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**Cc:** [REDACTED]  
**Subject:** Advisory Team Request for Clarification on Consensus - Response  
**Date:** Friday, September 18, 2015 4:23:31 PM

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Good afternoon, Advisory Team,

In reply to your September 3, 2015 Clarification on Consensus Language Submitted by Water Board Prosecution Team and PG&E for the Proposed the Cleanup and Abatement Order (CAO), the Prosecution Team and PG&E are jointly proposing the following response.

Regarding the last sentence in Order section VI.C.1 a) iii, which reads:

***If at any time USGS background study information becomes publically available demonstrating the chromium in the western finger is predominantly naturally occurring, no further remedial activities will be required in this area upon approval from the Regional Board Executive Officer.***

**Question a.** How is the *publicly available* information different from the preliminary results that are expected in 2017? When is information considered “publicly available”?

**Response:** “Publicly available” in this context includes the preliminary results report, the final report, and other technical documents with analysis, interpretation, and conclusions provided by the USGS.

Information would be considered publicly available when it is made available to the general public, such as via Water Board, USGS, and/or Project Navigator’s website.

The Prosecution Team and PG&E propose the following edit to the last sentence of Order section VI.C.1.a) iii, shown in **red bold**, to the consensus language:

- i. If at any time USGS **provides written technical** background study information **such as the preliminary results report, final report or other technical documentation containing analysis, interpretation and conclusions** demonstrating the chromium in the western finger is predominantly naturally occurring, no further remedial activities will be required in this area upon approval from the Regional Board Executive Officer.

The Prosecution Team and PG&E also recommend that this edit is carried over into Order section VI.2.c), where similar language exists for the northern plume cleanup requirements.

**Question b.** How is *predominantly naturally occurring* defined? Does it mean 51 percent or more?

**Response:** We do not have a definition. Due to the background study approach of using multiple lines of evidence, numerous data types, and a groundwater-basin approach, a quantitative response

to defining “predominantly naturally occurring” is difficult. USGS may be able to assign a percentage or statistical probability to the conclusion, but to assign a quantitative value at this point is premature.

Sincerely,  
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