

**STATE OF CALIFORNIA
CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
COLORADO RIVER BASIN REGION**

RESOLUTION NO. R7-2006-0073

**APPROVING THE INITIAL STUDY AND ADOPTING
A NEGATIVE DECLARATION FOR
WASTE DISCHARGE REQUIREMENTS FOR
PACIFIC GAS AND ELECTRIC COMPANY
GROUNDWATER INJECTION**

WHEREAS, the California Regional Water Quality Control Board, Colorado River Basin Region (Regional Board) finds that:

1. Pacific Gas and Electric Company (PG&E), located at 77 Beale Street, San Francisco, California 94105, owns and operates a natural gas compressor station used for transmission of natural gas by pipeline at Topock, San Bernardino County, California. The PG&E compressor station is located about 15 miles southeast of Needles, California, along the Colorado River.
2. As a result of hazardous levels of hexavalent chromium being detected in soils and groundwater in May 1995 in and around the PG&E compressor station facilities (the Topock site), PG&E and the California Department of Toxic Substance Control (DTSC), the regulatory state agency with jurisdiction over hazardous waste sites, entered into a Corrective Action Consent Agreement in February 1996 to provide a framework for carrying out the corrective actions specified in the agreement.
3. Pursuant to the agreement, DTSC directed PG&E to conduct a Resource Conservation and Recovery Act (RCRA) Facility Investigation (RFI) and to implement corrective action measures to address the chromium contamination found. Towards this goal, DTSC further directed PG&E in January 2004 to prepare an Interim Measures Workplan in response to hexavalent chromium being detected in one of the Monitoring Wells (MW-34-80) installed near the Colorado River along the floodplain. Two Interim Measures (IM-1 and -2) were implemented pursuant to the Workplan to control the potential migration of the chromium plume towards the river by pumping and transporting extracted groundwater to an off-site disposal facility.
4. On June 30, 2004, DTSC directed PG&E to prepare and immediately implement Interim Measure No. 3 (IM-3) to expand existing groundwater extraction and management facilities when computer modeling showed that the existing pumping and extraction rates under IM-2 would be insufficient to maintain hydraulic control of the plume during seasonal low flow river stages. The IM-3 project described by DTSC included construction of a groundwater treatment plant capable of treating up to 135 gallons per minute of groundwater, additional extraction wells, new injection wells, observation monitoring wells, and associated conveyance piping. DTSC issued a Notice of Exemption for the IM-3 project, as described, to address the exemption requirements for an Emergency Project under the California Environmental Quality Act (CEQA) (Public Resources Code section 21000 et seq.).

5. In relevant part, on July 29, 2004, PG&E submitted a Report of Waste Discharge to the Regional Board for the proposed injection of groundwater treated by the IM-3 treatment plant.
6. On October 13, 2004, the Regional Board adopted Order No. R7-2004-0103, which allows PG&E to discharge up to 135 gallons per minute of treated groundwater from the proposed IM-3 treatment plant into specified injection well fields. In adopting this order, the Regional Board reviewed the Notice of Exemption prepared by DTSC and stated in the order that it “concur[s] that an emergency condition exists because the flow of groundwater to the Colorado River had not yet been contained.” But the Regional Board also stated in the order that “[while the duration of the Interim Measures has not been determined, it is appropriate to limit the term of this Order [to January 31, 2007], by which time it is reasonable to conclude that DTSC would have undertaken an environmental analysis of all disposal alternatives.”
7. On April 4, 2005, the Fort Mojave Indian Tribe sued DTSC, PG&E, and others, alleging in pertinent part that DTSC failed to comply with CEQA, including its issuance of the Notice of Exemption for the IM-3 project. The parties agreed to enter into settlement negotiations. Settlement discussions continue to date.
8. On July 31, 2005, the IM-3 treatment plant commenced operations. Non-detectable concentrations of hexavalent chromium in the treatment plant effluent and monitoring wells located downgradient from the injection well fields confirmed the effectiveness of the treatment plant and viability of the injection process as part of Interim Measures conducted.
9. In preparation for renewal of the injection permit WDRs, on June 8, 2006, PG&E submitted to the Regional Board a Report of Waste Discharge. No expansion or other changes to the existing extraction, treatment, or injection processes were proposed.
10. To evaluate whether allowing PG&E to continue to discharge treated groundwater by renewing the subject WDRs could have a significant effect on the environment, the Regional Board assumed lead agency role status under CEQA to conduct the required environmental review. In that role, the Regional Board conducted an Initial Study in accordance with the requirements specified in Section 15063 of the “State CEQA Guidelines” (California Code of Regulations (CCR), Title 14, Section 15000 et seq.) to evaluate the potential for adverse environmental impacts.
11. Regional Board staff concluded in the Initial Study that allowing the continued treatment and disposal of treated groundwater into the existing injection wells, through renewal of the WDRs, could not have a significant effect on the environment.
11. On August 2, 2006, the Regional Board notified interested agencies and persons of its Intent to Adopt a Negative Declaration for the subject WDRs for PG&E, and provided them with an opportunity to submit comments during a 30-day comment period that ended August 31, 2006.
12. The Regional Board, in a public hearing, considered all comments concerning the discharge to be regulated by the WDRs and the proposed Negative Declaration, including written comments submitted by the Fort Mojave Indian Tribe and the Torres-Martinez Band of Cahuilla Indians of California. The Regional Board has noted the Tribes’ concerns and has carefully considered Board staff’s responses to them.

13. The Regional Board finds, on the basis of the whole record before it, which includes these proposed WDRs, public comments received, Board staff responses to public comments, the Initial Study, DTSC-directed activities conducted to date and scheduled future activities, and water quality monitoring results reported to the Regional Board pursuant to the existing injection well WDRs, that there is no substantial evidence that the permit renewal project will have a significant effect on the environment, and that the proposed Negative Declaration reflects the Regional Board's independent judgment and analysis.
14. The Regional Board also finds, on the basis of the whole record before it, that there is no evidence that the proposed project will have potential for an adverse effect on wildlife resources or the habitat on which the wildlife depends. Further, the Regional Board has, on the basis of substantial evidence, rebutted the presumption of adverse effect on wildlife resources or the habitat on which the wildlife depends, as described in California Code of Regulations, Title 14, Section 753.5(d).

THEREFORE, BE IT RESOLVED that the Regional Board:

1. Approves the Initial Study and adopts the proposed Negative Declaration for the injection permit WDRs for PG&E's Topock Compressor Station.
2. Directs that a copy of this Resolution be forwarded to the State Water Resources Control Board.
3. Directs that a copy of this Resolution be forwarded to all interested parties.
4. Directs the Executive Officer to file a Notice of Determination with the Office of Planning and Research, State Clearinghouse, pursuant to Public Resources Code Section 21108 and Title 14, California Code of Regulations, Section 15075(a).
5. Further directs the Executive Officer to file two copies of a completed Certificate of Fee Exemption (California Department of Fish & Game Form 753.5—5/91) concerning the project with the Office of Planning and Research, State Clearinghouse, along with the Notice of Determination, pursuant to California Code of Regulations, Title 14, Section 753.5(c)(2)-(3), and Public Resources Code Section 21108.

CERTIFICATION

I, Robert Perdue, Executive Officer, do hereby certify that the foregoing is a full, true and correct copy of a Resolution adopted by the California Regional Water Quality Control Board, Colorado River Basin Region on September 20, 2006.



ROBERT PERDUE
Executive Officer