



**United States Department of the Interior  
California Department of Toxic Substances Control**



**ELECTRONIC SUBMISSION**

February 23, 2015

PG&E Topock Consultative Workgroup Members  
PG&E Topock Geo/Hydro Technical Workgroup Members  
Tribal Representatives in PG&E Project Contact List  
Technical Review Committee

**Subject:** Comment Resolution Process for the Basis of Design Report/Pre-final (90%) Design Package for the Groundwater Remedy, Pacific Gas and Electric Company (PG&E), Topock Compressor Station.

Dear Recipient:

The comment period for the September 2014 *Basis of Design Report/Pre-final (90%) Design Submittal for the Groundwater Remedy*, and the associated design documents including the February 2015 Supplemental design package will soon come to a close. The Department of the Interior (DOI) and the Department of Toxic Substances Control (DTSC), as joint lead agencies (the Agencies), are requesting that all comments on the aforementioned documents be submitted by March 16, 2015. The Agencies along with the Clearinghouse Task Force (CTF) have developed a specific protocol to be followed for the comment submittal and the comment resolution process. Adherence to the protocol will increase efficiency for all parties and ensure deliberations are conducted between the appropriate parties on comments.

The development of the protocol resulted from the review of the process used in the 60% design document. The comment resolution process on the 60% design submittal took over seven months. It was recognized that a fundamental change in the process was needed. The CTF, whose primary purpose is to evaluate, develop and recommend processes and tools that will improve communication for the project, took on the task of streamlining the comment resolution process. In several meetings, CTF members identified problems/concerns with the existing Response to Comment (RTC) process. Key issues and concerns included the following:

- The RTC process was resource intensive. There wasn't enough time to review and digest the comments prior to resolution meetings.
- Appropriate technical personnel or representatives were not available for

discussions, thereby delaying resolutions to comments during the meetings. At times this was realized the day of the meeting. Consequently, items were tabled for future meeting.

- The Technical Review Committee (TRC) members, who works for the Tribes, were asked to resolve comments without input from their clients.

The development of the included RTC protocol was a collaborative effort by members of the CTF over the course of several months. During this time we discussed and identified the primary steps, key objectives, and desired outcome in the RTC process. As a result, the following keys were identified for a successful meeting:

- Solicitation of specific comments for the agenda ahead of the meeting will allow commenters to prepare for the meeting. Comment categories will be used to focus Technical Work Group (TWG) meetings and help identify attendees and participants needed.
- Key participants with expertise are expected at meetings – parties must ensure that the right people attend and focused on resolution.
- TWG agendas should be provided to participants with enough time to have internal discussions, typically two (2) weeks prior. Unless key participants notify the Agencies one (1) week before the meeting that modifications to the agenda are needed, the identified comments will remain on the agenda and discussion to resolve those comments will occur.

As mentioned, the attached *Response to Comments (RTC) Protocol for Review of Groundwater Remedy 90% Design* is the result of the collaborative efforts to improve the process. Your commitment to adhere to this process is necessary for its success. It is the expectation of the Agencies that all Tribes and Stakeholders have the appropriate personnel in attendance at comment resolution meetings and that those attendees will be prepared to represent their party in discussions. The ability to reach resolution to comments during the specified meetings is a key component of the process.

We understand that agreements may not be feasible on all comments. At times, the Agencies must make the final decision based on input received. The last step in the protocol identifies the process to address those instances. If stakeholders/Tribes are not in agreement with final resolution made, disagreement can be noted in RTC matrix. Additionally, formal letters with respect to the disagreement can be sent to DTSC/DOI. The RTC matrix and those letters will be included in the Agencies' administrative record(s).

DOI and DTSC would like to thank you for your continued efforts and involvement with the Topock Remediation Project. The Agencies believe that your partnership and commitment to the progress of this project is vital to its overall success. If you have any questions on the RTC process, please contact Pamela Innis at (303) 445-2502 or Aaron Yue at (714) 484-5439.

Sincerely,

Handwritten signature of Pamela S. Innis in black ink.

Pamela S. Innis  
DOI Topock Remedial Project Manager

Handwritten signature of Aaron Yue in black ink.

Aaron Yue  
Project Manager  
Department of Toxic Substances Control

Enclosure

### Steps and Process Improvement Areas (To Assist Agencies in Decision Making)

- |                                |  |                            |
|--------------------------------|--|----------------------------|
| <b>1. Submit Comments</b>      | <b>4. Clarify &amp; Set Priorities</b> | <b>7. RTC Final Record</b> |
| <b>2. Compile &amp; Number</b> | <b>5. TWG Meetings</b>                 |                            |
| <b>3. Format Comment Table</b> | <b>6. Communication Protocols</b>      |                            |

1. Submit Comments	Specify Design vs. Non-Design	Categorize Design Comments	Detail Desired Objectives/Outcomes						
	<p>Commenter shall identify their comment. Classify each comment as design or non-design related.</p>	<ul style="list-style-type: none"> <li>• CEQA/EIR</li> <li>• Legal</li> <li>• Process</li> <li>• Editorial</li> <li>• GW model</li> <li>• Contingency</li> <li>• Monitoring</li> <li>• O&amp;M</li> <li>• Remedy Design</li> <li>• Cultural</li> <li>• Request for information</li> <li>• Infrastructure</li> <li>• Cost Estimate</li> <li>• SOPs</li> <li>• Other</li> </ul>	<p>Sufficient detail: include details and specify what you are looking for.</p>						
2. Compile & Number	<ul style="list-style-type: none"> <li>• Create a Word document and refer to each comment by number at the meeting.</li> <li>• Each tribe has separate comments and entries for each TRC comment.</li> <li>• TRC and technical comments are recorded by Tribal record via letter to administrative file.</li> <li>• Tribal record is preserved for future reference. Check with Tribes reference number for custom identifier.</li> <li>• PG&amp;E compiles the comments as they are received.</li> </ul>								
3. Format Comment Table	<ul style="list-style-type: none"> <li>• Allow more room in Comments area.</li> <li>• Add a drop down list of Categories.</li> <li>• New and old comments will be distinguished from each other.</li> <li>• For any comments already addressed during the 30% or 60% RTC, the Comments Table will state that the comment has already been responded to and is referenced in the Table.</li> <li>• Many RTCs do point to further details in 90%; comments will be considered relative to those linked details.</li> </ul>								
4. Clarify & Set Priorities	<p><b>After 90% Design comments are received by PG&amp;E</b></p> <table border="0" style="width: 100%;"> <tr> <td style="width: 33%; padding: 5px;">                 DTSC/DOI/PG&amp;E will meet with Tribes and Stakeholders for clarification of comments submitted.             </td> <td style="width: 33%; padding: 5px;">                 DOI/ DTSC/ PG&amp;E will respond to all comments in one RTC table and send to all stakeholders.             </td> <td style="width: 33%; padding: 5px;">                 Commenters to identify the comments they want in a TWG topic discussion.*             </td> </tr> <tr> <td colspan="3" style="padding: 5px; text-align: right;">                 Prioritization List of Topics by comment categories and time critical needs for setting TWGs.             </td> </tr> </table>			DTSC/DOI/PG&E will meet with Tribes and Stakeholders for clarification of comments submitted.	DOI/ DTSC/ PG&E will respond to all comments in one RTC table and send to all stakeholders.	Commenters to identify the comments they want in a TWG topic discussion.*	Prioritization List of Topics by comment categories and time critical needs for setting TWGs.		
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Prioritization List of Topics by comment categories and time critical needs for setting TWGs.									

\* DOI will still engage in Tribal Consultation

<p><b>5A. Setup TWG Meetings</b></p>	<p><b>Meeting Setup</b></p> <p>TWG meeting will be set up to discuss specific comments (sent in an agenda 2 weeks ahead of the meeting); unless early request (1 week) for tabling of agenda item, conclusions will be reached at that meeting as specified in the agenda.</p>	<p><b>Conclusions/ Recommendations</b></p> <p>Conclusions/ recommendations from TWG meeting drafted within 2 weeks if possible and submitted to all stakeholders in 1 week.</p>	<p><b>Unresolved Issues</b></p> <p>Use punch list/to-do list to identify unresolved issues with tentative date at conclusion of TWG meeting.</p>
<p><b>5B. Collaborate at TWG Meetings</b></p>	<p><b>Agenda Mailing</b></p> <p>TWG agendas sent 2 weeks prior with specific comments to discuss. It is expected that this will give stakeholders adequate time for "homework".</p>	<p><b>Meeting Focus</b></p> <p>TWG meeting will focus on identified items unless agenda is modified 1 week prior to the meeting.</p>	<p><b>Meeting Attendance</b></p> <p>Appropriate people/experts need to be aware that their absence will not preclude completion of that agenda item. Respect each other's time and resources by timely notification.</p>
<p><b>6. Communication Protocols</b></p>	<p><b>Official positions shall come from Agencies, Tribes and Stakeholders, not consultants.</b></p>		
<p><b>7. RTC Final Record</b></p>	<p><b>Agencies Make Final Decision</b></p> <p>After decisions are made on comments, comments will be in final RTC table and sent to all stakeholders/Tribes.</p> <p>If stakeholders/Tribes are not in agreement with final resolution made, disagreement can be noted in RTC matrix. This will be entered into the Agencies' administrative record.</p> <p>Formal letters can be sent to DTSC/DOI to be included in the record, in addition to the above record items.</p>		