

## Item 6

# PROSECUTION TEAM PRESENTATION

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Proposed Cleanup and Abatement Order, PG&E Hinkley

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Lahontan Water Board Prosecution Team  
November 4, 2015 Water Board Meeting

# Introduction

Collaborative process has provided for robust discussion and improved Findings/Orders in some cases. Prosecution Team appreciates this further opportunity:

- Water Board has sufficient evidence to establish lower aquifer background concentrations now.
- Prosecution Team continues to support the **existing** plume mapping requirements to provide consistent mapping until the Water Board adopts new background concentrations for the upper aquifer.
- We request that a new finding emphasizing a particular well density to establish sufficient evidence be deleted.

# Presentation Topics

Lower Aquifer Background Concentrations

Plume Mapping and Best Professional Judgment

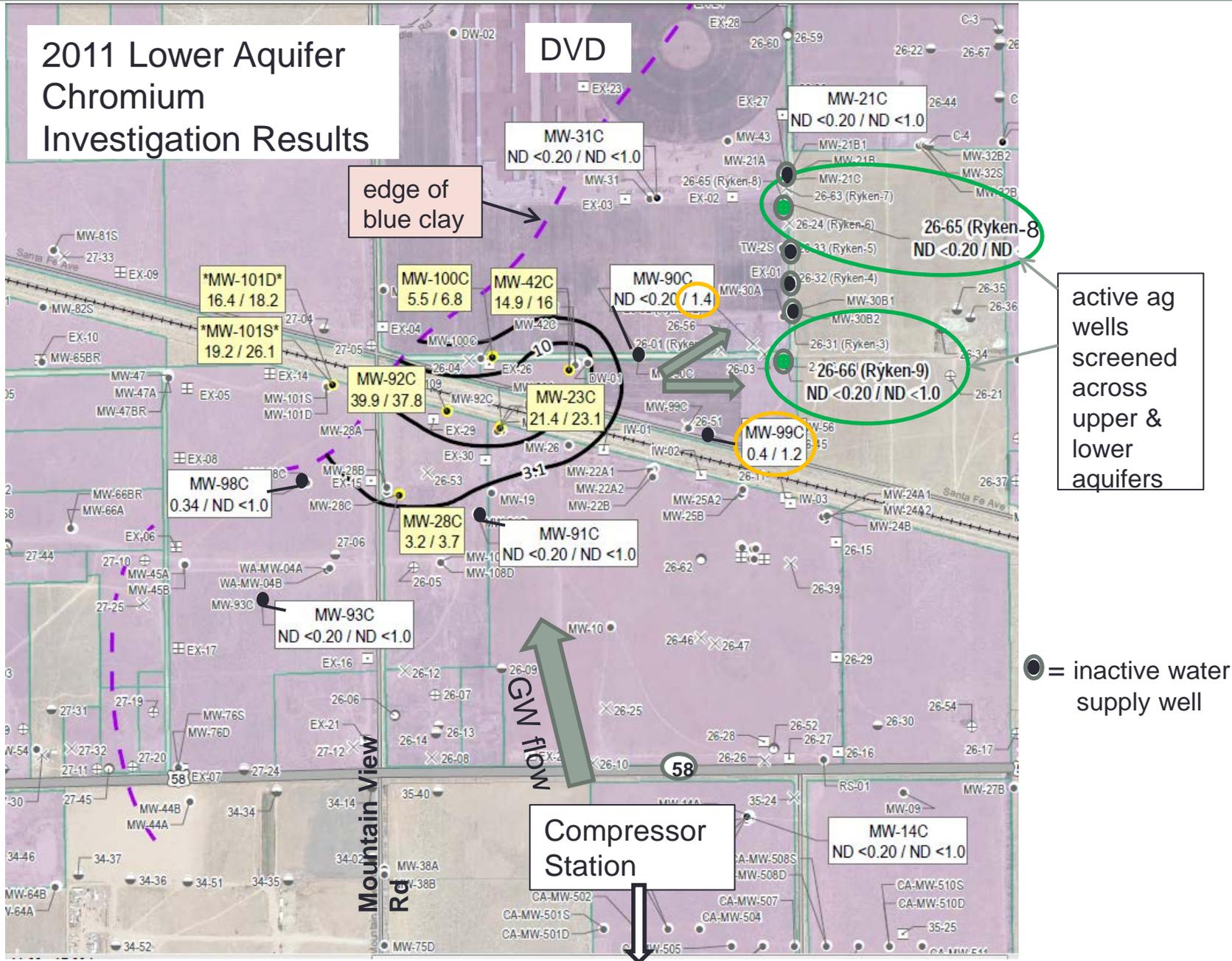
Monitoring Well Density as Link to Discharge

Other Clarifications

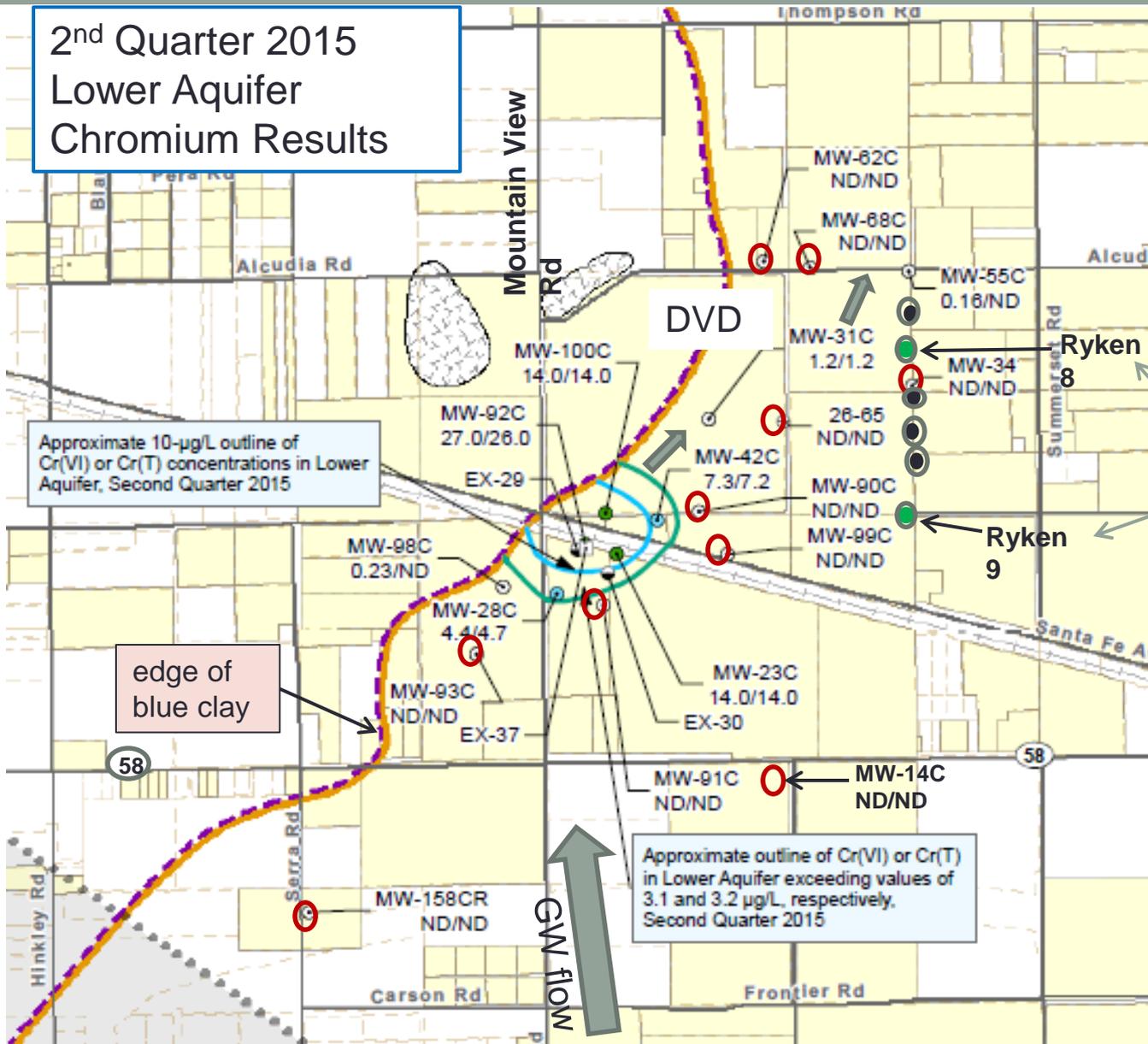
# Lower Aquifer Background Level

- Conceptual Site Model previously put forth by PG&E; no need to develop additional model
- Sufficient data exist to establish background values in Lower Aquifer including “localized area”; no need to collect additional data or delay a decision
- Four of five MWs up- or cross-gradient to Lower Aquifer plume in “localized area” have shown non-detect (at 0.2 ppb) for Cr6 for years
- Actions have already resulted in cleanup to less than 0.2 ppb
- **Recommend incorporating background value for Lower Aquifer of 0.2 ppb into CAO**

# 2011 Lower Aquifer Chromium Investigation Results



2<sup>nd</sup> Quarter 2015  
Lower Aquifer  
Chromium Results



active ag wells screened only across upper aquifer

- = non-detect well
- = inactive water supply well

# Plume Mapping and Best Professional Judgment (BPJ)

- BPJ maps led to confusion and contention in past; Water Board staff and PG&E developed effective compromise method - “inset maps” with explanatory text, in use for 1.5 years
- Provides consistent and comparable maps adding clarity to public perception of progress and Water Board regulatory efforts
- PG&E, in September 30, 2015 comments, indicated willingness to continue “inset map” method
- **Recommend retaining mapping requirements from CAO R6V-2008-002A4 which requires drawing plume lines connecting monitoring wells with chromium detections  $\geq 3.1/3.2$  ppb within 2,600 feet**

# Monitoring Well Density (Finding 34b, page 10)

- Added language describes MW density as “not sufficient” to link Cr in northern area to PG&E discharges
- Conflicts with past and ongoing practices at other sites; sets bad precedent. Density of wells is not sole factor
- Water Board appropriately and routinely requires cleanup and/or replacement water in other cases based on fewer MWs or only supply well data. (e.g., Harmsen Dairy)
- **Recommend removing added language; insert revised language from September 1, 2015 draft CAO provided by the Prosecution Team**

## Written Comments dated Nov. 3, 2015

Prosecution Team comment letter on the Proposed CAO contains additional issues not addressed in this presentation:

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- Clarifying matters around USGS study (who submits, who accepts, who establishes background concentrations)
- Adding monitoring well installation requirement at Acacia Street and updating monitoring frequency discussion to be consistent with consensus language
- Dispute Resolution Process
- Other clarifications

# Conclusion/Recommendation

- No new evidence has been presented tonight, except prior Orders or documents in the public record for other sites (e.g. dairies or DOD cases) which relate to a new finding in the Order version before you
  - All changes proposed by Prosecution Team were either in a previous version of the Order or are clarifications and updates
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- **Consider and incorporate changes provided**
  - **Adopt Order with changes**