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4 Attorneys for Petitioner  
5 PAUL RYKEN and  
ESTATE OF NICK VAN VLIET  
6  
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8 BEFORE THE  
9 CALIFORNIA STATE WATER RESOURCES CONTROL BOARD  
10

11 In the Matter of the Estate of Nick Van  
Vliet and Paul Ryken's Petition for Review  
12 of Action and Failure to Act by the  
California Regional Water Quality Control  
13 Board, Lahontan Region, in Issuing  
Cleanup and Abatement Order No. R6V-  
14 2008-034.

CASE NO.  
15 PETITION FOR REVIEW AND REQUEST  
FOR HEARING TO BE HELD IN  
16 ABEYANCE  
(Cal. Water Code §§ 13320, 13221, California  
Code of Regulation § 2050.5(d))

17 Pursuant to Section 13320 of California Water Code and Section 2050, et seq. of  
18 Title 23 of the California Code of Regulations, the Estate of Nick Van Vliet and Paul  
19 Ryken (collectively "Desert View Dairy") hereby petition the State Water Resources  
20 Control Board ("State Board") to review and vacate the final decisions of the California  
21 Regional Water Quality Control Board for the Lahontan Region ("Regional Board") in the  
22 cleanup and abatement order entitled "Amended Cleanup and Abatement Order No. R6V-  
23 2008-0034A2, Desert View Dairy Contamination Groundwater, Hinkley, San Bernardino  
24 County, WDID No. 6B36040900" ("Amended Order"). A true and correct copy of the  
25 Amended Order is attached hereto as *Exhibit A* and incorporated herein by reference.

26 Pursuant to section 2050.5 of the California Code of Regulations, Desert View  
27 Dairy requests that the State Board hold the Petition in abeyance for the maximum time  
28 period permitted under its procedures and policies. Desert View Dairy submits this

1 Petition to reserve its rights for review of the Amended Order by the State Board. In the  
2 event it becomes necessary to activate this Petition, Desert View Dairy reserves the right  
3 to supplement the Petition with evidence, legal argument and additional information as it  
4 deems appropriate.

5  
6 **I.**

7 **NAME AND ADDRESS OF PETITIONERS**

8 Paul Ryken  
9 Desert View Dairy  
10 37501 Mountain View Road  
11 Hinkley, CA 92347

Estate of Nick Van Vliet  
c/o Gary B. Genske  
1835 Newport Blvd., Suite D-263  
Costa Mesa, CA 92627

12 Petitioners may be contacted through counsel of record:

13 Robert J. Gibson  
14 Alina Amarkarian  
15 Snell & Wilmer L.L.P.  
16 600 Anton Blvd., Suite 1400  
17 Costa Mesa, California 92626  
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19 (714) 427-7799 (fax)  
20 [rgibson@swlaw.com](mailto:rgibson@swlaw.com)  
21 [aamarkarian@swlaw.com](mailto:aamarkarian@swlaw.com)

22 **II.**

23 **SPECIFIC ACTION FOR WHICH THIS PETITION FOR REVIEW IS SOUGHT**

24 The Regional Board action that is the subject of this Petition is the issuance of the  
25 Amended Order and all action that Desert View Dairy needs to take in response to the  
26 Amended Order, including, but not limited to, submitting a workplan detailing Alternate  
27 Water Supply implementation for long-term, uninterrupted, replacement water that allows  
28 for all domestic uses for all private wells with nitrate as NO<sub>3</sub> concentrations exceeding 45  
mg/L. See *Exhibit A*.

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**III.**

**THE DATE THE REGIONAL BOARD ACTED**

The Regional Board issued the Amended Order on March 9, 2009.

**IV.**

**STATEMENT OF THE REASONS THE ACTION IS**

**INAPPROPRIATE AND IMPROPER**

The Amended Order is improper, inappropriate, arbitrary and capricious for the following reasons:

(1) The Regional Board's findings in the Amended Order are not supported by evidence in the record, and in fact, is contrary to such evidence;

(2) The Amended Order was issued without a hearing or opportunity to respond. Desert View Dairy was afforded no opportunity to formally introduce evidence on the record;

(3) The Amended Order requires Desert View Dairy to submit technical reports and perform investigations under arbitrary and capricious time frames;

(4) The Amended Order seeks to hold Desert View Dairy responsible for actions of parties over whom it has no control;

(5) The Amended Order does not take into consideration the fact that any discharges by Desert View Dairy were pursuant to the consent of the Regional Board and its waiver of any waste discharge requirements imposed by law;

(6) The Amended Order fails to make any attempt to apportion liability and/or the costs of remediation between all responsible parties.

(7) The Amended Order is vague and uncertain as to the extent clean water is to be provided to the four affected residences; the scope of the water service and the indefinite time period Desert View Dairy is obligated to do sampling and submit technical reports to the Regional Board; and

1 (8) The Amended Order arbitrarily imposes administrative civil fines of  
2 \$5,000/day that is in violation of Desert View Dairy's due process rights.

3 In light of Desert View Dairy's request that the Petition be held in abeyance,  
4 Desert View Dairy reserves the right to submit an additional statement of reasons as to  
5 why the action taken by the Regional Board was inappropriate and improper in the event  
6 this petition is activated.

7  
8 V.

9 **PETITIONERS ARE AGGRIEVED**

10 Desert View Dairy is and will be adversely affected by the actions taken by the  
11 Regional Board. Desert View Dairy is aggrieved in that it is required by an overbroad and  
12 unsubstantiated Amended Order to expend substantial funds to provide alternate sources  
13 of water for all domestic uses to four properties, to prepare and submit a workplan with  
14 different options for alternate water supply, and to conduct testing to verify that clean  
15 water is being provided to owners of impacted water wells, for which Desert View Dairy  
16 has no legal responsibility.

17 Furthermore, Desert View Dairy has been aggrieved by the process used by the  
18 Executive Officer. The Amended Order fails to set forth the evidence relied upon by the  
19 Regional Board in support of this action and there has been no formal hearing or  
20 development of evidentiary records. This has left Desert View Dairy with no meaningful  
21 ability to evaluate an evidentiary record on which to seek review of the Amended Order.

22 The Amended Order also imposes duplicative and unnecessary requirements on  
23 Desert View Dairy and subjects Desert View Dairy to the risk of penalties if the Regional  
24 Board believes that other responsible parties have not complied with this Amended Order.

25 For all of these reasons, Desert View Dairy's legal and constitutional rights have  
26 been violated.

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**VI.**

**PETITIONERS' REQUEST FOR ACTION BY THE STATE BOARD**

Desert View Dairy seeks an Amended Order by the State Board to hold this Petition in abeyance for the maximum time period permitted under its procedures and policies or until Desert View Dairy requests action on this Petition, whichever is earlier.

Desert View Dairy reserves the right to request any and all actions authorized by California Water Code section 13320. Desert View Dairy does not request a stay of proceedings at this time, but reserves the right to do so in the future.

**VII.**

**STATEMENT OF POINTS AND AUTHORITIES**

Desert View Dairy respectfully requests that this Petition be held in abeyance pursuant to Section 2050.5 of the California Code of Regulations and reserves the right to submit a Points and Authorities should this Petition become activated.

**VIII.**

**STATEMENT OF TRANSMITTAL OF PETITION TO THE REGIONAL BOARD**

A true and correct copy of this Petition was transmitted to:

Harold J. Singer, Executive Officer  
California Regional Water Quality Control Board, Lahontan Region  
2501 Lake Tahoe Blvd.  
South Lake Tahoe, California 96150

A true and correct copy of this Petition was also sent to Flameling Dairy, Inc., Pacific Gas & Electric Company, and K&H Van Vliet Children LLC, which are named in the Amended Order but are not Petitioners, at the following address:

Flameling Dairy, Inc.  
c/o Bert & Kathleen A. Flameling  
2088 Candlewood Avenue  
Twin Falls, ID 83301-8338

Robert Doss  
Mail Code B16A  
Pacific Gas & Electric Company  
77 Beale Street  
San Francisco, CA 94105-1814

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K&H Van Vliet Children LLC  
c/o Nellie Ruisch  
23925 Waalew Road  
Apple Valley, CA 92307-6932

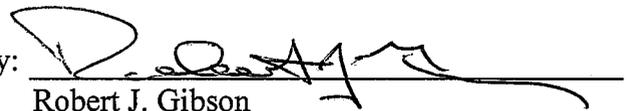
IX.

**SUBSTANTIVE ISSUES RAISED BEFORE THE REGIONAL BOARD**

Desert View Dairy was never given an opportunity to review and/or challenge the determinations made by the Executive Officer in support of the Amended Order. However, in the event that this Petition is activated, Desert View Dairy reserves the right to present evidence at the hearing that it deems appropriate to challenge the Amended Order.

Dated: April 7, 2010

SNELL & WILMER L.L.P.

By: 

Robert J. Gibson  
Alina Amarkarian  
Attorneys for PAUL RYKEN and ESTATE  
OF NICK VAN VLIET

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# **EXHIBIT A**



**California Regional Water Quality Control Board**  
**Lahontan Region**



Linda S. Adams  
Secretary for  
Environmental Protection

2501 Lake Tahoe Boulevard, South Lake Tahoe, California 96150  
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Arnold Schwarzenegger  
Governor

**MAR 09 2010**

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K&H Van Vliet Children LLC  
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**CERTIFIED MAIL: 7009 0820 0001 6630 0743**

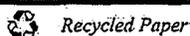
Robert Doss  
Mail Code B16A  
Pacific Gas and Electric Company  
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San Francisco, CA 94105-1814

**CERTIFIED MAIL: 7008 1300 0001 6173 2180**

**AMENDED CLEANUP AND ABATEMENT ORDER NO. R6V-2008-0034A2, DESERT VIEW DAIRY CONTAMINATION IN GROUNDWATER, HINKLEY, SAN BERNARDINO COUNTY, WDID NO. 6B36040900**

Enclosed for your immediate attention is Amended Cleanup and Abatement Order No. R6V-2008-0034A2 (Order) (enclosed) to the operators, past operator, and owners of the Desert View Dairy (DVD). The Order modifies directives in Cleanup or Abatement Order No. R6V-2008-0034 and R6V-2008-0034A1 (enclosed) requiring the Dischargers to provide an alternate water supply to residences affected by nitrate pollution of groundwater resulting from discharges from the DVD.

*California Environmental Protection Agency*



Paul Ryken  
Estate of Nick Van Vliet  
Flameling Dairy, Inc.  
K&H Van Vliet Children LLC  
Robert Doss

- 2 -

## **Background**

CAO R6V-2008-0034 directed the operators, past operator, and owners of the Dairy to, among other things, provide an uninterrupted replacement water supply to residences where their domestic water supply has been adversely affected with elevated nitrate and total dissolved solids concentrations due to discharges from the DVD. The Dischargers complied with this directive by supplying bottled water to the affected residences. At the time I accepted this form of uninterrupted replacement water (June 2009), the residents did not object to method of compliance.

Since June 2009, total dissolved solids (TDS) concentrations have increased in the private wells. As reported in the December 15, 2009, document titled, *Residential Well Sampling Results (Results)*, TDS concentrations have increased, ranging from 7 to 23 percent from the prior sampling event in December 2008. The Results also show that at the same four well locations, the secondary Maximum Contaminant Levels for other constituents were exceeded. The Results did not show any new private supply wells with nitrate concentrations exceeding the standard beyond those listed in previous technical reports.

Starting in December 2009, the Water Board has been contacted by residents on Thompson Road who indicated that bottled water did not provide for all their domestic water needs. The residents complained about foul odor from using well water and objected to bathing in water from the contaminated well and indicated that washing clothes and dishes in with that contaminated water left residue on the clothes and dishes. Residents identified concerns about health effects of being exposed to impacted well water, providing it to their animals, and deterioration of appliances. One resident also believed that excessive salts in well water were causing skin rashes. Residents requested that the Water Board require the responsible parties for the groundwater contamination to provide a more extensive long-term water replacement plan than just bottled water that takes all domestic uses into consideration.

## **Modifications to CAO R6V-2008-0034**

The enclosed Amended Order requires that by April 30, 2010, the responsible parties for the Dairy submit a workplan detailing Alternate Water Supply implementation for long-term, uninterrupted, replacement water that allows for all domestic uses (drinking, cooking, bathing, washing, appliances, outdoor needs, etc.) for all private wells with nitrate as  $\text{NO}_3$  concentrations exceeding 45 mg/L. The workplan must describe different options for alternate water supply, estimate completion times, maintenance if required, and impacts to private well owners. A recommended option must be listed with justification.

Paul Ryken  
Estate of Nick Van Vliet  
Flameling Dairy, Inc.  
K&H Van Vliet Children LLC  
Robert Doss

- 3 -

Upon my acceptance of an Alternate Water Supply option, the Amended Order requires that by July 30, 2010, the Dischargers implement it and provide clean water to the four affected residences. The Dischargers must follow up this action by submitting a technical report detailing the corrective action and providing water sample results verifying that clean water is being provided to owners of impacted water wells.

### Responsible Parties

I consider the above parties and entities listed in this letter to be responsible parties for discharges of waste at the subject property that have impacted and threaten water quality. The cleanup and abatement actions and technical report submittals listed in this letter can be completed by one or both of the responsible parties, so long as Water Board directives are complied with. If neither of the responsible parties complies with these directives, all parties will be subject to enforcement action by the Water Board. Such an action may include issuance of an assessment of an administrative civil liability for up to five thousand dollars (\$5,000) for each day of violation of a directive, or referral to the California Attorney General for appropriate action.

I appreciate your cooperation in this matter. If you have any questions, please contact Lisa Dernbach at (530) 542-5424 ([ldernbach@waterboards.ca.gov](mailto:ldernbach@waterboards.ca.gov)) or Chuck Curtis at (530) 542-5460 ([ccurtis@waterboards.ca.gov](mailto:ccurtis@waterboards.ca.gov)).



HAROLD J. SINGER  
EXECUTIVE OFFICER

Enclosures: Cleanup and Abatement Order R6V-2008-0034A2  
Cleanup and Abatement Order R6V-2008-0034  
Cleanup and Abatement Order R6V-2008-0034A1  
Water Code Section 13267 Fact Sheet

cc: Mailing list

LSD/clhT: Desert View Dairy CAO cover ltr  
Send to file: WDID 6B36040900

*California Environmental Protection Agency*

 Recycled Paper

MAILING LIST

Desert View Dairy

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

**AMENDED CLEANUP AND ABATEMENT ORDER NO. R6V-2008-0034A2**

**REQUIRING PAUL RYKEN, THE ESTATE OF NICK VAN VLIET, FLAMELING DAIRY,  
INC., K&H VAN VLIET CHILDREN LLC, AND  
THE PACIFIC GAS AND ELECTRIC COMPANY  
TO CLEAN UP OR ABATE THE EFFECTS OF  
CONTAMINANTS TO GROUNDWATERS OF  
THE MOJAVE RIVER HYDROLOGIC UNIT,  
DESERT VIEW DAIRY, HINKLEY,  
WDID NO. 6B36040900**

San Bernardino County

The California Regional Water Quality Control Board, Lahontan Region (Water Board), finds:

1. On November 10, 2008, the Water Board issued Cleanup and Abatement Order (Order) No. R6V-2008-0034 to Paul Ryken, the Estate of Nick Van Vliet, Flameling Dairy, Inc., K&H Van Vliet Children LLC, and the Pacific Gas and Electric Company (hereinafter referred to as the Dischargers). Amended Order No. R6V-2008-0034A1 (Amended Order) was issued on June 16, 2009 modifying the well sampling requirements of the original Order. Additionally, in the cover letter for the Amended Order, the Executive Officer accepted the proposal for providing long-term, uninterrupted, replacement water for private wells affected by nitrate pollution by continuing the supply of bottled water that was in place. This second amended Order provides subsequent findings and modifies the alternate water supply requirement of the Order. Findings and requirements that are in Cleanup and Abatement Order Nos. R6V-2008-0034 and R6V-2008-0034A1 and that are not amended by this Order remain in effect.
2. The Dischargers complied with directives in the Order by supplying interim bottled water in November 2008 to residents with private wells affected by nitrate pollution. The supplied water is provided at a volume sufficient for drinking and cooking purposes.
3. In the June 16, 2009 cover letter for Amended Order No. R6V-2008-0034A1, the Water Board Executive Officer accepted the Discharger's proposal to implement long-term, replacement water for private wells affected by nitrate pollution by continuing the supply of bottled water that was in place. At the time, the Water Board staff did not receive any objections to this plan from the residents receiving supplied water.
4. On December 15, 2009, the Dischargers submitted to the Water Board a document titled, *Residential Well Sampling Results* (Results), for sampling of ten residential wells in November 2009—the residence at 22619 Thompson Road contains two wells compared to one well at all other residences. The technical report was submitted in compliance

with directive No. 5 in the Amended Order. The Results show that analysis of well samples from four of the nine residences had concentrations of nitrate greater than the primary Maximum Contaminant Level (MCL) of 45 mg/l for nitrate as NO<sub>3</sub>. The nitrate levels in the four affected wells ranged from 95 mg/L to 250 mg/L. The locations of the affected wells are on Thompson Road, east of Mountain View Road. The Results did not show any new private supply wells with nitrate concentrations exceeding the standard beyond those listed in previous technical reports. The Results also show that at the same four well locations, the secondary drinking water standards for other constituents were exceeded.

The following table shows the range of detected concentrations in the affected domestic wells and secondary MCLs established by the California Department of Public Health as consumer acceptance contaminant levels.

|                                       | <b>Range of concentrations in Domestic Wells</b> | <b>Recommended</b> | <b>Upper</b> | <b>Short Term</b> |
|---------------------------------------|--|--------------------|--------------|-------------------|
| Chloride (mg/L)                       | 780-1200   | 250                | 500          | 600               |
| Sulfate as SO <sub>4</sub> (mg/L)     | 900-1600   | 250                | 500          | 600               |
| Total Dissolved Solids (mg/L)         | 3500-5800  | 500                | 1000         | 1500              |
| Specific Conductance (EC) (µmhos/cm)* | 5500-9000  | 900                | 1600         | 2200              |

\* Specific Conductance estimated based on Total Dissolved Solids data and conversion factor of 1.56 µmhos/cm EC per mg/L TDS.

Chloride, sulfate and Total Dissolved Solids can impart objectionable tastes to water and sulfate can impart objectionable odors from water at levels above the secondary MCLs. Water containing salts at the levels found in the affected domestic wells will cause most vegetable crops production to decline at least 50 percent and will cause complete failure of many common vegetable crops. At the higher levels found in the domestic wells, the water has limited use for livestock watering, is unsuitable for pregnant or lactating livestock, and is unsuitable for poultry.

4. Also on December 15, 2009, the Water Board was contacted by a resident on Thompson Road who indicated that the replacement bottled water did not provide for all their domestic water needs. The resident complained about foul odor from using her well water for non-potable uses and objected to bathing in water from the contaminated well and indicated that washing clothes and dishes in with that contaminated water left residue on the clothes and dishes. The resident also believed that excessive salts in well water were causing skin rashes and adversely

PAUL RYKEN,  
THE ESTATE OF NICK VAN VLIET,  
FLAMELING DAIRY, INCORPORATED,  
K&H VAN VLIET CHILDREN LLC, AND  
THE PACIFIC GAS & ELECTRIC COMPANY  
San Bernardino County

-3-

CLEANUP & ABATEMENT  
ORDER NO. R6V-2008-0034A2  
WDID NO. 6B36040900

affecting their appliances. The resident requested that the Water Board require the responsible parties for the groundwater contamination to provide a more extensive long-term water replacement plan than just bottled water that takes all domestic uses into consideration.

Other affected residents verbally indicated to Water Board staff in December 2009 and January 2010 that the current long-term water replacement plan did not provide for all their domestic water needs. Residents identified concerns about health effects of being exposed to impacted well water, providing it to their animals, and deterioration of appliances. One resident indicated they could no longer grow their garden because the well water caused failure of the vegetable crops.

5. This Amended Order requires workplans, monitoring, and reports pursuant to Water Code section 13267, subdivision (b). Workplans and technical reports required are essential to design a long-term water placement plan and implementation schedule to verify compliance with this Amended Order. Monitoring is required to verify that the Alternate Water Supply option implemented provides clean water to residences with wells impacted with pollution.
6. The issuance of this Amended Order is an enforcement action taken by a regulatory agency and is exempt from the provision of the California Environmental Quality Act (Public Resources Code, section 21000 et seq.), pursuant to California Code of Regulations (CCR), title 14, section 15321, subdivision (a)(2). The implementation of this Amended Order is also an action to assure the restoration of the environment and is exempt from the provisions of the California Environmental Quality Act (Public Resources Code, section 21000 et seq.), in accordance with CCR title 14, sections 15308 and 15330.

**IT IS HEREBY ORDERED**, pursuant to the Water Code sections 13267 and 13304, that Mr. Paul Ryken, the estate of Nick Van Vliet, and Flameling Dairy, Inc., are primarily responsible for the discharge of waste that has caused or threatens to cause a condition of pollution or nuisance, and shall abate the effects of waste discharges at, near, and downgradient of the Facility as directed in Cleanup and Abatement Order No. R6V-2008-0034 and as amended below. As secondarily liable for the discharge of waste that has caused or threatens to cause a condition of pollution or nuisance, the K&H Van Vliet Children LLC and PG&E shall abate the effects of waste discharges at, near, or downgradient of the Facility as directed in Cleanup and Abatement Order No. R6V-2008-0034 and as amended below, in the event that Mr. Paul Ryken, the estate of Nick Van Vliet, and Flameling Dairy, Inc., fail to comply with all or any portion of this Amended Order after being so notified by the Water Board to comply with this Amended Order.

1. **By April 30, 2010**, submit a workplan detailing Alternate Water Supply implementation for long-term, uninterrupted, replacement water that allows for all domestic uses (drinking, cooking, bathing, washing, appliances, outdoor needs, etc.) for all private wells with nitrate as NO<sub>3</sub> concentrations exceeding 45 mg/L (10 mg/L nitrate as nitrogen). The workplan

PAUL RYKEN,  
THE ESTATE OF NICK VAN VLIET,  
FLAMELING DAIRY, INCORPORATED,  
K&H VAN VLIET CHILDREN LLC, AND  
THE PACIFIC GAS & ELECTRIC COMPANY  
San Bernardino County

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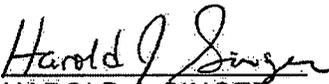
CLEANUP & ABATEMENT  
ORDER NO. R6V-2008-0034A2  
WDID NO. 6B36040900

must describe different options for alternate water supply, estimate completion times, maintenance if required, and impacts to private well owners. A recommended option and schedule must be listed with justification.

2. **By July 30, 2010**, complete implementation of the Alternate Water Supply option that was accepted by the Executive Officer for all wells with nitrate as NO<sub>3</sub> concentrations exceeding 45 mg/L (10 mg/L nitrate as nitrogen). Compliance will be viewed as providing clean water with no constituents above primary or secondary drinking water standards for all domestic uses to all affected residences. The Executive Officer may modify this schedule depending on the method recommended and justification given by the Dischargers.
3. **By August 20, 2010**, submit to the Water Board a technical report detailing Alternate Water Supply implementation, a list of all residences provided, and water sample results verifying that supplied water meets state drinking water standards. The report must contain a map showing the location of all residences receiving Alternate Water Supply, the location(s) of impacted private wells, and new water supply equipment, if applicable. The report must state and list each parcel owner and occupant receiving Alternate Water Supply who were provided a copy of the report. Future monitoring and reporting shall be in accordance with the schedule listed in Amended Order No. R6V-2008-0034A1.

Failure to comply with the terms or conditions of this Order will result in additional enforcement action that may include the imposition of administrative civil liability pursuant to Water Code sections 13268 and 13350 or referral to the Attorney General of the State of California for appropriate legal action.

Any person aggrieved by this action of the Lahontan 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 this Order, except that if the thirtieth day following the date of this Order falls on a Saturday, Sunday, of state holiday, or furlough day, 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/publicnotices/petitions/waterquality> or will be provided upon request.

Ordered by:   
HAROLD J. SINGER  
EXECUTIVE OFFICER

Dated: March 9, 2010

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**PROOF OF SERVICE**

I am employed in the County of Orange, State of California. I am over the age of 18 and not a party to the within action; my business address is 600 Anton Boulevard, Suite 1400, Costa Mesa, California, 92626.

On April 6, 2010, I served, in the manner indicated below, the foregoing document described as **PETITION FOR REVIEW AND REQUEST FOR HEARING TO BE HELD IN ABEYANCE** on the interested parties in this action by placing true copies thereof, enclosed in sealed envelopes, at Costa Mesa, addressed as follows:

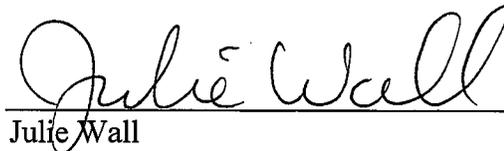
***SEE ATTACHED SERVICE LIST***

- BY REGULAR MAIL: I caused such envelopes to be deposited in the United States mail at Costa Mesa, California, with postage thereon fully prepaid. I am readily familiar with the firm's practice of collection and processing correspondence for mailing. It is deposited with the United States Postal Service each day and that practice was followed in the ordinary course of business for the service herein attested to (C.C.P. § 1013(a)).] ***[ALL OTHER PARTIES]***
- BY FACSIMILE: (C.C.P. § 1013(e)(f)).
- BY FEDERAL EXPRESS / OVERNITE EXPRESS: I caused such envelopes to be delivered by air courier, with next day service, to the offices of the addressees. (C.C.P. § 1013(c)(d)). ***[TO JEANNETTE L. BASHAW ONLY]***
- BY PERSONAL SERVICE: I caused such envelopes to be delivered by hand to the offices of the addressees. (C.C.P. § 1011(a)(b)).
- BY E-MAIL: I caused such document to be served via e-mail to the below-referenced addressees.

\*\*\*\*\*

I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

Executed on April 6, 2010, at Costa Mesa, California.

  
\_\_\_\_\_  
Julie Wall

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**SERVICE LIST**

**In the Matter of the Estate of Nick Van Vliet and Paul Ryken's Petition for Review of Action and Failure to Act by the California Regional Water Quality Control Board, Lahontan Region, in Issuing Cleanup and Abatement Order No. R6B-2008-034**

Jeannette L. Bashaw  
Legal Analyst  
Office of Chief Counsel  
State Water Resources Control Board  
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Harold J. Singer, Executive Officer  
California Regional Water Quality Control Board  
Lahontan Region  
2501 Lake Tahoe Blvd.  
South Lake Tahoe, California 96150

Flameling Dairy, Inc.  
c/o Bert & Kathleen A. Flameling  
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**Snell & Wilmer**

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- 1 Estate of Nick Van Vliet
- 2 c/o Gary B. Genske
- 3 1835 Newport Bouleavrd, Suite D-263
- 4 Costa Mesa, CA 92627
  
- 5 Paul Ryken
- 6 Desert View Dairy
- 7 37501 Mountain View Road
- 8 Hinkley, Ca 92347
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