

Help Hinkley Heal

November 4, 2015

Statement by Amy Horne, PhD

Board Member

California Regional Water Quality Control Board, Lahontan Region

A few years ago I wrote a book about economic development, the purpose of which was to create a framework for building healthy rural communities. I covered the usual subjects: jobs, health care, housing and education. When I finished the book I came to the conclusion that the most important factor for a healthy community is the people who live there.

A community is not just a collection of buildings; nor is it a bunch of jobs. A community is a place where adults volunteer to coach softball teams. A community is a place where people bring food to those who are homebound. A community is a place where people face and solve their collective problems together.

When I wrote this book I was thinking about how communities could survive hard times, such as a major employer going bankrupt, or the economy going into a general recession. I was thinking in terms of surviving a short-term stress lasting 3 to 5 years, similar to a person dealing with a broken leg.

It never occurred to me that a community might have to survive long-term, chronic stress. One month from Saturday, on December 7th, it will be 28 years since Lahontan became aware PG&E had polluted the groundwater with chromium VI. Twenty-eight years – I can't get my mind around that. And it will be several more decades before the pollution is cleaned up. This kind of stress on a community is unimaginable; it's more like cancer. Those of you who stay and fight for Hinkley show remarkable courage and fortitude.

The best I can figure, before the chromium VI pollution was discovered, Hinkley numbered about 8,000 souls. The town had an elementary school of which it was very proud. It had a store, a post office, and a gas station.

Today Hinkley has only about 1,000 people. The school has closed. It has no store, no post office, and no gas station. Hundreds of homes have been wiped off the face of the earth. Where families once lived, now PG&E owns land and water rights. I'm sure there are many other significant changes I am not aware of.

A lot has happened in the intervening 28 years. Many people bear many scars. The movie, *Erin Brockovich*, was a mixed blessing. It put Hinkley in the national spotlight, which focused attention and resources on the problem. But it also created a kind of hysteria about chromium VI. And, because it portrayed PG&E as the epitome of corporate evil, some people have a hard time rationally assessing PG&E's behavior. In addition, the plume has spread. We learned the original background report was flawed. The people of Hinkley suffered all kinds of hardships – to their health, their finances, and loss of their community.

We also have made a lot of progress. The most important thing is that today no one in Hinkley is drinking water with chromium concentrations above the maximum contaminant level.

A lot of people have worked hard to find a solution. The Environmental Impact Report was a significant body of work. The independent technical review of the Environmental Impact Report endorsed the general technologies PG&E proposed to use and suggested refinements that improved the clean up strategy.

PG&E has spent a lot of money in Hinkley – I have no idea how much -- on clean up activities, on studies, on lawsuits, and on a \$3.6 million penalty. California adopted a Maximum Contaminant Limit for Chromium VI – by far the toughest in the nation, which gave Lahontan more power to protect drinking water.

Dr. Ian Webster and his Project Navigator staff, appeared on the scene, and have helped Hinkley residents understand the technical gobbledygook. And Dr. Izbicki is conducting a study that will help resolve disputes about where chromium VI came from and what may not be caused by PG&E.

Over a year ago, Lahontan began to develop this Cleanup and Abatement Order (CAO). We held several workshops. The Board received hundreds of pages of comments and listened to hours of debate. We have thought deeply about all we have read and heard. And I believe we have tried to devise a CAO that is in the best interest of the Hinkley community.

By adopting this Cleanup and Abatement Order, we are at a significant turning point. For the first time in 28 years, a comprehensive clean up order is in place.

Now PG&E is responsible for doing the work. And Lahontan is responsible for holding PG&E accountable.

What we know about the plume will change as it gets cleaned up, as technology improves, and as we learn from new studies such as Dr. Izbicki's.

Today we start to write a new story for Hinkley. Up to this point we all have had our roles to play. The success of this order depends on whether we pull together to help Hinkley heal. This calls for each one of us to think about what we can do to promote healing. Each of us can examine our assumptions about what we think is true. Each of us can let go of old baggage. Each of us can give other people the benefit of the doubt. Each of us can be careful what we say about each other.

In my opinion, PG&E owes Hinkley more than to simply clean up the chromium VI. It also needs to help the people of Hinkley rebuild their community. Of course, the Lahontan Board has no authority to tell PG&E what to do other than to clean up the pollution. But, in my opinion, PG&E must not only consider its shareholders when it decides what to do with the land and water rights it owns here. It must also consider the welfare of Hinkley residents.

One of the things the rest of us can do is to let PG&E take off the black hat. Hinkley will not be healed until PG&E is once again viewed as a good neighbor and a source of good jobs. It will

take time, of course, to rebuild trust in PG&E, but that is a goal to work toward. PG&E can affect how quickly we reach that goal by what choices it makes.

In law school you learn about different theories of justice. The purpose of retributive justice is to punish the offender. The purpose of procedural justice is to treat affected parties fairly. The purpose of distributive justice is to allocate resources fairly. And the purpose of restorative justice is to repair relationships and undo harm.

When I look at the history of Hinkley, PG&E and Lahontan, I see examples of retributive, procedural, and distributive justice. But I do not see many examples of restorative justice. Going forward I hope we will focus more on restorative justice. How can we heal the harm that has been done? How can we mend frayed relationships and rebuild trust? Now is the time to let the healing begin.