

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

AMENDED CLEANUP AND ABATEMENT ORDER NO. R6V-2008-0034A1

**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 (attached) 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. This amendment provides supplemental findings and modifies the well sampling requirements of the Order. All Findings and those requirements that are not amended in Cleanup and Abatement Order No. R6V-2008-0034 remain in effect.
 2. On January 9, 2009, the Dischargers submitted to the Water Board a document titled, *Residential Well Sampling Results (Results)*, for sampling conducted in December 2008. Well monitoring data in the Results show that concentrations of nitrate as NO₃ were reported at 200 mg/L in a private domestic supply well located at 22839 Thompson Road. This result is greater than the primary drinking water standard of 45 mg/l for nitrate as NO₃. The Results also show that the drinking water standard for nitrate as NO₃ was exceeded at five additional off-site well locations on four different properties. The Results did not show any new private supply wells with nitrate concentrations exceeding the standard beyond those listed in previous technical reports.
 3. On March 20, 2009, the Water Board received a letter by Conestoga-Rovers and Associates, on behalf of Mr. Paul Ryken and the estate of Nick Van Vliet, requesting modifications to requirements in the Order. The letter recommended that residential well sampling be reduced in frequency and in the number of sampling locations. The request was based upon results from three residential well sampling events and evidence that all residential wells currently affected by nitrate pollution have been identified.
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4. On March 30, 2009, the Dischargers submitted a letter report documenting the findings of additional residential well sampling at off-site locations downgradient of the Facility. Analytical results from three residential wells, located on Sonoma Street 6,000 feet to the north, show that the nitrates detected were well below the drinking water standard for nitrate as NO_3 . The information indicates that the downgradient boundary of the nitrate plume from the Facility extends in groundwater to less than 6,000 feet from the Facility.
5. This Amended Order requires monitoring and reporting pursuant to Water Code section 13267, subdivision (b). The monitoring required by this Amended Order is necessary to determine water supply sources adversely affected by pollution and threat to other potential water supply sources and to verify compliance with the Amended Order. This Amended Order lists well locations for semi-annual and annual monitoring and establishes a semi-annual reporting frequency.
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.

Order Nos. 4 and 5 of Cleanup and Abatement Order No. R6V-2008-0034 are amended as follows:

4. Well Sampling

- A. **During the periods April 1, 2009 to June 30, 2009 and October 1, 2009 to December 31, 2009 and semi-annually (every six months) thereafter,** conduct sampling of the private domestic wells listed in the table below. Submit samples with chain of custody documentation to a California certified laboratory for analyses. Laboratory analyses must include general minerals and regulated inorganics. Nitrate as NO₃ must have a Method Detection Limit of 2 mg/L or less.

Well Location	Nitrate Status
37501 Mountain View Rd	Threatened
38080 Mountain View Rd	Threatened
38132 Mountain View Rd	Threatened
38423 Mountain View Rd	Threatened
23203 Salinas Rd	Threatened
22772 Sonoma St	Threatened

- B. **During the period October 1 to December 30, 2009 and annually (every twelve months) thereafter,** conduct sampling of the private domestic wells listed in the table below. Submit samples with chain of custody documentation to a California certified laboratory for analyses. Laboratory analyses must include general minerals and regulated inorganics. Nitrate as NO₃ must have a Method Detection Limit of 2 mg/L or less.

22619 (1) Thompson Rd	Above MCL
22619 (2) Thompson Rd	Above MCL
22726 Thompson Rd	Above MCL
22839 Thompson Rd	Above MCL
22875 Thompson Rd	Above MCL
22698 Alcudia Rd	Above MCL

5. **By August 15, 2009 and semi-annually (every six months) thereafter,** but no later than 45 days after completing the well sampling required in Order 4 above, submit to the Water Board California-certified laboratory results and other quality assurance/control documentation from the semi-annual sampling event, and annual sampling event, if appropriate, for all potentially affected private domestic wells. If the results indicate that other constituents besides nitrate are detected above the MCL, the report must describe those wells affected. The report must contain a map showing the location of all wells that were sampled or were attempted to be sampled. List all attachments and figures in the report.

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

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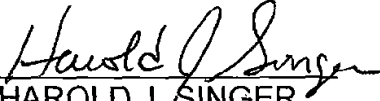
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Water Code sections 13268 and 13350 or referral to the Attorney General of the State of California for appropriate legal action.

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, 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.

Ordered by: 
HAROLD J. SINGER
EXECUTIVE OFFICER

Dated: June 16, 2009

Attachment: Cleanup and Abatement Order No. R6V-2008-0034