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Subject:

PG&E - Request to Adopt January 2015 Version of CAO

Date:

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November 2, 2015

Executive Officer and Board Members of the
Lahontan Regional Water Quality Board

Proposed Cleanup and Abatement Order (CAO) for PG&E, Hinkley, California

ENVIRONMENTAL JUSTICE. That's what the draft and now proposed CAO lack!

As a former Hinkley resident, and still Hinkley land owner, I am very much concerned about the direction that the last two versions of the CAO have taken. I have been following the matter from afar but not without interest.

I was very much in favor of the first draft CAO released last January since it was consistent with requirements in prior CAOs by providing the most environmental justice for Hinkley. I decided not to provide comments on the first version because it obviously made sense. I was then amazed when the first version wasn't adopted by the Board and further AMAZED to see all the ridiculous changes and illogical requirements made in PG&E's favor in the September draft CAO. Surely, I thought, others must have seen this too. I was then relieved to see the comments provided by the Prosecution Team, CAC, and public, which covered all of my same topics on plume investigation, plume mapping, lower aquifer cleanup, the approved background values (not interim), and need for whole house water for any domestic well affected by PG&E's chemicals. Again, I thought I didn't need to duplicate these comments. But the last version released in October got even **worse** than the prior version in terms of favoring PG&E and negating to provide environmental justice for Hinkley, and frankly, the State of California. This is a very scary precedence that could be set should the proposed, and very lenient, CAO actually be adopted.

It's obvious that I now need to speak up. The worst change in the last two versions of the

CAO is that PG&E need only address drinking water and cooking needs for residents with a well impacted by PG&E's chemicals. This is a 180 degree change from your prior CAOs and needs to be restored back to providing whole house water for the following reasons: Firstly, saying that PG&E hasn't affected a domestic well until reaching 10 ppb, the MCL, is unjust. For a person having non-detect or just 1 or 2 parts per billion chromium 6 and having to wait until concentrations reach 10 ppb before replacement water is provided is absurd!. It also doesn't follow the SWRCB's policy on non-degradation and assimilation in an aquifer. Secondly, to say that PG&E need only give residents water for drinking and cooking doesn't restore the prior conditions in a home. As an example, it would take a Hinkley resident at least one hour to wait for an under-sink reverse osmosis system to produce a gallon of water for cooking. This is not environmental justice as the residents are being unduly burdened! (I know because I installed one after PG&E and a dairyman polluted my domestic well with nitrates and salts and called it "normal conditions for the Hinkley Valley." One gallon of water per day was not adequate and I was forced to buy and tote water and continue to shower and wash dishes, food, and clothes in contaminated water. That was until the Water Board afforded me and my neighbor's environmental justice by forcing the polluters to provide whole-house water.) And if the Water Board members themselves don't wait an hour for a gallon of water before cooking or if they don't have to shower, or wash dishes, food, or clothes in contaminated water, then that is an environmental UN-justice and it is an unjust burden you are placing on Hinkley residents whose water wells have been contaminated by PG&E. It is also against State of California policy, as I recall.

In addition, I am very opposed to the two recent CAO versions that want to remove plume mapping requirements, among other things, and rely on PG&E and its paid consultants for "best professional judgement." What a laugh. Everyone (to include the Water Board members) knows that PG&E's motive is to make the chromium plume as small as possible to reduce their cleanup costs and efforts. And the Water Board staff want to allow PG&E to use "best professional judgement?" Didn't that method fail in the past prompting the mapping requirements being placed in the 2013 CAO? Is this the same Board that just three short years ago issued a \$3,600,000 fine against PG&E for lying in reports that the plume never escaped a group of monitoring wells north of the Desert View Dairy? And isn't this the same Board that continues to issue letters to PG&E stating it doesn't agree with it and consultants' "best professional judgement" on matters like the western plume, manganese migration, and incomplete cleanup by the in-situ injection wells? Aren't you sick of writing these letters over and over again not to mention the cost to the State in sending them? I can tell you I am sick of reading them knowing they have shown to carry no true weight nor appear to have a negative impact on the polluter, PG&E.

After all the progress this Board has made in becoming wise to PG&E's antics and cover-ups,

why would the Board now propose a CAO that goes backwards and lets PG&E resume its deceptive ways? Are these actions trying to give the perception of the Board being “fair” to PG&E in some way? How fair is it that Hinkley residents have contaminated wells? How fair is PG&E being in wanting to ignore its northern plumes that continue to migrate to the Harper Lake Valley? And how fair is PG&E being by stating there is more chromium in rocks in the north valleys when the USGS hasn’t come to that conclusion? If the State water laws say the burden of proof is on the polluter, then what proof has PG&E provided to no longer monitor, map, and propose cleanup actions for the northern chromium plumes that are already being detected in domestic wells above 4 ppb? I certainly don’t see this evidence and proof posted on the Water Board’s web page.

On to the lower aquifer. You might remember that I was the whistle-blower in 2010 that pointed out to you at a public hearing that PG&E allowed the chromium plume to migrate to the lower aquifer, all the while their reports being silent on the matter. When I spoke to the Board, PG&E had allowed chromium 6 to migrate to the lower aquifer at 19 ppb after having been at less than 1ppb in 2005. As my memory serves me, PG&E did not alert you to this spread of the cancerous contaminant, I did. Neither did PG&E ever proposed to do anything about the increasing chromium numbers until ordered to do so by your staff. Now the latest CAO version wants to let PG&E pick a cleanup time for the lower aquifer?! Let me guess what the PG&E staff and consultants will propose...10, 20, 30 years? How is that fair when it only took about 5 years to egregiously pollute the lower aquifer and three years of clean-up have already occurred?

Which leads me to ask—doesn’t anyone at Lahontan even faintly remember the history of this case? If so, then why are the recent CAOs being so lenient on a deceptive, billion-dollar, for-profit corporation told Hinkley residents in past community meetings the chromium in their domestic wells was the “good chromium” implying it was like multivitamins—yes, they really did do this! Many Hinkley residents told me they were told this by PG&E representatives!

So, for the sake of environmental justice for Hinkley residents DO NOT adopt the current proposed CAO and adopt the January 2015 version as that is fair and just to the victims in this situation. PLEASE do not make the remaining residents assume the burden of PG&E’s chemicals in their wells by being provided a cheap and inadequate replacement water system, and having to live with a contaminated aquifer below their properties. Especially since the impact of the contamination is going on much longer than is reasonably necessary and feasible. Again, I urge the Water Board to do the right thing for the Hinkley residents and the State of California and adopt the January 2015 version of the CAO. The extremely

lenient proposed CAO is a very dangerous precedent and other companies will most certainly demand the same leniency in existing CAOs and future CAOs.

Sincerely,

Carmela Spasojevich