

Resolution Certifying the Final Environmental Impact Report



**CALIFORNIA DEPARTMENT OF TOXIC SUBSTANCES CONTROL
RESOLUTION CERTIFYING THE
FINAL ENVIRONMENTAL IMPACT REPORT
FOR THE
PACIFIC GAS AND ELECTRIC COMPANY
TOPOCK COMPRESSOR STATION
SOIL INVESTIGATION PROJECT
SCH No. 2012111079**



WHEREAS, the Environmental Impact Report (EIR) prepared for the PG&E Topock Compressor Station Soil Investigation Project (Project) identifies and considers the potentially significant and reasonably foreseeable adverse environmental effects of various actions associated with the Project, the primary purpose of which is to gather sufficient soil samples to be able to reliably characterize the nature and extent of soil and sediment contamination within the Project Site. The Project includes soil sampling and analysis as described in the Soil RCRA Facility Investigation/Remedial Investigation (RFI/RI) Work Plan (Soil RFI/RI Work Plan or Soil Work Plan) (CH2M Hill 2013), and the potential need for bench scale tests, pilot studies, and geotechnical evaluations to support a future Soil Corrective Measures Study/Feasibility Study (Soil CMS/FS) and plant or other biota sampling activities to support an ecological risk assessment within, and in the vicinity of, the Pacific Gas & Electric (PG&E) Topock Compressor Station (Station) site in San Bernardino County, California. The Final EIR (FEIR) consists of three volumes: Volume 1 – Comment letters on the Draft EIR (DEIR), responses to comments, and associated revisions to the DEIR; Volume 2 – Partially Recirculated DEIR (Biological Resources), comment letters, responses, and associated revisions to the Biological Resources section; and Volume 3 – Revised DEIR in its entirety. The Final EIR also includes an Errata, and Figure 12-1 to the Errata, which considers a DOI preferred alternative access route for a portion of the site via an existing dirt roadway located off the National Trails Highway observation area immediately north of the proposed work in Bat Cave Wash and a minor addition to the haul routes within Bat Cave Wash to facilitate the new preferred access route.

WHEREAS, soil within the Station fence line and in the vicinity of the Station has been affected by historical releases of chemicals of potential concern (COPCs), including hexavalent

chromium [Cr(VI)]¹, metals, acids, petroleum hydrocarbons, polycyclic aromatic hydrocarbons (PAHs), polychlorinated biphenyls (PCBs), volatile organic compounds (VOCs), semi-volatile organic compounds (SVOCs), dioxins and furans, pesticides, and asbestos (CH2M HILL 2013). Various other COPCs have also been detected at concentrations above soil screening levels.²

WHEREAS, the soil investigation activities required to determine the nature and extent of soil and sediment contamination at the Station and surrounding area (the Project Site) are evaluated and summarized in the Soil Work Plan and the Corrective Measures/Feasibility Study Work Plan (CM/FS Work Plan). Implementation of the proposed Project would provide DTSC with sufficient data for the completion of the RFI/RI process that is consistent with applicable state law and would support evaluation of possible remedy action(s) if determined necessary. The results of the investigation activities will be compiled and combined with past investigation data sets for the preparation of the Final RFI/RI Report Volume 3 (Soil). The investigation of the soil contamination, along with existing data already available from the Project Site, will enable the evaluation and selection of corrective measures, if necessary, in a future Soil Corrective Measures Study/Feasibility Study (Soil CMS/FS).

WHEREAS, the Soil Work Plan proposes investigation activities at a total of 292 locations with up to 876 total individual samples. Specific locations and number of samples collected at each location may vary based on access considerations, the results of field screening, and field observations. Further, because of unforeseen circumstances or data gaps, additional samples/sampling locations may be necessary. As part of the EIR, therefore, a contingency of up to 25 percent additional sampling locations (i.e., up to 73 locations) was included in the EIR's impacts analysis.

¹ Cr(VI) is a form of chromium. Chromium is a metal naturally found in rocks, soil, and the tissue of plants and animals. Cr(VI) is used in industrial products and processes and is a known carcinogen when inhaled. On May 28, 2014, the California Department of Public Health adopted a new Maximum Contaminant Level for Cr(VI) of 0.01 mg/L, effective July 1, 2014.

² Soil screening levels are used to identify chemical concentrations that would require further soil investigation and possible remediation. The screening levels are based on naturally-occurring background concentrations, DTSC California Human Health Screening Levels, USEPA Regional Screening Levels, or ecological comparison values. If human- or ecological-based screening levels are lower than the background concentration, the background concentration is used as the screening level.

WHEREAS, depending on the results of the soil sampling, bench scale tests, pilot studies, and geotechnical evaluations may be deemed necessary to evaluate potential soil remedy options, if remedial action is necessary. This could include up to three bench scale tests that would collect contaminated soil and test at an offsite laboratory to evaluate the potential for soil washing, in situ soil flushing and in situ fixation/chemical reduction/stabilization. It could also include in situ soil flushing and in situ stabilization/chemical fixation pilot studies to involve construction of either an infiltration gallery or four injection wells and/or construction of a small-scale on-site treatment delivery system (infiltration gallery or four injection wells) over an area of known soil contamination. Geotechnical evaluations within or near Areas of Concern could include up to eight geotechnical borings in areas that have steep slopes where remediation is determined necessary.

WHEREAS, plant or other biota sampling may be deemed necessary to validate the baseline ecological risk assessment to be conducted after the soil investigation activities are complete. This could include plant tissue sampling, invertebrate tissue sampling, and small mammal tissue sampling to obtain representative tissue concentrations to evaluate dietary exposure.

WHEREAS, investigation and remediation at the Station and the surrounding area is being conducted under the Resource Conservation and Recovery Act of 1976 (RCRA) and the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA). RCRA corrective action activities at the Project Site were initiated in 1987 with the completion of a RCRA facility assessment conducted by the U.S. Environmental Protection Agency (USEPA).

WHEREAS, RCRA provides a framework for USEPA to remediate hazardous waste sites throughout the United States. In California, DTSC implements RCRA under such delegated authority from the USEPA through state law.

WHEREAS, DTSC has an ongoing Corrective Action Consent Agreement with PG&E, which also describes DTSC's authority over the Project. Investigative activities at and in the vicinity of the Station date back to the late 1980s with the identification of Solid Waste Management Units (SWMUs) through a RCRA Facility Assessment (RFA). Closure activities of

former hazardous waste management facilities at the Station were performed from 1988 to 1993. As documented in the Administrative Consent Agreement, PG&E also completed a soil investigation in the Bat Cave Wash area which documented the presence of chromium in the environment around the former percolation bed. The RCRA Facility Investigation (RFI) began in 1996 when DTSC and PG&E executed the Corrective Action Consent Agreement. Since that time, additional data collection and evaluation has been performed to characterize the nature and extent of contamination in and around the Station, and to identify potential remedial alternatives.

WHEREAS, DTSC has worked for over 7 years in collaboration with U.S. Department of Interior (DOI), U.S. Bureau of Land Management (BLM), U.S. Fish & Wildlife Service (USFWS), the U.S. Bureau of Reclamation, other state and local agencies, the public and tribal stakeholders to develop the Soil Work Plan, which identifies soil investigation activities required to determine the nature and extent of soil and sediment contamination at the Station and surrounding area, and which incorporates revisions from prior draft Work Plans based on input from Interested Tribes ³ during the process.

WHEREAS, DTSC has reviewed and considered the information contained in the FEIR (Volumes 1-3), including the Errata, and all supporting documents, including maps, exhibits, testimony, and written documents contained in the file for this project, including its environmental analysis on record with the environmental consulting firm Environmental Science Associates (ESA). All references to the FEIR hereafter shall include all documents cited above.

WHEREAS, the DTSC, is the lead agency under the California Environmental Quality Act (Pub. Resources Code, § 21000, et seq.) (CEQA) for the Topock Compressor Station Soil Investigation Project, now finds that:

1. Notice has been given in the time and in the manner required by State Law.
2. The FEIR for the Topock Compressor Station Soil Investigation Project, incorporated herein by reference, was presented to DTSC. The FEIR includes the Volumes 1-3:

³ “Interested Tribes” as explained in the EIR, include the Chemehuevi Indian Tribe, the Cocopah Indian Tribe, the Colorado River Indian Tribes (CRIT), the Fort Mojave Indian Tribe (FMIT), the Fort-Yuma Quechan Indian Tribe, and the Hualapai Indian Tribe that have actively participated in the Topock project.

Volume 1 – Comment letters on the Draft EIR (DEIR) including all comments and recommendations received on the DEIR; a list of all persons, organizations, Native American tribal governments, and public agencies commenting on the DEIR; the responses to comments made regarding significant environmental points on the DEIR; Volume 2 – Comment letters on the Partially Recirculated DEIR including all comments and recommendations received on the Partially Recirculated DEIR; a list of all persons, organizations, Native American tribal governments, and public agencies commenting on the Partially Recirculated DEIR; the responses to comments made regarding significant environmental points raised in the review process on the Partially Recirculated DEIR; and Volume 3 - all revisions to the DEIR (collectively the FEIR), including the Errata. DTSC has independently reviewed and considered the information contained in the FEIR, including comments received from the public and Interested Tribes.

3. DTSC exercised its discretion to recirculate the Biological Resources section of the DEIR (Partially Recirculated DEIR) to afford trustee and responsible agencies, Tribes and the general public an opportunity to review and comment on additional information added to the section after the original public review period in accordance with CEQA Guidelines Section 15088.5. DTSC determined that recirculation of additional sections of the EIR, including the Errata, were not required. Specifically, DTSC determined that no new significant environmental impacts would result from the Project or from a new or revised mitigation measure to be implemented as part of the FEIR, and that no substantial increase in the severity of an environmental impact would result unless mitigation measures were adopted that reduce the impact to less than significant. DTSC has also concluded that there are no feasible alternatives or mitigation measures considerably different from others previously analyzed that would lessen the environmental impacts of the project, but which have not been adopted. (Pub. Resources Code, § 21092.1; CEQA Guidelines, § 15088.5.)
4. The FEIR was completed in compliance with CEQA.
5. The FEIR reflects the DTSC's independent judgment and analysis.


BE IT RESOLVED and CERTIFIED by the Project Manager, on behalf of the Branch Chief and through the authority delegated by the Branch Chief and the Director of DTSC, Barbara A. Lee, and on behalf of DTSC that:

1. The FEIR was completed in compliance with the California Environmental Quality Act of 1970 (Pub. Resources Code section 21000 et seq.), as amended, and the State Guidelines thereto (Cal. Code Regs., tit. 14, section 15000 et seq.).
2. The FEIR was presented to DTSC, and was independently reviewed and considered by the DTSC.
3. The FEIR reflects the DTSC's independent judgment and analysis with respect to the analysis of the potential effects on the environment from implementation of the Soil Investigation Project, including the Soil Work Plan.

PASSED AND ADOPTED by the DTSC on August 24, 2015.

CALIFORNIA DEPARTMENT OF
TOXIC SUBSTANCES CONTROL

By _____


Aaron Yue, Project Manager
As directed and authorized by
Karen Baker, CEG, CHG
Branch Chief
Office of Geology