



**Terry Tamminen**  
Secretary for  
Environmental  
Protection

# State Water Resources Control Board



**Arnold Schwarzenegger**  
Governor

## Office of Chief Counsel

1001 I Street, 22<sup>nd</sup> Floor, Sacramento, California 95814  
P.O. Box 100, Sacramento, California 95812-0100  
(916) 341-5161 ♦ FAX (916) 341-5199 ♦ <http://www.swrcb.ca.gov>

June 4, 2004

Martin J. ("Kelly") McTigue, Esq.  
Morgan, Lewis & Bockius LLP  
300 South Grand Avenue  
Twenty-Second Floor  
Los Angeles, CA 90071-3132

Dear Mr. McTigue:

### PETITION OF OLIN CORPORATION, CENTRAL COAST REGION: NO REVIEW OF PETITION

The State Water Resources Control Board (State Water Board) will not accept for review your petition on behalf of Olin Corporation (Olin). The letter that is the basis of the petition is not an enforceable final action of the Central Coast Regional Water Quality Control Board (Regional Board). The April 29, 2004, letter, sent by the Executive Officer of the Regional Board, states that he is unwilling to revise the requirement for an alternative water supply, which requirement he states "was established in a letter sent to Olin on October 18, 2002." As documented in the petition and attachments, on October 18, 2002, the Executive Officer sent to Olin a technical report order requiring an offsite domestic well sampling program. That letter also stated, "If perchlorate is detected in any of the wells, Olin will provide treatment or an alternative water supply to the well owners and/or their tenants." While this statement is included in the letter establishing a requirement to submit monitoring reports pursuant to Water Code section 13267, this statement appears to be merely a reflection of an agreement between Olin and the Regional Board. (See letter from Olin dated October 22, 2002.) In any event, Water Code section 13267 applies to reports and cannot be used to enforce a requirement to provide alternate water supplies. As demonstrated by other statements in the letter dated April 24, 2004, the authority of a Regional Board to require alternative water supplies is found in Water Code section 13304, and not section 13267. Therefore, the letter does not constitute a final action of the Regional Board. Should the Regional Board decide to enforce a requirement to supply water when perchlorate in nearby wells reaches a specified level, it must do so through issuance of a cleanup and abatement order pursuant to Water Code section 13304. Should the Regional Board issue a cleanup and abatement order with this requirement, a petition would be appropriate. Petitions must be filed within 30 days of the action or inaction for which they seek review. (Water Code section 13320.)

Item No. 12 Attachment No. 3  
July 9, 2004 Meeting  
Perchlorate Sites

**California Environmental Protection Agency**

If you have any questions about this matter, please call me at (916) 341-5175.

Sincerely,

/s/

Elizabeth Miller Jennings  
Senior Staff Counsel IV

cc: Mr. Roger Briggs [via email only]  
Executive Officer  
Central Coast Regional Water  
Quality Control Board  
895 Aerovista Place, Suite 101  
San Luis Obispo, CA 93401

Lori T. Okun, Esq. [via email only]  
Office of Chief Counsel  
State Water Resources Control Board  
1001 I Street, 22<sup>nd</sup> Floor [95814]  
P.O. Box 100  
Sacramento, CA 95812-0100