Kristin A S.

California Regional Water Quality Control Board

Central Coast Region

Winston H. Hickox
Secretary for Environmental Protection

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Gray Davis
Governor

June 10, 2004

Mr. Richard E. Chandler
Komex
2146 Parker Street, Suite B2
San Luis Obispo, CA 93401-5042

Dear Mr. Chandler:

SLIC: 425 TENNANT AVENUE, MORGAN HILL; REQUEST FOR WAIVER FROM WASTE DISCHARGE REQUIREMENTS FOR TESTING OF TENNANT WELL

Regional Board staff has reviewed the *Request for Waiver from Waste Discharge Requirements for Flushing of Tennant Well* submitted by Komex on April 5, 2004, on behalf of the City of Morgan Hill (City). Additionally, we have reviewed Komex's May 13, 2004, correspondence submitted in response to Regional Board staff concerns. Your current waiver request details proposed activities related to Tennant Well flushing and requests that the City be allowed to discharge directly to the storm drainage and retention system. We understand that approximately 540,000 gallons of water were pumped during your last conditioning, investigation and test pumping conducted on July 28 and 29, 2003. Water samples were collected during the test with all results below old 4 ppb Action Level. In addition, eight down well depth discrete samples were collected after test cessation. Those eight results did not indicate the presence of perchlorate above the then current 4 ppb action level. Based on previous test results and your current proposal, Regional Board staff accepts your proposal.

Regional Board staff previously issued a waiver of Waste Discharge Requirements for Tenant well testing, in accordance with Resolution No. R3-2002-0115, on June 19, 2003. We will allow this discharge pursuant to the previous waiver, provided the City complies with the following amended conditions, and provides a report documenting compliance:

1. The City shall collect a water grab sample for perchlorate, at the beginning and end of well flushing. Results shall be submitted to the Regional Board as soon as they are available or no later than 30 days after flushing cessation.
2. The City shall implement appropriate management practices to dissipate energy and prevent erosion from released water.
3. The City shall implement appropriate management practices to preclude discharge to surface water and surface water drainage courses and notify the Regional Board staff of any discharge to surface waters or surface water drainage courses.
4. The City shall not discharge in an area within 100 feet of a natural stream, body of water, or wetland.
5. We recognize that the discharge will occur within 200 feet of a water supply well. Two domestic water supply wells have been identified within 200 feet of the discharge area,

but considering previous analyses, we believe the concentrations in the Tennant Well will likely be less than those of the domestic supply wells. According to information presented on April 29, 2003 in the *First Quarter 2003 Groundwater Monitoring Report, Olin/Standard Fusee Site* prepared by MACTEC, the three nearest domestic water supply wells, 09S03E34C002, 09S03E34C003, and 09S03E34G001, each contained perchlorate concentrations ranging from 2.46 ppb to 98.4 ppb, with an average concentration of 57.2 ppb. The highest perchlorate concentration reported at the Tennant Well was 15.8 ppb in March of 2002 and testing during July 28, 29, and 30, 2003, detected no perchlorate above 4 ppb. Therefore, it is unlikely that the discharge will contain perchlorate concentrations higher than those previously reported. Because your flushing activities will have a relatively small flow rate, the Regional Board recognizes pumping will have little impact on the local domestic supply wells.

Pursuant to Section 13267 of the California Water Code, Discharger is required to provide the above-requested information as soon as it is available or no more than 30 days after well flushing has been completed. Failure to submit adequate or complete information may subject you to a Regional Board enforcement action. The Regional Board requires the City to submit its response in accordance with Section 13267 of the Water Code to determine the discharge concentrations of perchlorate. We require Discharger to submit the information as owner of the Tennant well.

Any person affected by this action of the Regional Board may petition the State Water Resources Control Board (State Board) to review the action in accordance with section 13320 of the California Water Code and Title 23, California Code of Regulations, Section 2050. The State Board must receive the petition within 30 days of the date of this order. Copies of the law and regulations applicable to filing petitions will be provided upon request.

If you have any questions, please contact **David Athey at 805-542-4644** or Eric Gobler at 805-549-3467.

Sincerely,

Roger W. Briggs
Executive Officer

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cc via E-mail:

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