

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
LAHONTAN REGION**

NOTICE OF HEARING AND HEARING PROCEDURES

FOR

**CONSIDERATION OF ADOPTION OF CLEANUP AND ABATEMENT ORDER
No. R6V-2015-PROPOSED**

**REQUIRING PACIFIC GAS AND ELECTRIC COMPANY TO CLEANUP AND ABATE
WASTE DISCHARGES OF TOTAL AND HEXAVALENT CHROMIUM FROM THE
GROUNDWATERS OF THE MOJAVE HYDROLOGIC UNIT**

WATER BOARD PUBLIC HEARING SCHEDULED FOR NOVEMBER 4, 2015

Background

On January 21, 2015, the Water Board Prosecution Team sent a draft Cleanup and Abatement Order (CAO) to Pacific Gas & Electric Company (PG&E), requiring the cleanup and abatement of discharges of total and hexavalent chromium from the groundwaters of the Mojave Hydrologic Unit, near the town of Hinkley, California, in San Bernardino County. On February 4, 2015, the Water Board's Advisory Team issued a public notice requesting review and comments on the draft CAO by March 13, 2015. Six comments were received by the due date.

On April 16, 2015, the Advisory Team requested additional information from the Water Board's Prosecution Team, the Independent Review Panel (IRP) Manager, and PG&E. Those responses were provided on May 21, 2015. A public workshop was then held on May 28, 2015 in Barstow to bring the Parties together and, through facilitated discussion, reach consensus on some main policy issues.

On July 8, 2015, in response to requests by the Advisory Team at the workshop for the Parties to work together to discuss outstanding issues, the Water Board's Prosecution Team and PG&E submitted consensus language, suggesting draft language for the Water Board's consideration. The Advisory Team requested clarification on the consensus language, which it received on September 18, 2015.

Taking into consideration the additional information and clarifications provided by the Parties, the draft consensus language, comments made at the workshops and in written submittals made by the close of the comment period, the Advisory Team released a second draft CAO on September 1, 2015. Another workshop on the changes to the draft was held September 16, 2015 during the regularly scheduled meeting of the Water Board. Comments on that draft Order were due on September 30, 2015. Eleven comments were received from different individuals or entities during the comment period.

Purpose and Timing of Public Hearing

The purpose of the public hearing is for the Water Board to hear final comments on the proposed Order, including summaries of previously submitted comments and concerns, and any new concerns raised by changes made from the last version of the Order. At the hearing, the Water Board will consider adoption of the proposed Order and can take a wide range of actions including, but not limited to: adopting the Order as proposed or with changes, rejecting the Order in its entirety, or postponing taking any action until a later Board meeting, either after closing the hearing or keeping it open to allow for additional evidence or testimony before it makes its decision.

The public hearing will be held during the regular meeting of the Water Board on **November 4, 2015**. The public hearing on the CAO will begin after the dinner break at 7 p.m. in the Jackrabbit room at the Hampton Inn, 2710 Lenwood Road, Barstow, CA 92311. An agenda for the meeting is available on the Water Board's web page at www.waterboards.ca.gov/lahontan. The Water Board's Advisory Team also plans to provide responses to the comments received during the March and September comment periods before the Board meeting.

Presentations by the Parties

The Water Board's Prosecution Team, PG&E, and the IRP Manager for the community of Hinkley are all considered Parties to this proceeding, and will have the opportunity to address the Water Board. Parties may summarize previously submitted comments, provide comments on changes that have been made to this latest version of the Order, and ask questions of one another. Each Party will have 20 minutes to make their presentation to the Water Board. Questions from the Water Board and other Parties will not count against that time limit. Interested members of the public may also provide oral comments to the Water Board at the hearing. Each interested person will have three minutes to address the Water Board. Additional time may be provided upon request.

Order for the proceedings will be as follows:

- Summary of changes by Water Board's Advisory Team
- Presentation by IRP Manager
- Presentation by PG&E
- Presentation by Water Board Prosecution Team
- Comments by Interested Members of the Public

After each presentation, there will be an opportunity for the Board Members and each Party to ask questions. Questions will also be accepted from interested members of the public. Participants with similar interests or comments are requested to make joint presentations, and participants are requested to avoid redundant comments.

Parties are welcome to use visual aids, such as Power Point presentations or handouts, summarizing previously submitted information or address changes made in the most recent version of the CAO. If handouts are provided at the Board meeting, please provide 35 copies, and, if possible, please provide an electronic copy to the Water Board's clerk, Sue Genera at RB6enfproceed@waterboards.ca.gov, so that the material could be shown on the screen at the Board meeting.

In accordance with Title 23, California Code of Regulations, section 648.4, the Water Board endeavors to avoid surprise testimony or evidence. Absent a showing of good cause and lack of prejudice to the Parties, the Water Board may exclude discussion of issues that were not previously submitted during the comment periods or discussed during the two public workshops, unless the issues relate to changes made in the most recent version of the CAO. Evidence or testimony that is excluded will not be considered by the Water Board and will not be included in the administrative record for this proceeding. Power Point and other visual presentations may be used at the hearing, but their content may not exceed the scope timely submitted written comments, except when it relates to the changes to the most recent version of the CAO. Written and electronic copy of such material that the Parties or interested members of the public intend to present at the hearing may be submitted to the Water Board in advance of the hearing to enable the Water Board members sufficient time to review that material.

Objections to Hearing Procedures

The public hearings will be conducted in accordance with this set of hearing procedures or as it may be amended. A copy of the general procedures governing adjudicatory hearings before the Water Board may be found at California Code of Regulations, title 23, section 648 et seq., and is available at www.waterboards.ca.gov or upon request. In accordance with section 648, subdivision (d), any procedure not provided by this set of hearing procedures is deemed waived.

The Water Board's Advisory Team must receive any objections to this set of hearing procedures must be submitted to RB6enfproceed@waterboards.ca.gov **no later than 4:00 p.m. on Monday, October 26, 2015** or they will be considered waived.

Separation of Functions

Water Board staff participating in this proceeding has been separated into two teams to help ensure the fairness and impartiality of this proceeding. The Water Board's Prosecution Team includes staff who will act in a prosecutorial role by presenting evidence for consideration by the Water Board. The Water Board's Advisory Team includes staff who will provide the Water Board with technical and legal advice. Advisory Team members are: Patty Z. Kouyoumdjian, Executive Officer; Kim Niemeyer, Staff Counsel; Doug Smith, Supervising Engineering Geologist; and Richard Booth, Senior Engineering Geologist. Prosecution Team members are: Lauri Kemper, Assistant Executive Officer; Lisa Dernbach, Senior Engineering Geologist, Specialist; Anne Holden, Engineering Geologist; Laura Drabandt, Staff Counsel; and

AnnaKathryn Benedict, Staff Counsel.

Any members of the Advisory Team who normally supervise any members of the Prosecution Team are not acting as their supervisors in this proceeding, and vice versa. Members of the Prosecution Team may have acted as advisors to the Water Board in other, unrelated matters, but they are not advising the Water Board in this proceeding. Members of the Prosecution Team have not had any ex parte communications with Water Board members or Advisory Team members regarding this proceeding.

Ex Parte Communication

The Parties and members of the public are forbidden from engaging in ex parte communications regarding this matter with Water Board members or Advisory Team members. An ex parte contact is any written or verbal communication pertaining to the proposed Order with a Water Board member or Advisory Team member, unless the communication is copied to all other Parties (if written) or made in a manner open to all. Communications regarding non-controversial procedural matters are not ex parte contacts and are not restricted. Communications among one or more Parties or interested persons are not ex parte contacts.

Evidentiary Documents and File

The proposed Order and related documents may be found on the Water Board's website at http://www.waterboards.ca.gov/lahtontan/water_issues/projects/pge/cao/

Copies of documents are also available at the Water Board's office at 14440 Civic Drive, Suite 200, Victorville, CA. These files shall be considered part of the official administrative record for these public hearings. Other submittals received for this proceeding will be added to these files and will become part of the administrative record absent a contrary ruling by the Water Board Chair.

Questions

Questions concerning this proceeding may be addressed to Patty Kouyoumdjian, Executive Officer at (530) 542-5412, or Kim Niemeyer, Staff Counsel, at (916) 341-5549.

PATTY Z. KOUYOUMDJIAN
EXECUTIVE OFFICER

DATE: October 16, 2015