



Matthew Rodriguez
Secretary for
Environmental Protection



Department of Toxic Substances Control

Deborah O. Raphael, Director
5796 Corporate Avenue
Cypress, California 90630



Edmund G. Brown Jr.
Governor

Sent Via E-mail

February 26, 2013

Ms. Nora McDowell-Antone
Project Manager Topock Remediation
Ahamakav Cultural Society
Fort Mojave Indian Tribe
P.O. Box 5990
Mohave Valley, Arizona 86440

REVIEW OF RISK ASSESSMENT WORK PLAN ADDENDUM SCOPING DOCUMENT AND CHROMIUM UPTAKE TECHNICAL MEMORANDUM FOR PACIFIC GAS AND ELECTRIC COMPANY (PG&E), TOPOCK COMPRESSOR STATION, NEEDLES, CALIFORNIA (EPA ID NO. CAT080011729)

Dear Ms. McDowell-Antone,

The Department of Toxic Substances Control (DTSC) has received your letter dated February 15, 2013. DTSC takes exception to the Fort Mojave Indian Tribe's statements that we have excluded the Native American Tribes on the process to develop the Risk Assessment Work Plan (RAWP) addendum. DTSC has acted in good faith according to the request from the participating Native American Tribes (Tribes) during our meeting on April 4, 2012 to engage PG&E on a change to the RAWP. As a reminder, during that meeting, the Tribes and representatives of the Technical Review Committee requested the Department of the Interior and DTSC to direct PG&E to evaluate the approved RAWP based on inputs provided by the Tribes. Following PG&E's evaluation, the agencies are to meet with the Tribes again with any proposed changes before the preparation of the actual revision to the RAWP. In addition, the Tribes also wanted PG&E to conduct an initial evaluation through literature search on the potential for hexavalent chromium uptake through the roots of Arrowweed.

The documents provided to the Native American Tribes on January 29, 2013, and which are the subject of your letter, are the "scoping document" which lay out the **proposed** changes to the RAWP, while the second document describes the information gathered by PG&E on the literature search conducted on the uptake issue. Please also be reminded that during the January 2013 Consultative Workgroup Meeting, DTSC was very specific that the subject documents to be provided for review would be the basis of the follow-up "scoping" meeting with the Tribes on the proposed changes to the RAWP.

Ms. Nora McDowell-Antone

February 26, 2013

Page 2 of 2

Therefore, DTSC finds no rationale for the Fort Mojave Indian Tribe to conclude that “[t]he continued process of excluding the Tribe is unacceptable and ultimately results in project delays because of the need for Tribal review of these documents.”

Finally, DTSC understands that the Fort Mojave Indian Tribe wants to be included early in the process and that the project is significant to the Fort Mojave spiritual landscape. It is for this reason and in the interest of cooperation that DTSC required PG&E to produce a scoping document and slated a scoping meeting with the Tribes prior to PG&E’s drafting of the RAWP addendum. As to your request for an additional 30 days for review of the RAWP scoping document and the Arrowweed uptake technical memorandum, DTSC is in favor of your careful evaluation even if additional time is needed. Therefore, please present any additional comments on these documents by March 28, 2013 instead of February 28, 2013 so that we can proceed by holding the requested scoping meeting with the Tribes. If you have any questions regarding this matter, please feel free to contact me at (714) 484-5439.

Sincerely,



Aaron Yue
Project Manager
Geological Services Branch

aky: 021302B

CC: Chairman Timothy Williams
Fort Mojave Indian Tribe
500 Merriman Avenue
Needles, California 92363

Ms. Pamela S. Innis – Via e-mail
Topock Remedial Project Manager
U.S. Department of the Interior

PG&E Topock Consultative Workgroup Members – Via e-mail

PG&E Topock Geo/Hydro Technical Workgroup Members – Via e-mail

Tribal Representatives in PG&E Contact List – Via e-mail

Technical Review Committee – Via e-mail