries where
2 we, the Water Board, have asserted that there is a pile of
3 manure, a lot of dairy cows, next to somebody's domestic
4 supply well, and that well has contamination of the
5 drinking water standard, and they are required to provide
6 replacement water to those individuals.

7 And there is no need to have monitoring wells in
8 the ground and there's no need to have a particular well
9 density to establish sufficient evidence. We do not want
10 this kind of sentence going forward in an Order, because
11 it will be used against all of us. So I urge you to get
12 rid of that before proceeding tonight.

13 And then, finally, we have, as I mentioned,
14 about twelve more suggestions that are in the written
15 comments, and I'm not going to have time to go through
16 them, but I'm happy to answer any questions about them.
17 The one other important one is the dispute resolution
18 process that was added in this version, and I don't think
19 it represents a process. A dispute resolution process
20 requires specific time frames and roles and
21 responsibilities, and there's more details about who does
22 what and that hasn't been provided.

23 And we offered a dispute resolution process that
24 we used for Cal-Fire, who is a sister agency. We will
25 work on collaborative basis to arrive at a final timber

1 harvest plan and that seems like a similar type process
2 that will make sense, only two pages long. It's part of
3 your handouts and that would be something that you'd want
4 to have a process that something like that in this Order,
5 or we recommend that you do not and deleted that
6 paragraph. And that's all I have.

7 MS. KAPAHI: Thank you, Lauri.

8 IRP manager, any comments? No?

9 PG&E?

10 Members of the public? Yes?

11 MR. BANKS: Board members, Daron Banks, Hinkley
12 resident.

13 I just want to iterate that the community agrees
14 100 percent with what Lauri just said. There are issues,
15 you know, that we have, you know, as to even how they want
16 to move forward with the Order, but -- but we agree with
17 what she said tonight. Everybody that I have talked to,
18 that I have addressed, agrees. Thank you.

19 MS. KAPAHI: Thank you.

20 Board members?

21 Okay. That conclude the presentations. I have
22 about five comment cards, which we'll take one at a time.

23 UNIDENTIFIED SPEAKER: Want to do a break?

24 MS. KAPAHI: You know, that would be great. I
25 personally would like a five-minute break. I have been

1 caffeinating and I -- I -- need a five-minute break. So
2 with that, is five minutes sufficient, or do you want to
3 make it ten? Ten-minute break? We will resume at five to
4 the hour. Thank you.

5 (A recess was taken.)

6 MS. KAPAHI: Okay. We are going to resume with
7 public comments. First speaker card I have is
8 Daron Banks.

9 MR. BANKS: Madam Chairperson, Board members, I thank
10 you for allowing me -- my name is Daron Banks. I'm a
11 Hinkley resident.

12 I will just address -- I gave you a copy of the
13 Orders that I'm discussing. So page, 13, 14, 44, people
14 should have the right -- people should have the right to
15 whole house water replacement for showering and other
16 uses. When people -- when people shower, they sometimes
17 ingest the water they are showering. They sometimes
18 ingest the water they are showering in or brush their
19 teeth through the shower. People should have the right to
20 feel secure about not worrying about these issues.

21 When PG&E provided water -- whole house water
22 replacement system, they were -- they were the whole-house
23 system. These systems included water for showering.

24 What is the difference now? Why can't they be
25 required to provide the whole house replacement systems

1 for domestic wells above the MCL?

2 The above statement uses the public health
3 goals, and I'm referring to the Order. Uses the Public
4 Health goal and the requirement for the water replacement
5 is the Chromium 6 MCL set at 10 parts per billion. That
6 is 500 times greater than the public health goal. Please
7 keep the whole house water replacement as-is.

8 My second statement, Bates 359, the language is
9 vague, and this is regarding plume map -- language is
10 vague regarding how the plume should look.

11 PG -- this is a quote: PG&E to map chromium
12 concentration contour lines is expected to produce a map
13 that is substantially similar to the (inaudible) report
14 plume maps that have been created since 2013, unquote.

15 PG&E will not be required to draw the finger in
16 the northwest freshwater injection barrier using the
17 wording as it is now. There are also something that has
18 been disregarded by the Board. There are also three
19 monitoring wells on or east of Dixie above the current
20 background level.

21 Monitoring well 145 D1 on Dixie, monitoring well
22 182 S/D east of Dixie, monitoring well on Dixie,
23 monitoring well dash 115 D is on Dixie.

24 This CAO will take out the eastern wells that
25 PG&E has continued to disregard. At the minimum, the

1 community continues to advocate plume should be drawn
2 using criteria established by the Prosecution Team until
3 results or actionable information from the USGS background
4 study is generated.

5 In the case of any disputes, the CAO gives final
6 judgment to the Executive Officer for plume delineation.
7 This would be a bad decision, giving one person the final
8 say upon how the plume map is drawn, especially in the
9 circumstance the Executive Officer disregards Counsel from
10 her most experienced and qualified staff.

11 The pro-CAO gives PG&E the ability to -- the
12 ability to use their best professional judgment. Why
13 would anyone give the power to a company that did not
14 report that they had contaminated the lower aquifer, a
15 company that did not report the plume escaping and the
16 Board levied a \$2.5 million fine, a company that recently
17 caught doing inappropriate activities and have improper
18 relationships with utility commissioner. Why would the
19 Board allow -- allow the Executive Officer to be so
20 lenient on the discharger?

21 I'm hoping that the Board will not allow this
22 behavior to continue. Even Board member Peter Pumphrey --
23 I'm sorry if I messed up the name -- mentioned in the last
24 Board meeting why don't we have one plume map and include
25 inserts with PG&E's interpretation.

1 Lauri Kemper answered that question by saying
2 that is how the plume is currently shown. At worse, we
3 should have the same requirements to draw the plume maps.

4 The best alternative for the community would be
5 for the Board to require PG&E to produce two plume maps,
6 one with the Board's requirements and another with PG&E's
7 interpretations. The USGS is currently conducting a
8 background study. Actionable information from the
9 background study, which we all agreed on, will be issued
10 by the technical working group and that information may
11 affect how the plume will be contoured in the future.

12 The background study will also provide an
13 independent plume interpretation based upon several lines
14 of evidence. I continue to advocate indicate that we
15 should wait until we get actionable information from the
16 background study to incorporate interpretation of the
17 plume since we might end up with a different professional
18 judgment.

19 If the proposed CAO was adopted, it will set a
20 dangerous precedent for leniency that other entities will
21 certainly use as a leverage to make the Board staff amend
22 their CAOs or ensure they get more lenient CAOs in the
23 future.

24 Finally, the enforcement staff does not agree
25 with the proposed CAO. I would like to formally request

1 e-mails and other documents that provide some insight into
2 the enforcement staff recommended to the Executive
3 Officer. If I cannot get copies of these documents, I
4 formally request the Board to investigate and request this
5 documentation to ensure that the proposed CAO be supported
6 by best practices and most experienced expert (inaudible).
7 The most -- the vote on the CAO should be delayed until we
8 get the facts.

9 I wanted to direct the final comment to the
10 Advisory Team member that made the presentation earlier.
11 It was stated that, you know, there was no collaboration
12 of any of the entities, but that's not true. If you go
13 back to Draft CAO No. 1, it clearly states that they
14 collaborated and met with PG&E several times. It states
15 that in that draft. I read it. Black and white.

16 Members of the community that fully understand
17 what's going on are floored by this draft CAO. I mean,
18 this takes us back four years when essentially PG&E ran
19 the show unadulterated. And that's why we are at this
20 point today.

21 You can't be mean. You can't -- you can't give
22 them slack. We have to continue on our course and yes, we
23 have the background study coming, but it doesn't mean the
24 lifestyles today. We have to be diligent. And that's all
25 I have. Thank you very much.

1 MS. KAPAHI: Thank you, Daron.

2 Next, I have Roger Killian.

3 MR. KILLIAN: Good evening. My name is Roger
4 Killian. I'm a member of the community.

5 The reason I just wanted to address the Board is
6 if we look at this plume mapping that they wanted to do,
7 and it really floors me that we do this, as a manager, and
8 I have been a manager, and as you all know, as managers
9 when you come up and you face some facts that you want to
10 do it based on facts, there's a lot of information that is
11 here, a lot of scientific information.

12 We have got a background study that's going on
13 and that is going to open up a whole new realm of
14 information that is really going to tell us what is going
15 on here, but without that information, how can we -- how
16 can you make a decision on what's going to be done or
17 where the stuff is going to be? I know you have
18 professionals that are going to look at that, and they
19 have got a great professional opinion, and I agree with
20 that.

21 But any good manager will know that you want to
22 base your decisions that you make based on all the
23 information that you can get. If we have only got part of
24 the information, you are not going to make a good decision
25 because you are only using a portion of that information.

1 But until the background study is finished, I think the
2 way the plume map is being drawn on a point-to-point basis
3 should continue until this study is done, and we know
4 whose chromium, where it went, and where exactly it is,
5 you know. We need all that information so that you can
6 make a professional judgment, and without that, you are
7 only getting half the information.

8 You know, PG&E does a good job of bringing the
9 information to you so that you can look at this, but we
10 need to get all the information. If you are doing it on
11 only partial information, you are not going to make a good
12 decision. And I understand everybody wants it, but as a
13 community member, I would like to know where the plume is
14 exactly and whose it is.

15 You know, I keep looking at the slides that are
16 coming up here in the presentations that they are getting
17 ready -- the stuff that's in the north, PG&E says it's not
18 their chrome that is up there. How do we know that? The
19 study is not done yet. We all -- I think from what I have
20 heard, is everybody agrees that the original study that is
21 done is flawed. Now we have a study going on, and right
22 in the middle of that study going on, we don't have the
23 information yet. So how can you make a judgment as to
24 where it is and whose it is until that study is done?

25 When the study is done, there's going to be

1 disagreement on it. It's not going to make everybody
2 happy, just like this CAO is not making everybody happy,
3 but we need to kind of stay the course that the community
4 feels comfortable with. The way that the plume is drawn
5 now, we can connect the dots and we can feel comfortable
6 with that in the community right now. When the study is
7 finished, that may all change, and I'm sure it's going to
8 change and I'm sure these Orders are going to change.

9 This is not a final Order. And I am sure once
10 this study is done and we look at all that information,
11 put everything together, there's going to be a big change.
12 And I think you all understand that, you know. This is
13 not the end of the road. This is just the start of the
14 road, but we need -- we need to look at that and have all
15 the information so we can make a proper judgment.

16 Thank you.

17 MS. KAPAHI: Thank you, sir.

18 Next, I have Elizabeth Hernandez.

19 MS. HERNANDEZ: Hello, Board. My name is Elizabeth
20 Hernandez. You can call me Betty. I am a resident of
21 Hinkley and have been so for 30-something years.

22 When I first heard about this proposed new CAO,
23 excuse me, it was presented to me as a consolidation, and
24 in my dictionary, in law, that was the combining of two
25 (inaudible) in one. That is (inaudible) is anything

1 contributing to an improvement in condition.

2 Meaning, in this case, the original CAO and a
3 newer version, excluding any revisions implemented up to
4 the present.

5 The definition for edit, however, is to prepare
6 for publication by selection, arrangement, and
7 intonation -- sorry about that. To revise and make ready
8 for publication and to govern the policy of the
9 publication, decide what is to be printed, et cetera.

10 The existing CAO is an Order and cannot be
11 edited by a select member of same minds of people and
12 change by that same minded group.

13 The proposed CAO that we are looking at today
14 was edited, not consolidated. The parts that were not
15 complimentary to the group attempting to implement a new
16 CAO were left out in their entirety. Charges -- excuse
17 me. Changes were made by personal elimination, not by
18 evidence and facts, but by simple exclusion. This
19 document is bogus and not within the boundaries of
20 transparency.

21 I am requesting the CAO document, which is
22 attempting to replace the original CAO, be thrown out. If
23 there is hesitancy in taking that action, then I request a
24 six-month stay so better examination can be had. It is a
25 lengthy document and will take at least that amount of

1 time to determine fact from fantasy and fiction in its
2 pages.

3 In the meantime, Dr. Izbicki's study, which was
4 approved by the Water Board, will continue. This study
5 was to be the one factual study upon which PG&E's
6 involvement was to be measured, not like this new document
7 which is based on personal opinions. We were going to
8 wait until the study is finished before any major changes
9 were implemented. This study is costing millions. Why
10 would the Water Board condone a major change now after
11 approving a \$5 million contract before it was finished?

12 Thank you.

13 MS. KAPAHI: Thank you.

14 Next up, I have Barbara Ray.

15 MS. RAY: Good evening. My name is Barbara Ray, and
16 I'm a resident of Hinkley, and I would like to thank you
17 for allowing me to address you this evening.

18 This current draft is not a consolidation as we
19 were initially told it would be. I strongly feel that the
20 CAO needs to be tied to the USGS background study. The
21 study needs to progress as outlined by Dr. Izbicki. As it
22 progresses, then actual items will arise, and until this
23 time, I really feel that the plume contouring should
24 remain the same.

25 I am one of the few in this room tonight who

1 will be going home to Hinkley, and I am going to have to
2 live with this on a day-to-day basis. I will be the one
3 showering, and I will be the one using this water for my
4 daily needs, as are the other members of this community
5 who we still choose to call Hinkley our home.

6 Thank you.

7 MS. KAPAHI: Thank you.

8 And lastly, I have Penny Harper.

9 Any (inaudible) that wishes to speak, if you can
10 please fill out a form. Thank you.

11 MS. HARPER: Good evening. Thanks for driving down
12 here to Barstow. It seems to be a long trip for a lot of
13 you.

14 I'm Penny Harper. I have been a Hinkley
15 resident consistently over the last 20 years and part time
16 since 1974 when I bought property in the Hinkley Valley.
17 And I am also a member of the Citizens Advisory Committee,
18 as were the other three people ahead of me, and they
19 didn't mention that for some reason.

20 Daron Banks started out mentioning the whole
21 house water treatment system, and I just have to say that
22 I really miss having PG&E maintaining it since the MCL was
23 established a year ago. It was really nice. It gave us
24 confidence when we were bathing and drinking in the
25 Hinkley water.

1 I just want to give you an idea of what it's
2 like living in Hinkley. We had this confidence when we
3 had the whole house water treatment systems that, you
4 know, what we are breathing from the swamp coolers and any
5 mist from out, you know, in the garden and just bathing
6 and drinking it, we were confident when the water was
7 being treated we weren't being poisoned.

8 But now that PG&E is no longer maintaining those
9 systems, we have got this uncertainty living with this
10 water, and we also get conflicting information whether the
11 Chromium 6 is absorbed through our skin while we are
12 bathing in it, and if it is absorbed, is it harmful to our
13 health and also, if we are breathing the swamp cooler
14 water or the mist in the shower, is that hurting us or,
15 you know, maybe we are not absorbing it. We live in this,
16 you know, this environment of uncertainty.

17 Getting back to the issue at hand tonight, about
18 the CAO, I believe that the plume should be contoured to
19 include the two areas in the north, especially since I
20 live in the north end of the Hinkley Valley. The Advisory
21 Team calls those northern plume areas being disputed, as
22 does PG&E, but USGS background studies will settle this
23 dispute as they will be conducting tests to determine
24 whether Chromium 6 found in the northern area is naturally
25 occurring Chromium 6 or it's Chromium 6 discharge from the

1 PG&E compressor station. And I do agree with statements
2 made by the Prosecution Team.

3 Thank you.

4 MS. KAPAHI: Are there any other members of the
5 public that wish to speak at this time?

6 MR. BANKS: I apologize. Daron Banks. I just have a
7 quick statement.

8 One thing that isn't addressed is -- I forget to
9 mention is that we need to maintain the 2600 feet, and the
10 Order actions (inaudible) more -- less vague, because when
11 you give PG&E rope, they'll take it.

12 So, I mean, we have incidents where there's a
13 well a couple hundred feet -- monitoring wells a couple
14 hundred feet from that distance so PG&E doesn't have to
15 connect those lines.

16 Lisa tried to address that issue and it was shot
17 down, you know. She gave them the timeline to either put
18 a monitoring well in between to connect the lines or they
19 have to -- they have to accept that and move the plume
20 line.

21 I mean, the number that we have been living
22 with, the number that the Water Board committed is 3.1.
23 We have had to deal with that number. We had to live with
24 it. I believe that it is much lower, and so at least
25 please enforce 3.1.

1 The western area, there's questions about the
2 western area. That's going to be considered a separate
3 scope. The Water Board hasn't addressed that or hasn't at
4 least investigated it. We requested that (inaudible)
5 office be more involved into it because there is -- there
6 is reasonable questions in that western area.

7 And the final thing is I mentioned in the last
8 (inaudible) the original site, that original site has
9 still not been cleaned up; okay? So if we have -- I mean,
10 there could be normal seepage, just with the water flow
11 coming from the dirt.

12 If we have a high water level come through, we
13 could see more Chromium 6 coming out than normal. I mean,
14 you are saying here is the time we want this cleaned up,
15 but we have not addressed the original site. So if you
16 don't clean it up here, it's going to continue to flow
17 north.

18 So that is all. Thank you.

19 MS. KAPAHI: Thank you, Daron.

20 With that, that concludes the presentations and
21 the public comment on Item 6, and I turn it back to you,
22 Chair.

23 CHAIR COX: Thank you very much, Gita.

24 We have had -- I heard a couple of comments from
25 that the public may not be happy with whatever decision is

1 made by the Board and make sure putting that decision off.

2 Kim, could you perhaps explain the process, if
3 anyone is displeased or wishes to dispute the decision?

4 MS. NIEMEYER: Sure. Within 30 days of the Board
5 making a decision, people who are displeased with that
6 decision have the opportunity to submit a petition with
7 the State Water Board. And if you go to the State Water
8 Board's site, which is www.waterboards.ca.gov, there is a
9 link that would provide you the information that you need
10 on how to -- how to submit that petition. And if you have
11 any questions, anyone at the Water Board can help you also
12 in terms of directing you to that -- to that site, the
13 information that you need to provide.

14 It is a requirement if you, you know, wanted to
15 challenge the Order in court that you first go through
16 that process. So if that's something that you are
17 thinking about you need to go through those steps of the
18 petition process first.

19 CHAIR COX: Kim, one of the speakers said they would
20 like copies of emails. Is there a process for that?

21 MS. NIEMEYER: Yeah. I would say to follow up with
22 Daron, perhaps via email and better understand what --
23 what he's looking for. But essentially -- but
24 essentially, that's a public records act request and we --
25 once that request is made, we'll follow up with him and

1 give him those emails that he's looking for as long as
2 they are not privileged or some other reason we can't give
3 them to him, but generally, all of our emails are
4 accessible to the public.

5 CHAIR COX: Right. Thank you for that explanation.

6 We've heard quite a few comments tonight. I
7 would like to ask the Board's Advisory Team if you have
8 any recommended changes based upon the presentations you
9 have seen tonight that you would like to share with the
10 Board.

11 MR. SMITH: Thank you, Board, Chair.

12 There's two things that I want to do. One, I
13 want to mention something that I didn't -- I missed. It
14 was one of those errors where I added an extra zero, and
15 it should have been on this sheet of the late revisions,
16 and it's related to Item 2 on that sheet.

17 That -- that same change it is needed to be
18 made in attachment A of the monitoring and reporting
19 program and that is found on page 6-62 in (inaudible)
20 number three, which is III b. And so make the same
21 change, take out that extra zero; so it should be zero .2,
22 not .02.

23 Then the second thing that I want to do before I
24 go over some things here, I want to mention that the
25 late -- the submittal of that -- you received last night

1 from the Prosecution Team had quite a number of suggested
2 changes, and the Advisory Team has gone through all of
3 those and there are quite a number of great suggestions
4 that we think should be incorporated. So I want to thank
5 the Prosecution Team for pointing those things out.

6 Before I go into those, the Advisory Team did
7 have a question for the Prosecution Team and the parties,
8 actually, on this matter, and it's in the submittal that
9 the Prosecution Team submitted, and it is page -- thank
10 you -- so thank you. So it is page 12, midway in there,
11 there's some strikeouts, underlined, recommended language
12 change in there.

13 And the question that the Advisory Team has is
14 concerning the deleted text, which is the last two
15 sentences of that, and we want to know is if that is
16 acceptable to all the parties because this was -- it would
17 conflict with some of the consensus text that the parties
18 submitted, and having it in there just -- you didn't feel
19 was right, and so if the parties who submitted the
20 consensus text that they all felt that that should go away
21 then it was (inaudible). And we'll find that.

22 CHAIR COX: We want to take a moment and see if the
23 parties agree, or do you want to finish your presentation?

24 MR. SMITH: I can finish my presentation while they
25 take a look at it and see.

1 So all right. So bear with me on this. I'm
2 just going to be two documents that I want to take you
3 through.

4 The most important document, obviously, is the
5 proposed Order in front of you, and so I'm going to be
6 referencing those items. So the first change that we feel
7 is appropriate is found on Bates page 6-10, and make sure
8 we're on the same page here, in Finding 8, and that
9 corresponds to the Prosecution Team's submittal, which
10 they are labeled page 1, but it's actually the third page
11 in there. It has a number one at the bottom. And it's
12 page 8, and those changes were updating some of the
13 information, and the Advisory Team feels that that is
14 appropriate and will recommend to include that.

15 MS. NIEMEYER: You are talking about Finding 8?

16 CHAIR COX: Okay. So you are recommending that we
17 change out Finding 8 in the CAO for what was --

18 MR. SMITH: For the ~~strikeout~~ underlined that is
19 shown here in the Prosecution Team's submittal. So we
20 have a full list, yeah. And I can go over these, yeah.
21 So I can go over them quickly, and then if you have
22 questions on them, as I'm going over, please stop me.
23 Okay?

24 So the next one is on page 6-14, Finding 20.
25 And what it is, and then it's on the Prosecution Team

1 to add in because that is actually what is happening.

2 It's clarifying the situation that the Board -- that the
3 proposed Order is retaining the requirement for minimum
4 well spacing of that. So it is appropriate.

5 So then the next one is on Bates page 6-15, and
6 it is Finding 21. Just that last phrase of that -- that
7 is underlined. And the other -- the Advisory Team
8 believes that the other suggested strikeout and underlined
9 contradicts what some of the -- the Advisory Team's
10 recommendations.

11 In fact, there's -- there's -- the Prosecution
12 Team recommended lots of changes, and I'm presenting the
13 ones that the Advisory Team feels does not conflict with
14 the recommended changes that the Advisory Team
15 (inaudible). Okay.

16 So the next one was Finding 21, and that is
17 found on the Prosecution Team's next page, page 5, and the
18 Advisory Team believes that the sentence and that -- at
19 the bottom is appropriate and clarifies. It adds some
20 important specificity, if the situations do arise where
21 PG&E gains access and the Advisory Team believes it is
22 appropriate to act. Okay.

23 So the next one is on Bates page 6-18 and is
24 Finding 34. First of all, the Advisory Team agrees with
25 the Prosecution Team's assertion that the well spacing has

1 a potential -- the well density -- has -- someone could
2 interpret that as being -- setting a precedent. So to
3 alleviate that, let -- the Advisory Team is recommending
4 on page -- so on Bates page 6-18, it is going to be
5 different -- slightly different than what the Prosecution
6 Team recommended.

7 On Finding 34 a), that second sentence should be
8 deleted, and that sentence is plume is roughly three miles
9 long by two miles wide, giving an average monitoring well
10 density of one well per 10 acres. Just delete that.

11 Then, in the next Finding, 34 b), a similar
12 sentence is -- in sentence two, and sentence two should
13 also be deleted in its entirety.

14 In addition to that, the first part of the third
15 sentence should be deleted, and that sentence reads -- or
16 that part that should be deleted reads: This well density
17 is much less compared to the well density in the southern
18 plume and it does not give sufficient evidence.

19 The part up through "sufficient" should be
20 deleted and replaced with "there is insufficient evidence
21 for the Water Board to make substantial --

22 Excuse me. Yes. We took out "substantial"
23 (inaudible). Thank you.

24 So okay. Another one, still on Finding 34 b),
25 kind of it's a hot item, there is the Prosecution Team

1 recommended some -- some edits, and its edits in the last
2 sentence of 34 b), and that last sentence begins as of
3 third quarter 2014, the monitoring results.

4 And they propose to strike out the last part of
5 that, which we agree with, and replace it with there are
6 six domestic -- six domestic wells in the north having
7 chromium concentrations in excess of the interim maximum
8 background (inaudible).

9 So their proposals on their submittal on page 7,
10 and they are adding the word "interim."

11 We add the word "interim" to that.

12 And then the other sentence on that that the
13 Advisory Team is recommending is the second to the last of
14 theirs, which says "According to PG&E's domestic well
15 owners, have them provide reverse osmosis systems or
16 refuse such systems."

17 And then not include the last sentence because
18 the Advisory Team feels that it's not appropriate to talk
19 about (inaudible) issues for concentrations that are right
20 around 3.1.

21 Okay. Moving on, next one is on Bates page
22 6-21, and that is on Finding 43. The Prosecution Team --
23 that's found on -- Prosecution Team's page 8, and the
24 Advisory Team agrees with all of the recommended changes
25 in that.

1 CHAIR COX: Does this have to do with the third line
2 placement water issue -- there were appropriate changes --

3 MR. SMITH: Okay. The next one is found on Bates
4 page 6-25. And it's found on the Prosecution Team's
5 page 9 near the top. And they recommend to add to clarify
6 that the technical information is to be provided by the
7 USGS, which the Advisory Team agrees with that.

8 So that -- accept that change.

9 The next one is on that same page, the
10 Prosecution Team, just down a little bit, which is
11 actually -- and then which is on Bates page 6-26 -- this
12 is a lot, thank you for bearing with me. Getting down
13 there.

14 So it's border provision IV.e, excuse me -- or
15 V.b. Sorry.

16 Did I get that wrong? No. It is IV.b. Sorry.
17 Yes. It is IV.b. So it is at the top.

18 And what they suggest is at the bottom of IV.b;
19 so before Item C, at the top, add a paragraph. And the
20 Advisory Team recommends to add all of what is there
21 and -- but retain the last sentence that the Prosecution
22 Team is striking out.

23 But retain that. Retaining that -- not deleting
24 that last sentence.

25 Okay. Two more.

1 Bates page 6-26, we are at provision five. I
2 got ahead of myself.

3 Insert the change from V.a, which is on Bates,
4 which is on Prosecution Team page 9 at the very bottom.

5 So the Advisory Team believes that it's
6 appropriate to put -- to insert that statement of Order,
7 5, Roman Numeral V.a.

8 All right. One more.

9 Last one -- before I ask the parties on there,
10 the question they may have, the last one is found on the
11 Prosecution Team page 13, and it's Bates page -- it's
12 Bates page 6-64. There it is. I was looking at the wrong
13 one.

14 So it is in the MPR; it's making that same
15 change. Clarifying that the technical information as
16 provided by the USGS Advisory Team feels that that is
17 appropriate.

18 So now, hopefully, that is given time for the
19 parties to respond to your question.

20 CHAIR COX: So we have a question of consensus?

21 Did you have an opportunity to look at that
22 section and --

23 MR. SULLIVAN: We've been rapidly following along.
24 Could you --

25 CHAIR COX: Oh, I'm sorry.

1 MR. SULLIVAN: -- restate the question. I'm sorry.

2 MR. SMITH: Okay. So it is the Prosecution Team,
3 page 12, and it's midway.

4 MR. SULLIVAN: Yes.

5 MR. SMITH: Down in there.

6 MR. SULLIVAN: Got it.

7 Kevin Sullivan, PG&E.

8 Just to confirm, in the middle of the
9 Prosecution Team's submission, page 12, there is language
10 struck in the quarterly samples of the paragraph dealing
11 with quarterly sampling of all monitoring wells, et
12 cetera. And we agree that that -- that should be struck.

13 MR. SMITH: So the Advisory Team recommends that that
14 language is stricken also. So we agree. That is
15 appropriate.

16 As far as which Bates page it is, I can -- I
17 think we can turn to the MPR.

18 MR. SULLIVAN: 6-58.

19 MR. SMITH: So Bates page 6-58.

20 MR. SULLIVAN: The last paragraph.

21 MR. SMITH: Yeah. There it is.

22 CHAIR COX: So that concludes the recommended changes
23 from the Advisory Team with consensus from the interested
24 parties. So I will bring it back to the Board for
25 questions or comments.

1 I'm going to start with our two engineers.

2 Start with you, Mr. Dyas. Do you have any
3 questions or comments?

4 MR. DYAS: I don't -- I don't have any --

5 MS. GENERA: I'm sorry. Everyone on the dais needs
6 to use their microphone so the court reporter can hear.

7 MR. SANDEL: I have no questions. I'm glad to see
8 that the Advisory Team made the changes that they did. I
9 was concerned about reference to well density myself. I
10 was going to ask that that be eliminated. Since it was, I
11 have no (inaudible).

12 I have one comment, which is that there has been
13 a concern about the mapping, the new mapping, and I think
14 we could resolve that rather easily by continuing with
15 people way and doing the isograph as well delineated with
16 dashed or different colored lines so we can show both on
17 the same page but just show one of the presentation.

18 We expect that it will reveal some conflicts in
19 our understanding but it will still show all the drains on
20 this -- everybody is informed about what they are looking
21 at, and we have an audience. Everything is looking at all
22 these things and how vastly experienced these -- these
23 technical presentations. I don't think anybody will be
24 confused. But (inaudible) takes that off the table it
25 would be (inaudible).

1 CHAIR COX: If I could jump here -- in here on the
2 mapping, I did have a question on that. And I think my
3 question would be who, from the staff, would be ones that
4 will -- if we go with the isoconcentrations, who will be
5 monitoring those maps on the part of the Lahontan staff?

6 MR. SMITH: So if the Board were to adopt this Order,
7 then there is no longer a separation of function for this
8 item. And so then that means that instead of currently
9 the maps coming in solely to the Prosecution Team, they
10 will actually come in to the staff; okay? And the benefit
11 of that is that all of the staff have the ability to weigh
12 in all of their expertise, and believe me, we have a lot
13 of folks with a lot of expertise here; okay. And -- and
14 so that is the benefit.

15 MS. KOUYOUMDJIAN: If I could answer that question,
16 after the, hypothetically, Order is adopted, we are no
17 longer separated. It would go to Mr. Monk, who is lead
18 project manager on the Hinkley site with the assistance of
19 Ann (inaudible) who reports to Lauri Kemper. So they will
20 review the information --

21 CHAIR COX: Another question.

22 The isoconcentration maps seem to be more the
23 standard for this kind of mapping, but it appears the
24 community has a comfort level, familiarity with the way we
25 have been mapping the (inaudible).

1 Is there a way to meld the two so they can see
2 both, because what I would like with the isoconcentration
3 maps is it shows the density of the contamination in the
4 variation of shaded colors. So I think it would actually
5 provide more definition for the community to see oh, over
6 here, it's a five, over here, it's a 50, over here it's,
7 you know, two, based upon the shade.

8 Could we marry those two so the community is
9 comfortable with seeing, you know, familiar mapping
10 techniques for incorporating the code variations with the
11 isoconcentration?

12 MR. SMITH: The Advisory Team struggled with that
13 very question, and what the Advisory Team came up with was
14 the requirement to map the isoconcentration contour lines
15 but also added in, which that has been in the last couple
16 of drafts, very specific factors that must be considered.

17 So it is not just best professional judgment.
18 It is a specified best professional judgment, and all the
19 factors that must be considered when drawing the
20 isoconcentration contour lines.

21 The benefits of the isoconcentration contour
22 lines, as I pointed out in my presentation, is that it
23 depicts accurately what concentrations are out there,
24 regardless of the source. And it is the only method that
25 you can use to show remediation effectiveness on one map.

1 As it is today, the quarterly monitoring reports that are
2 submitted, there are five or six different maps. This is
3 very confusing for everybody; okay? And the mapping by
4 connecting the wells within a half mile of each other is
5 not scientifically supported. It shows chromium in places
6 where the scientific evidence says chromium is not.

7 So the Advisory Team is recommending that that
8 also not a scientifically defensible method to use, and so
9 came up looking at all the different viewpoints, came up
10 with the specified best professional judgment
11 isoconcentration contour lines.

12 CHAIR COX: Thank you for that. With that, we'll
13 move on with Board comments.

14 Mr. Jardine?

15 Dr. Horne?

16 MS. HORNE: I have a number of questions. So get
17 comfortable in your seats.

18 So Ms. Kouyoumdjian, could you describe how the
19 dispute resolution in the proposed Order will work?

20 MS. KOUYOUMDJIAN: Thank you, Dr. Horne. I would be
21 happy to.

22 Most of the technical justifications that we
23 work on come out of reports or documents that are
24 submitted for consideration. So they would come in, they
25 would be loaded into GeoTracker for an access where an IRP

1 manager and Arlene (inaudible) with Lisa Dernbach be
2 looking at that information. They would then communicate
3 back and forth between PG&E and the IRP manager about that
4 information and then come to some agreement.

5 If there is a disagreement or a dispute, they
6 would still try to work out, and if they couldn't,
7 sometimes they will put out a draft document as they have,
8 as we would do for public comment to get input on that.
9 And on some of those, it will come to me for signature
10 after public comment or input. And as appropriate, it
11 would go to the Board for consideration, as you heard many
12 people say when Dr. Izbicki's information comes through
13 that certainly an example would go to the Board for
14 consideration.

15 MS. HORNE: Thank you.

16 Now, I have a few questions relating to the
17 northern disputed plumes. So -- so when, in those areas
18 in the northern -- where the northern disputed plumes are,
19 what must -- so let's see. I guess I'm asking the
20 question to the Advisory Team; is that (inaudible).

21 So can you explain what -- what the Order
22 requires for those areas in the north where the Chromium 6
23 concentrations are above 10 parts per --

24 MR. SMITH: So let me just make sure I have your
25 question. So you want to know what the Order requires,

1 what actions the Order requires for those areas that are
2 at or above 10 parts per billion?

3 MS. HORNE: Those green blots on your presentation.

4 MR. SMITH: The green blots. So on my presentation,
5 the vast majority of the green blots were below 3.1. --
6 were below 10.

7 MS. HORNE: Yes.

8 MR. SMITH: Yes. Below 10. There were a couple of
9 little areas that didn't show up down those green blots,
10 didn't show very well. I think I picked the wrong color.
11 And that -- that would have been darker green. Mapping
12 the 10 or above. And so there -- there are a couple of
13 requirements on Bates page 6-31, in the -- there's the
14 northern disputed plumes, and this is in the cleanup
15 requirements, PG&E shall cleanup and abate hot spots in
16 the northern disputed plumes area.

17 And then it defines what those hot spots are,
18 which that refers to those areas, which are not very
19 large.

20 MS. HORNE: So when there are hot spots that are
21 above 10 parts per billion, then PG&E is required to clean
22 them up; is that correct?

23 MR. SMITH: Yes.

24 MS. HORNE: So now, it also says in here that when it
25 is found -- so when the chromium -- so if the chromium 6

1 is found in a well a half mile upgradient from a domestic
2 well, if PG&E did not treat the hot spot -- and how long
3 would it take that Chromium 6 to affect the domestic well?

4 MR. SMITH: So half a mile is a little more than
5 2600 feet. Groundwater flow velocity in that northern
6 area is conservatively estimated at roughly two feet a
7 day.

8 MS. HORNE: So that's the fastest (inaudible).

9 MR. SMITH: Two feet a year. Sorry. Two feet a day.
10 A day. So then it would take three and a half years,
11 roughly.

12 MS. HORNE: It would take about three and a half
13 years to move that half mile?

14 MR. SMITH: Yes. But -- but roughly, but to move for
15 chromium above a certain level, for it to move, you
16 typically you to have a source, continued source,
17 continued pressures on it to move. There's no dispersion.
18 So it likely would take a lot longer.

19 MS. HORNE: So given that if it's above 10 parts per
20 billion, PG&E has to clean up that hot spot. It's how --
21 is there enough safety margin in there -- is it -- is it
22 probable that PG&E would be able to clean up the hot spot
23 and protect that domestic well within that 3.6 years that
24 it would take?

25 MR. SMITH: According to the requirements that have

1 been in the proposed Order, it is highly likely that that
2 would be clean up before the three and a half years.

3 MS. HORNE: Are there enough monitoring wells
4 upgradient of every domestic well in the northern area so
5 that any risk to a domestic well would be identified?

6 MR. SMITH: There is one area in the north that the
7 Order has identified, and it's on the northern -- on
8 the -- it's in the northern area, not in the -- in the
9 lower northern area, but in the upper northern area on the
10 western side. There is a domestic well where there is
11 insufficient resolution at the Order, already pointed
12 out -- and give me a minute. I can tell you exactly where
13 that requirement is in here.

14 That requires additional information. It's on
15 Bates page 6-25. It is Order Roman Numeral 4-A2.

16 MS. HORNE: So how is that going to be fixed, the
17 lack of sufficient resolution in that area?

18 MR. SMITH: So then further down on the page, on the
19 page 6-25, there's item B. So it's 4-B, and then it lists
20 the actions that are requiring PG&E to submit a work plan
21 for that area.

22 MS. HORNE: Thank you. That helps.

23 So in one of the comment letters we received, it
24 was asked -- the question of the need for a half mile
25 buffer around the PG&E plume was raised. So why don't we

1 require a half mile buffer around the PG&E --

2 MS. NIEMEYER: Well, I think, in part, there was no
3 purpose for the buffer, but there are sufficient
4 monitoring wells. In the past, the buffer, when there
5 wasn't sufficient monitoring wells, provided information
6 and also was used in part to look at who was getting
7 buyout for their houses and replacement water, but it
8 doesn't have that same purpose now. It's not providing
9 protection for -- for the public, for the drinking water.
10 And it's not being used to monitor its replacement water.
11 So it doesn't have any purpose.

12 MS. HORNE: Thank you.

13 A number of -- I will just make a comment and
14 then I have a few more questions.

15 But a number of Hinkley residents have asked
16 that we continue to provide full house replacement water.
17 And I went and read the -- under page -- it is very well
18 documented that we had -- there's a link on our website,
19 and they did a very thorough study.

20 And I mean, I know in -- back in 1987, when this
21 plume was first discovered, the concern was about
22 breathing in the -- breathing in the spray irrigation from
23 agriculture, but the study that was just done within the
24 last two or three years, or whenever the public health
25 goal came out, reviewed all the recent data and they -- it

1 convinced me that really the main risk is through
2 ingestion and that they said when people take showers they
3 don't ingest enough water for it to be a risk, and swamp
4 coolers, they also dismissed that as being, they said that
5 wasn't an issue either. So I hope everybody -- I hope
6 other people take advantage of the information that is on
7 the public website because it's very informative, and I
8 think it might allay some concerns.

9 More questions about the plume map, of course.
10 So in this Order, we are asking the isoconcentration lines
11 to be drawn at be drawn at 3.1 parts per billion; is that
12 correct? I mean, some of the people and the public have
13 said we're not doing 3.1, but my understanding was we are
14 doing 3.1; isn't that right?

15 MR. SMITH: Yes. The requirement would be to map 3.1
16 for Chromium 6, 3.2 for total chromium, and then there is
17 other ones the concentrations increase and that the --

18 MS. HORNE: So why would it be arbitrary and
19 capricious to require PG&E to draw the plume map by
20 connecting the wellheads?

21 It's probably a question for Kim.

22 MS. NIEMEYER: When something is considered arbitrary
23 and capricious, that there's no basis for it, in fact, or
24 law, and we don't have any -- the number 2600 connecting
25 those wells that are above or within that distance,

1 there's nothing magic about that number. It could have
2 been another number. There's nothing about that number
3 that is protective of public health. So it's -- it's a
4 number that was basically arbitrarily picked without
5 having any sort of real basis in science or law, or even
6 looking at what other agencies do or looking at the
7 industry standard. So that's why we -- we consider it
8 arbitrary and capricious.

9 MS. HORNE: So why is arbi- -- so why is having an
10 Order that might be considered arbitrary and capricious
11 not in the best interest of the Hinkley community?

12 MS. NIEMEYER: Well, I guess a couple reasons. One
13 is that it makes the Order susceptible to legal challenge,
14 and I think at this point having an Order that is able to
15 move forward and get a lot of the cleanup done is in
16 everybody's best interest. But I think it is also perhaps
17 not in the best interest of the community because it's not
18 really showing all of the things that I think Doug
19 emphasized, such as how the radiation is doing. It's, I
20 think, giving a false sense of insecurity I when it shows
21 that there is chromium in areas that potentially or likely
22 there is not.

23 MS. HORNE: And, once again, I don't know if this
24 might be for either Doug or Rich, how are they drawing the
25 plumes at Topock, the PG&E Chromium 6 plume at Topock

1 that's being managed? The cleanup is being managed by
2 EPA; correct?

3 MR. BOOTH: PG&E is the (inaudible) agency for
4 cleanup. Topock, is my understanding, through a brief
5 injection on Topock (inaudible) the maps that they had on
6 their website indicated that they are mapping 32 part
7 billion isoconcentration (inaudible).

8 There was not -- that's all that was called.
9 The isoconcentration line (inaudible). Understand more
10 the (inaudible) as to resource, but as far as mapping
11 showing where the Chromium 6 was, it was -- the map was
12 isoconcentration.

13 Since it's mapped at 32 parts per billion, one
14 may argue that is a definitive plume and has, you know, a
15 source, but again, as a map, contouring, that's all they
16 called it, isoconcentration.

17 MS. HORNE: And that technique of drawing plumes
18 according to isoconcentration lines isn't really standard
19 method of drawing plumes?

20 MR. BOOTH: It is a standard method of drawing
21 plumes, and it is particularly standard when you are
22 dealing with landfills and waste line releases under our
23 land disposal program, because releases from landfill tend
24 to be naturally occurring compounds, just like Chrome 6
25 is. So there is a very strong precedent for mapping

1 isoconcentration lines from the other suspected release
2 from landfill, something like PDS or chloride, something
3 that is naturally occurring. So that's quite a bit
4 (inaudible) for that.

5 MS. HORNE: Believe it or not, I think we got through
6 all my questions.

7 CHAIR COX: Last but not least, we'll go to
8 Mr. Pumphrey.

9 MR. PUMPHREY: I hope it will be -- I'm not sure that
10 I understand the answer to Chairman Cox's question, and
11 was it the question asked by Mr. Sandel?

12 I think that the Chairperson asked could you
13 create a map that showed both of the recommended
14 methodologies. The question wasn't which one do you think
15 is better. We know the answer to that already.

16 The question is could you do it, and that is
17 sort of my question as well. How burdensome would it be,
18 and let me back up.

19 And, say, one of the reasons I'm asking this
20 question is that I was very impressed by the presentation
21 from the IRP because it made an incredible amount of sense
22 to me on a variety of levels. And one of the things that
23 made sense to me was that it seemed to it add, not
24 adequately, more than adequately capture the notion that
25 this is a process, not a check off of a box on your bucket

1 list and walk away from an action.

2 And so he talks, in one of his slides, about
3 trending from one way of depicting things or making
4 decisions to another based on the results of looking at
5 the second way. So, in my mind, that tells me maybe you
6 could start by creating a map that showed both the method
7 that is being used now and the method used in the
8 concentration contours so that people could get used to
9 the idea of looking at the map that is based on a
10 concentration and contours, see whether or not that in
11 fact as predicted shows the same kind of information it
12 has is coming toward now and make a transition.

13 I think a lot of the things that we could have
14 talked about and have talked about in watching some more
15 of this kind of collaborative, you have a good idea, let's
16 see if we can incorporate it process, has been let's see,
17 let's start this, let's see how it tracks, let's see if it
18 does what we are hoping that it does, and it fills our
19 needs, and I'm just wondering if we can't look at this
20 mapping in that fashion.

21 MR. SMITH: So thank you, Mr. Pumphrey, and I think I
22 didn't answer the previous questions because I obviously
23 misunderstood them.

24 So -- so now after you restated it, and I talked
25 to my fellow technical advisor, I think that both maps

1 could be done, and they could either be done on one map or
2 you could have two maps, can have a compliance map of the
3 isoconcentration contour lines as proposed and could
4 show -- could also require the other map to show how it's
5 been in the past, exactly how -- how you stated that,
6 and -- and then that could show the differences in those
7 mapping methods.

8 MR. PUMPHREY: If any.

9 MR. SMITH: If any. Well, there will be some. As I
10 pointed out, there will be some small differences.

11 CHAIR COX: I would, for one, would certainly
12 appreciate that. The community has aimed a level of
13 comfort from looking at these -- these maps over time, but
14 I also think we should gravitate to the scientific norm of
15 the isoconcentration. So if we could write into the Order
16 that both types of maps will be produced in the future,
17 whether they are two separate or an overlay of each, but
18 just so the community can continue to see what they have
19 seen for years, but yet, we can insert that, you know,
20 degree of scientific standard into the mapping as well.

21 MS. HORNE: Could I modify that to suggest that we
22 propose the two-mapping methods be done for four quarters
23 and then we revisit and work Orders let people in the
24 community look at how the maps are different, and I
25 just -- or eight quarters. I don't know. I mean, some --

1 some limit to not have two maps, two ways, methods of
2 reducing the map go on for 20 years.

3 MS. NIEMEYER: I would personally like to hear from
4 PG&E, their input on that, because, as I said, I do think
5 that this is an arbitrary and capricious requirement that
6 I think does make us legally susceptible. So as PG&E is
7 willing to buy in, that would make at least me more
8 comfortable in terms of that recommendation.

9 CHAIR COX: Let me turn it over to PG&E and see if
10 you have agreement on that point.

11 MR. SULLIVAN: Kevin Sullivan, PG&E.

12 Could I ask that Doug's pictures of the map
13 depictions be shown, because I feel, in some ways, we are
14 talking past the point.

15 During Mr. Smith's presentation, I thought he
16 was very clear and I personally, based on my knowledge of
17 the data, was agreeing, but the way he phrased this was
18 under the old requirements, which I believe he (inaudible)
19 plume and the like, you get PG&E's interpretation on the
20 right.

21 The new requirement as proposed by the Advisory
22 Team talks about an isoconcentration contour; okay? That,
23 I would suggest, is neutral as to source. It is simply a
24 depiction I believe that is the intent. I believe his
25 words were the Advisory Team's expectation would be to get

1 something like what showed up in the middle box there, and
2 I agree that if that Order is issued as the Advisory Team
3 wrote it that it would not be arbitrary and capricious and
4 that we would produce a map that looked a lot like that
5 one in the center.

6 So to the extent we are talking past each other
7 that PG&E is not going to show stuff in the north, I would
8 like to put that to bed, because I agree with Mr. Smith's
9 interpretation that the wording, as written, an
10 isoconcentration contour of 3.1 would generate something
11 that looks a lot like that in the middle.

12 If you go to the next slide, or I could go to
13 the next slide, in, you know, full disclosure, we may have
14 a discussion about this, and I frankly think that would be
15 a healthy one, you know, around this situation, where the
16 current rules for (inaudible) depiction like this that I
17 think very reasonable people could say probably looks
18 something more like that, and I, for one, would not be --
19 I would welcome those kind of discussions under what does
20 the isoconcentration contour data say. It is neutral as
21 to source. That is an important thing until we get Dr.
22 Izbicki's work, but I bet it would still depict that, and
23 I think give a lot of comfort to folks that you can still
24 see what is out there. You can still see what is above
25 3.1 and what is below 3.1. I think that's the distinction

1 that perhaps is getting lost.

2 So, again, I will use Mr. Smith's words. The
3 Advisory Team's expectation would be that those words
4 would yield a map like that and I, again, based on what my
5 knowledge is, I would agree. We would produce something
6 like that. And we may have a discussion, and I would
7 think that would be legitimate as to the effect of the
8 purple triangles or whatnot, but -- but it's not going to
9 be something that is a la PG&E's interpretation. It is
10 slightly different, but I think a very important question
11 that gets the data out there, gets the information out
12 there, and avoids that allocation of what it is or wasn't,
13 as Dr. Izbicki said. So I it's scientifically --

14 CHAIR COX: If I could, what I believe we are asking
15 you to do is do the isoconcentrations, but also continue
16 with a separate map that gives the community something
17 that they are used to looking at while we show them both
18 maps for the four quarters that Dr. Horne recommended, and
19 that would be the one in the upper left-hand corner as
20 well as the map in the center (inaudible).

21 Would PG&E agree to continue with those mapping
22 because it is the one in the upper left-hand corner that
23 counsel is describing is capricious and arbitrary. And
24 that's where we are looking for agreement with you on.

25 MR. SULLIVAN: And I -- and I -- I guess I would have

1 to agree with your Advisory Team that I think that drives
2 a decision that is not scientifically defensible. Again,
3 if -- and I think that is the issue that we are trying to
4 cut through.

5 CHAIR COX: We are asking for your indulgence for
6 fourth quarters to continue the mapping the way it has
7 been done. Are you in agreement with doing that?

8 MR. SULLIVAN: If that is what the Order says, I will
9 try to comply.

10 MS. NIEMEYER: And just to clarify what slides we are
11 referring to, these are from the Advisory Team's slides.
12 This is slide No. 14? (Inaudible) what number slide --

13 MR. SMITH: No, that is not. That is slide No. 17.

14 MS. NIEMEYER: Seventeen. You know, we do have the
15 opportunity also, if -- what the Board would like to do,
16 is to require the previous mapping. We may get a
17 challenge. If it's for four quarters, it's likely that
18 that petition could be put into abeyance, and if there was
19 an issue, then it could be taken out of abeyance. So
20 there, you know, there are ways to work with the petition
21 process. I would assume that we would get a petition, but
22 it could be that it would be PG&E would put that into
23 abeyance as we saw how this worked out.

24 I don't know if they are willing to agree to
25 that or not, and I wouldn't put them on the spot to do

1 that now, but just so, you know, that is something that
2 has happened in the past, and four quarters also is a
3 pretty short time period and it may not come up before
4 that.

5 Yes, Dr. Horne.

6 MS. HORNE: I -- I think I want to withdraw my
7 proposal to (inaudible).

8 UNIDENTIFIED SPEAKER: Somebody need needs to turn
9 off their microphone.

10 MS. HORNE: I am satisfied with these maps that, if
11 we draw -- if we require PG&E to draw maps according to
12 the isoconcentration lines, they are going to look
13 substantially similar to the maps we have been seeing --
14 we have grown accustomed to seeing. And I am concerned
15 that if we also require them to produce maps that are not
16 supported by the science and are not supported by the law
17 that we are exposing ourselves to litigation or
18 (inaudible) and that only slows the process down, and I
19 would prefer that we go forward.

20 CHAIR COX: We have had some great discussion
21 tonight. If we are at a point where a motion is in Order
22 (inaudible).

23 MR. SANDEL: I move to (inaudible) recommendation
24 (inaudible).

25 UNIDENTIFIED SPEAKER: I'm sorry.

1 MR. SANDEL: I will move the staff recommendation
2 (inaudible) myriad of changes.

3 UNIDENTIFIED SPEAKER: I would second that motion.

4 CHAIR COX: But just to clarify, those late changes
5 were --

6 UNIDENTIFIED SPEAKER: No, no. Don't.

7 MS. NIEMEYER: I'm not going to go through all the
8 details, but it's this pink sheet which included deletion
9 of with substantial certainty, and then we also had the
10 changes that Doug went through, and there were it 12 of
11 them.

12 MR. SMITH: Yes.

13 CHAIR COX: With that, I will turn it over to the
14 Board further.

15 MS. GENERA: I'm going to do a full role. I'm sorry.
16 Keith Dyas.

17 MR. DYAS: Yes.

18 MS. GENERA: Dr. Amy Horne?

19 MS. HORNE: Yes.

20 MS. GENERA: Dr. -- Don Jardine?

21 MR. JARDINE: Yes.

22 MS. GENERA: Peter Pumphrey?

23 MR. PUMPHREY: Yes.

24 MS. GENERA: Eric Sandel?

25 MR. SANDEL: Yes.

1 MS. GENERA: Kimberly Cox?

2 CHAIR COX: Yes.

3 MS. GENERA: It's unanimous.

4 CHAIR COX: Dr. Horne, I believe you wanted to make
5 some wrap-up comments on this item.

6 DR. HORNE: If you all will indulge me a few minutes
7 more. A lot of you don't know this about me, but a few
8 years ago I wrote a book about economic development in
9 world communities, and I covered a lot of the usual
10 subjects, jobs, healthcare, housing and education. The
11 purpose about thinking about all these factors was to
12 develop a framework for healthy world communities. And
13 when I came to the end of writing this book, I came to the
14 conclusion that the very most important thing about
15 communities to be healthy in the long run was the people
16 in those communities. A community is not a collection of
17 buildings, it is not a bunch of jobs. A community is a
18 place where adults volunteer to coach softball teams, a
19 community is a place where people bring food to those who
20 are housebound. A community is a place where people get
21 together as a group and face and solve their challenges
22 together.

23 But when I was writing this book, I was thinking
24 about how a community would heal from something like a
25 major employer going bankrupt or a general economic

1 recession. If you were to analogize it to a human body,
2 it was how would a person recover from a broken leg. I
3 never thought about a community like Hinkley which has --
4 which just, for the record, one month from this coming
5 Saturday on December 7th, it will be 28 years since
6 Lahontan became aware that PG&E had polluted the
7 groundwater with Chromium 6 -- 28 years.

8 That is hard to get my brain around. And
9 it's -- so this is -- this is the kind of stress, this is
10 not like a broken leg, this is more like cancer. So for
11 those of you in the Hinkley community who stay here, you
12 show remarkable courage and fortitude.

13 So the best I can figure, before the Chromium 6
14 pollution was discovered, Hinkley numbered about 8,000
15 souls. The town had an elementary school, of which it was
16 justifiably proud. It had a store, a post office, and a
17 gas station. Today, Hinkley has only about a thousand
18 people, one-eighth -- it's one-eighth the size it was 28
19 years ago. The school has closed, it has no store and no
20 gas station. Hundreds of homes have been wiped off the
21 face of the earth.

22 Where families once lived it, now PG&E owns land
23 and PG&E also owns a lot of water rights. I am sure there
24 are many other changes, significant changes, that I'm not
25 aware of. A lot has happened in the intervening 28 years.

1 Many people bear many scars.

2 The movie had -- it was both a plus and a minus.
3 On the one hand, it focused attention and resources on the
4 problem. But it also had a downside because it caused a
5 kind of hysteria about Chromium 6, and it also,
6 unfortunately, portrayed PG&E as the epitome of corporate
7 evil. And that has made it hard for people to assess
8 PG&E's behavior rationally.

9 In addition, over 28 years, the plume has
10 spread. We learned the original background report was
11 flawed. The people of Hinkley have suffered all kinds of
12 hardships, health, financial, and loss of their community.
13 But we have also made a lot of progress.

14 The most important thing today, as Dr. Webster
15 pointed out several times, is that no one in Hinkley today
16 is drinking water with chromium concentrations above the
17 maximum contaminant level. A lot of people have worked
18 very hard to find a solution.

19 The environmental impact report was a
20 significant body of work. The independent technical
21 review of that EIR agreed with the general cleanup
22 technologies that PG&E proposed to use and suggested
23 refinements that improved the clean-up strategy.

24 PG&E -- PG&E has spent a lot of money in Hinkley
25 on clean-up activities, on studies, on lawsuits and a

1 \$3.6 million penalty. I have no idea how much money PG&E
2 has spent here.

3 California has adopted a maximum contaminant
4 level for Chromium 6, which gave Lahontan more power to
5 protect the drinking water here. We had appearing on our
6 scene Dr. Ian Webster and the rest of his project
7 navigator staff, who have done a great deal to help
8 Hinkley residents understand all the technical
9 gobbledegook, and Dr. Izbicki is also a wealth of addition
10 to the scene, conducting a study that will help resolve
11 disputes over where Chromium 6 in the water came from and
12 what may not be the result of PG&E's activities.

13 The staff began working on this cleanup and
14 abatement Order over a year ago. We have held several
15 workshops. The Board has received hundreds of pages of
16 comments and listened to hours of debate on many issues.
17 We have thought deeply about all that we have read and
18 heard, and I believe we have tried to devise a cleanup and
19 abatement Order that is in the best interest of the
20 community.

21 By adopting this cleanup and abatement Order, we
22 are at a significant turning point. For the first time in
23 28 years, a comprehensive cleanup Order is in place, and
24 now PG&E is responsible to do the work and now Lahontan is
25 responsible for ensuring PG&E does the work.

1 What we know about the plume will change as it
2 gets cleaned up, as technology improves, and as we learn
3 more from studies such as Dr. Izbicki's.

4 Today, my hope is that we start to write a new
5 story for Hinkley. Up to this point, we have all had our
6 particular roles to play. But now, the success of this
7 Order depends on whether we all pull together to help
8 Hinkley heal. This calls for each one of us, each one of
9 us to think about what we can do to promote that healing.
10 It might involve examining assumptions about what you
11 think is true. It might involve being willing to let go
12 of old baggage. It might involve giving other people the
13 benefit of the doubt, and it might involve being careful
14 about what we say about each other.

15 In my opinion, PG&E owes Hinkley more than
16 (inaudible) chromium. It also needs to help the people of
17 Hinkley rebuild their community. Of course, Lahontan has
18 no authority to tell PG&E what to do other than to clean
19 up the pollution. But in my opinion, PG&E must consider
20 more than its shareholders and the corporate bottom line
21 when it decides what to do with all the land and the water
22 rights it acquired here. It must consider the welfare of
23 Hinkley residents too.

24 But one of the things the rest of us can do is
25 allow PG&E to take off the black hat. Hinkley will not be

1 healed until PG&E is once again viewed as a positive
2 member of the community, a good neighbor, and a good
3 source of jobs. This will take time, of course, to
4 rebuilds the trust in PG&E. But that is something to work
5 toward to. The choice PG&E makes over the next few years
6 will affect how quickly that goal is reached.

7 In law school, you learn about theories of
8 justice. The purpose of -- I can never say this word --
9 retributive justice is to punish the offender. That is
10 putting people in jail. That is what retributive is.

11 The purpose of procedural justice is to treat
12 affected parties fairly. The purpose of distributive
13 justice to allocate resources fairly, and the purpose of
14 restorative justice is to repair relationships and undo
15 the harm.

16 When I look at the history of Hinkley over the
17 last 28 years, I can easily point to examples of
18 retributive, procedural, and distributive justice. Maybe
19 not going exactly the way we want, but I can point to
20 examples of those things.

21 I have a harder time seeing examples of
22 restorative justice, and going forward my hope is that we
23 can all focus more on restorative justice. How do we heal
24 the harm that has been done here? How do we mend the
25 frayed relationships and rebuild trust? Now is the time

1 to let the healing work begin.

2 CHAIR COX: Thank you for sharing those thoughts.

3 Are there any members of the Board that have
4 anything else you want to add?

5 With that, we are on Item 7, public forum.

6 Sue, do we have any public speaker cards?

7 MS. GENERA: No.

8 CHAIR COX: Okay. With that, we will adjourn until
9 tomorrow morning in these chambers at 8:30.

10 (HEARING CONCLUDED AT 10:30 P.M.)

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