

Lahontan Regional Water Quality Control Board

June 26, 2013

Sheryl Bilbrey
Director, Chromium Remediation
Pacific Gas and Electric Company
77 Beale Street, B28P
San Francisco, CA 94105

INVESTIGATIVE ORDER NO. R6V-2013-0051

CONDITIONAL ACCEPTANCE OF PLAN TO REMOVE INACTIVE DOMESTIC WELLS FROM SAMPLING PROGRAM, PACIFIC GAS AND ELECTRIC COMPANY (PG&E), HINKLEY COMPRESSOR STATION, SAN BERNARDINO COUNTY, AMENDED CLEANUP AND ABATEMENT ORDER (CAO) NO. R6V-2011-0005A1

This letter acknowledges the Water Board's conditional acceptance of PG&E's plan for removal of inactive domestic wells from the domestic well sampling program. This letter also acknowledges the Water Board's agreement for PG&E to abandon inactive domestic wells that are fully screened across the upper and lower aquifers and to leave in place domestic wells screened in just one aquifer.

Background

On March 6, 2013, PG&E submitted the document "Plan for Removal of Inactive Domestic Wells from the Domestic Well Sampling Program (Plan)." The Plan proposes a strategy to remove inactive domestic wells from quarterly sampling of the domestic well sampling program required in CAO R6V-2011-0005 (as amended) following property purchase by PG&E. Inactive wells are those wells not operational within the past six months or planned to be operational within six months.

In accordance with past board orders, the Plan lists criteria for removing inactive domestic wells from the sampling program. These criteria include:

1. Wells located within 2,000 feet of a multi-depth monitoring well,
2. Wells that do not contain hexavalent or total chromium concentrations of 2.0 ppb or greater since September 2011, and
3. Special instances that may include removing inactive wells upon installation of multi-depth monitoring wells or other extraneous circumstances.

The Plan contains a table showing 72 inactive domestic wells that meet the first criterion, 14 wells that meet the second criterion, and 5 wells that meet the third criterion. In addition to the first criterion, Board staff verified that monitoring wells show similar chromium concentrations (within 20% difference) of inactive wells to be removed from the sampling program.

In a May 30, 2013 meeting with PG&E, Water Board staff stated our acceptance of the Plan with one exception. Board staff stated the desire to have domestic well 22-93 on Petra Road continue to be in the domestic well sampling program and sampled quarterly. It was stated that well 22-93 resides a distance greater than 2,000 feet from a monitoring well location and contains chromium concentrations greater than 2.0 ppb (2.6 ppb Cr(VI)/2.3 ppb Cr(T) in First Quarter 2013). Since well 22-93 is also in the downgradient groundwater flow direction of the western chromium plume extension, it provides a valuable monitoring location should plume migration occur. Thus, Water Board staff does not believe that well 22-93 meets any of the three above-mentioned criteria.

Since then, Water Board staff has identified additional inactive domestic wells that do not fall under the first and/or second criteria. Four inactive domestic wells (28-37, 28-38, 28-52, 28-66) in the Flower/Mulberry Road area have shown chromium concentrations ranging from 2.5 to 3.5 ppb during 2012. These wells do not meet the second criterion and are not adequately represented by the nearest monitoring well MW-164S/D showing a detection of 2.4 ppb Cr(VI)/Cr(T). In addition, inactive domestic well 23-30 contained a detection of 5.5 ppb Cr(T) in December 2011. This well does not meet the second criterion and is not adequately represented by nearby monitoring wells that show only up to 4.4 ppb Cr(T). Therefore, inactive domestic wells 28-37, 28-38, 28-52, 28-66, and 23-30 must also continue to be included in the quarterly sampling program.

Subsequent Agreements

In addition to the above-mentioned discussion at the May 30, 2013 meeting, Water Board staff agreed to PG&E's recommendation to immediately abandon inactive domestic wells that are fully screened across both the upper and lower aquifers since they potentially provide a pathway for pollution. Prior to initiating abandonment actions, PG&E will provide the Water Board with a list of inactive domestic wells that are screened across both aquifers. Upon Water Board's acceptance of the list, PG&E will abandon inactive domestic wells in accordance with state Well Standards and county ordinances.

Water Board staff also agreed to PG&E's recommendation to decommission inactive domestic wells screened solely in the upper or lower aquifer. This action will involve removing pumps from such wells and removing electricity from the property. The inactive wells will be capped off to prevent potential discharge to the aquifers. The inactive wells however will be left in place until a decision is made in the future to either include the well in future sampling programs, such as the revised background study, or that it is no longer needed and can be abandoned.

Response

Water Board staff shared with the Hinkley Community Advisory Committee our concurrence and recommendations with PG&E's Plan. In a June 21, 2013 response, Project Navigator provided comments that essentially agreed with the process outline by the Water Board for removing inactive domestic wells from the sampling program and abandoning wells fully screened across both aquifers.

Therefore, the Water Board concurs with PG&E's Plan to remove inactive domestic wells from the domestic well sampling program with the exception of domestic wells 22-93, 23-30, 28-37, 28-38, 28-52, 28-66, which are to stay in the quarterly sampling program. Beginning third quarter 2013, PG&E may remove from the current sampling program all other inactive domestic wells listed in Table 1 of the March 6, 2013 Plan.

The Water Board also accepts PG&E's recommendation to immediately abandon inactive domestic wells that are fully screened across the upper and lower aquifers. This action can be implemented following review of a list of such wells and agreement by Board staff. All actions to abandon inactive domestic wells must be in accordance to the state Well Standards and all applicable county ordinances.

Lastly, the Water Board accepts PG&E's proposal to decommission inactive domestic wells screened solely in the upper or lower aquifer. These wells shall be capped in place to be evaluated in the future for potential sampling.

Requirements

Pursuant to section 13267 of the California Water Code, starting in the third quarter 2013 groundwater and domestic well monitoring report and each quarterly report thereafter, PG&E is required to submit the following information:

- Description of all actions to abandon or leave in place inactive domestic wells.
- Description of changes since the previous reporting event.
- List of inactive domestic wells that have been abandoned.
- List of inactive domestic wells that have been left in place and capped.
- Description of future actions anticipated for inactive domestic wells.

In addition to the above, PG&E will provide the Water Board with a list of inactive domestic wells that are fully screened across both aquifers **at least 14 days** prior to initiating abandonment actions.

Enforcement

Technical reports required by this order are necessary to investigate the water quality in the Hinkley basin during PG&E's ongoing cleanup of chromium pursuant to Cleanup and Abatement Order R6V-2008-0002 and amendments. The need for this investigation outweighs the burden on PG&E to produce the information in that domestic well data and abandonment actions will assist in evaluating and addressing threats to public health and effects from cleanup actions.

Pursuant to section 13268 of the Water Code, a violation of Water Code Section 13267 requirement may subject you to civil liability of up to \$1,000 per day for each day in which the violation occurs.

If you should have any questions, please contact Lauri Kemper at (530) 542-5436 or lkemper@waterboards.ca.gov or Lisa Dernbach at (530) 542-5424 or ldernbach@waterboards.ca.gov.



Lauri Kemper, P.E.
Assistant Executive Officer

Enclosure: 13267 Fact Sheet

cc: PG&E Technical Mail List and Iyris list (and web posting)
PG&E, Kevin Sullivan
PG&E, Tom Wilson

LSD/rc/PGE Plan for Inactive Domestic Wells, 6B369107001

**Fact Sheet – Requirements for Submitting Technical Reports
Under Section 13267 of the California Water Code**

October 8, 2008

What does it mean when the regional water board requires a technical report?

Section 13267¹ of the California Water Code provides that "...the regional board may require that any person who has discharged, discharges, or who is suspected of having discharged...waste that could affect the quality of waters...shall furnish, under penalty of perjury, technical or monitoring program reports which the regional board requires".

This requirement for a technical report seems to mean that I am guilty of something, or at least responsible for cleaning something up. What if that is not so?

Providing the required information in a technical report is not an admission of guilt or responsibility. However, the information provided can be used by the regional water board to clarify whether a given party has responsibility.

Are there limits to what the regional water board can ask for?

Yes. The information required must relate to an actual or suspected discharge of waste, and the burden of compliance must bear a reasonable relationship to the need for the report and the benefits obtained. The regional water board is required to explain the reasons for its request.

What if I can provide the information, but not by the date specified?

A time extension can be given for good cause. Your request should be submitted in writing, giving reasons. A request for a time extension should be made as soon as it is apparent that additional time will be needed and preferably before the due date for the information.

Are there penalties if I don't comply?

Depending on the situation, the regional water board can impose a fine of up to \$1,000 per day, and a court can impose fines of up to \$25,000 per day as well as criminal penalties. A person who submits false information is guilty of a misdemeanor and may be fined as well.

What if I disagree with the 13267 requirement and the regional water board staff will not change the requirement and/or date to comply?

Any person aggrieved by this action of the Regional Water Board may petition the State Water Board to review the action in accordance with Water Code section 13320 and California Code of Regulations, title 23, sections 2050 and following. The State Water Board must *receive* the petition by 5:00 p.m., 30 days after the date of the Order, except that if the thirtieth day following the date of this Order falls on a Saturday, Sunday, or state holiday, the petition must be received by the State Water Board by 5:00 p.m. on the next business day. Copies of the law and regulations applicable to filing petitions may be found on the Internet at:

http://www.waterboards.ca.gov/public_notices/petitions/water_quality or will be provided upon request.

Claim of Copyright or other Protection

Any and all reports and other documents submitted to the Regional Board pursuant to this request will need to be copied for some or all of the following reasons: 1) normal internal use of the document, including staff copies, record copies, copies for Board members and agenda packets, 2) any further proceedings of the Regional Board and the State Water Resources Control Board, 3) any court proceeding that may involve the document, and 4) any copies requested by members of the public pursuant to the Public Records Act or other legal proceeding.

If the discharger or its contractor claims any copyright or other protection, the submittal must include a notice, and the notice will accompany all documents copied for the reasons stated above. If copyright protection for a submitted document is claimed, failure to expressly grant permission for the copying stated above will render the document unusable for the Regional Board's purposes, and will result in the document being returned to the discharger as if the task had not been completed.

If I have more questions, who do I ask?

Requirements for technical reports normally indicate the name, telephone number, and email address of the regional water board staff person involved at the end of the letter.

¹ All code sections referenced herein can be found by going to www.leginfo.ca.gov. Copies of the regulations cited are available from the Regional Board upon request.