

Lahontan Regional Water Quality Control Board

November 2, 2012

Sheryl Bilbrey
Director, Remediation Program Office
Pacific Gas and Electric Company
3401 Crow Canyon Road
San Ramon, CA 94105-1814

INVESTIGATIVE ORDER NO. R6V-2012-0057

REQUEST FOR URANIUM AND GROSS ALPHA AND BETA RADIATION DATA, PACIFIC GAS AND ELECTRIC COMPANY (PG&E), HINKLEY COMPRESSOR STATION, SAN BERNARDINO COUNTY

This Investigative Order directs PG&E to submit a technical report to the Water Board describing the extent of radionuclides in groundwater, soil, and air in Hinkley. The Water Board's requirement that you submit technical reports is made pursuant to Section 13267 of the California Water Code.

Background

PG&E is currently operating four irrigated fields as interim remedial measures for chromium in groundwater from historic discharges at the Hinkley Compressor Station. These fields are used for growing alfalfa or fodder crops for the purpose of chromium remediation and plume containment. The operation of these fields is documented in quarterly reports submitted to the Water Board for the Desert View Dairy and for the combined Gorman, Cottrell, and Ranch fields. Data in quarterly reports for the latter properties show that besides chromium, irrigation water contains uranium, gross alpha, and gross beta radiation at concentrations exceeding drinking water standards of 20 picocuries per liter (pCi/L), 15 pCi/L, and 50 pCi/L, respectively. The reports speculate that these radionuclides are naturally occurring from area bedrock.

The Water Board requires that PG&E submit any known (already collected) uranium, gross alpha, and beta radiation information relating to the four irrigated fields, other remedial actions, and water supply wells at the compressor station and within the Hinkley community. This information is needed to help understand and assess existing conditions and understand the potential influence of remedial actions of radionuclides in groundwater, soil and air.

Requirements

Pursuant to section 13267 of the California Water Code, PG&E is required to submit to the Water Board a report **by November 30, 2012** containing the following items:

- Uranium and gross alpha and beta radiation data for the groundwater used for PG&E's irrigation activities in the five fields being operated.
- Uranium and gross alpha and beta radiation data for samples from off-site locations. Off-site groundwater sampling should include locations that are: 1) upgradient and downgradient of the agricultural treatment units; 2) upgradient and downgradient of the chromium plume; and 3) cross gradient to the agricultural treatment units and outside the chromium plume. The off-site locations upgradient of the chromium plume should also be upgradient of any active or recently active agricultural fields in order to assess uranium levels in areas unaffected by agricultural activity.
- Recent and past water quality data for uranium and gross alpha and beta radiation from irrigation, monitoring, extraction, and domestic wells from any location in Hinkley Valley.
- Recent and past soil sampling data for uranium and gross alpha and beta radiation from any location in Hinkley Valley.
- Any air monitoring data involving uranium and gross alpha and beta radiation from any location in Hinkley Valley, including upwind and downwind of active agricultural treatment fields.

The bulleted information shall be presented in tables, shown on maps, and described in the text of the report. The report shall cite which data or information was submitted in the past to the Water Board and which data or information is new. Where PG&E does not have the requested information, the report shall say so.

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 radionuclide data will assist in evaluating potential threats to public health in the environmental impact report that could result from PG&E's proposed cleanup alternatives.

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.



PATTY KOUYOUMDJIAN
EXECUTIVE OFFICER

Enclosure: Section 13267 Fact Sheet

cc: PG&E Technical Mail List and lyris list (and web posting)

**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.