

Attn: Staff

California Regional Water Quality Board, Lahontan Region, hereinafter the "Lahontan Water Board" or "Board" Email: LDernbach@waterboards.ca.gov
http://www.swrcb.ca.gov/rwqcb6/water_issues/projects/pge/index.shtml

July 6, 2011

DOCKET DATE: _____

REBUTTAL TO COMMENTS BY CALIFORNIA DEPARTMENT OF PUBLIC HEALTH, STATE OF CALIFORNIA – HEALTH AND HUMAN SERVICES AGENCY, HEREINAFTER “CDPH”.

[Rebuttal to Comments on Draft Cleanup and Abatement Order, Pacific Gas and Electric Company Hinkley Compressor Station, San Bernardino County (Order No. RV6-201-0006A1) found therein the link:
http://www.swrcb.ca.gov/rwqcb6/water_issues/projects/pge/docs/cmmnts/cdph.pdf]

cc:

Michael Baes (mbaes@oehha.ca.gov)
Pesticide and Environmental Toxicology Branch
Office of Environmental Health Hazard Assessment (OEHHA)
California Environmental Protection Agency
1515 Clay St., 16th floor
Oakland, California 94612
Attention: PHG Project
<http://www.oehha.ca.gov/water/phg/chrom123110.html#comments>

The Honorable Lisa P. Jackson, Administrator US EPA jackson.lisap@epa.gov
United States Environmental Protection Agency (US EPA)
IRIS Hotline http://cfpub.epa.gov/ncea/iris_drafts/recordisplay.cfm?deid=221433
c/o EPA Docket Center, Mail Code 28221T EPA-West Building
1301 Constitution Avenue NW
Washington, DC 20005
Tel (202) 566-1676
iris.webmaster@epa.gov

The Honorable Nora Campos, Assemblymember
Capitol Office: State Capitol
P.O. Box 942849
Sacramento, CA 94249-0028
Tel: (916) 319-2023
Sheila.Ngo@asm.ca.gov

The Honorable Barbara Boxer, U.S. Senator
501 I Street, Suite 7-600
Sacramento, CA 95814
(916) 448-2787
Stacey Smith for Senator's Office, email: stacey_smith@boxer.senate.gov

The Honorable Dianne Feinstein, U.S. Senator
331 Hart Senate Office Building
Washington, D.C. 20510-0504
Tel: 202-224-3841
Norma Santiago for Senator's Office, email: norma.santiago@edcgov.us

The Honorable Nancy Pelosi, Congresswoman
235 Cannon HOB
Washington, D.C. 20515
Phone: (202) 225-4965
Email AmericanVoices@mail.house.gov

Comes NOW, the Inhabitants from the town of Hinckley, County of San Bernardino, State of California, hereinafter the "People" or the "Inhabitants", or the "Intervenor" and while continue to eke miserable existence for the past sixty years and for the next forty plus years, in the cumulative of over one hundred years (1), have now risen and commence rebuttal to CDPH' comments as follows:

WHEREAS, CDPH has stated that: *"CDPH's priority to continue to be protecting public health and to assure the delivery of safe drinking water to all Californians served by over ~ 7,500 public water supply system in the state."*

WHEREFORE, the meaning of priority to continue protecting public health should imply urgency and not a procrastination for over 60 years.

WHEREAS, CDPH has stated that *"CDPH supports the goals of the State Water Resources Control Board and Regional Boards to clean up contaminated water of the state covered by the California Water Code; however, we would like to express our concern with referencing the Draft chromium +6 Public Health Goal (PHG) in the Draft Order as the trigger for providing replacement water."*

WHEREFORE, the people will demand that Safe Drinking Water Act, (SDWA) (2) is invoked, rather than a PHG, deemed as an illusionary goal, by timely setting the Cr(VI) threshold for safe drinking water of not higher than 1.00 ppb [1.00 µg/L], strictly for a non-naturally occurring Cr(VI) and without stipulation as Total Chromium (TC or just T) and absent of the irrelevant Cr(III), not limited to that the regulatory agencies are not steering the Inhabitants to depend on PG&E for potable water supply, delivered to their real properties.

The Inhabitants shall obtain water from sources of their choice and all cost associated therewith shall be borne by Pacific Gas and Electric Company, hereinafter "PG&E" or the "Discharger. "

WHEREFORE, regardless of the promulgated undertakings, acts, actions and stipulations by the regulatory agencies, all assumed to disregard the emergency nature and timely setting the standard for the drinking water, particularly when contaminated with the non-natural occurring toxic Cr(VI), the Inhabitants will commence litigations in the appropriate judicial venues, seeking the infinite just and proper, on myriad of ground, inclusive thereof on Toxic Tort and not limited to alleged gross negligence and intentional procrastination.

THEREFORE, the Inhabitants will seek just and proper, to be first administratively fostered by the regulatory agencies, within Sixty (60) Days of this Rebuttal, as sought herein and absent of an amicable solutions and/or a resolution, will promulgate that all administrative remedy are exhausted and commence to seek just and proper in the appropriate judicial venues.

The Inhabitants, as of this date, will no longer entertain myriad of drafts, illusionary goals, procrastination's act, methodology and protocols to deviate and set aside critical issues, in the cumulative impacts construed as a dog and pony show fiascos.

(1), (Since 1952, when Pacific Gas and Electric Company, hereinafter "PG&E", contaminated the ground waters in the upper and lower aquifers with 350 million gallons of non-natural occurring Chromium 6, a toxic and known human carcinogen, hexavalent Cr(VI))

(2) Safe Drinking Water Act, (SDWA), Enacted by the 93rd United States Congress, U.S.C. 42 U.S.C. § 300f. As amended 1996 by the 104th Congress <http://www.gpo.gov/fdsys/pkg/PLAW-104publ182/pdf/PLAW-104publ182.pdf>
The SDWA does not apply to bottled water. Bottled water is regulated by the Food and Drug Administration (FDA) under the Federal Food, Drug, and Cosmetic Act.

Respectfully intervened and commenced rebuttal on behalf thereof the Inhabitants
In the town of Hinkley, County of San Bernardino, State of California

Nick Panchev

Nick Panchev, Intervenor
2400 Ridgeview Dr. #803
Chino Hills, CA 91709
Tel: 909-614-4645
Email: nickpanchev@gmail.com
cc: Named herein recipients

///