California Regional Water Quality Control Board
Santa Ana Region

Order No. 01-56
Amending Cleanup and Abatement Order No. 97-58
For
Lockheed Martin Corporation
Former Lockheed Propulsion Company Facility
San Bernardino County

The California Regional Water Quality Control Board, Santa Ana Region (hereinafter Board), finds that:

1. On July 18, 1997, the Board adopted Cleanup and Abatement Order (CAO) No. 97-58 for Lockheed Martin Corporation (hereinafter Lockheed). Order No. 97-58 found that, as a result of past practices at its former Lockheed Propulsion Company (LPC) facility in the Mentone area, east of the City of Redlands, Lockheed had caused or permitted, was causing or permitting, or threatened to cause or permit waste, i.e. ammonium perchlorate, to be discharged to the Bunker Hill Groundwater Basin.

2. CAO No. 97-58 required Lockheed to develop and implement a remedial action plan for the perchlorate plume in the Bunker Hill Groundwater Basin.

3. On August 15, 1997, Lockheed petitioned the State Water Resources Control Board (State Board) for review of CAO No. 97-58, with a request that the appeal be held in abeyance until on-going sampling and further investigative work was completed.

4. On December 2, 1999, the State Board concluded that the petition failed to raise substantial issues that were appropriate for review by the State Board, and Lockheed subsequently filed a petition for writ of mandate in Superior Court.

5. As an alternative to Lockheed continuing with its objections to CAO No. 97-58, Lockheed has agreed to proposed changes to Findings 2, 5 and 7 of CAO No. 97-58.

6. The proposed changes do not affect the substantive requirements of CAO No. 97-58.

7. This action is being taken by a regulatory agency to enforce a water quality law. Such action is exempt from the provisions of the California Environmental Quality

Act (Public Resources Code, Section 21000 et seq.) in accordance with Section 15321, Article 19, Division 3, Title 14, California Code of Regulations.

IT IS HEREBY ORDERED THAT Cleanup and Abatement Order No. 97-58 is amended as follows:

1. Findings 2 and 5 of CAO No. 97-58 are replaced with the following:

   Finding 2. Order No. 94-37 required Lockheed to perform certain tasks associated with a TCE plume located in the Bunker Hill Groundwater Basin.

   Finding 5. Lockheed used ammonium perchlorate in the production of solid rocket fuel at the former LPC facility. Perchlorate also has a limited number of other industrial uses. There is circumstantial evidence that operations at the LPC facility caused or permitted, are causing or permitting, or threaten to cause or permit perchlorate to be discharged to waters in the Bunker Hill Basin.

2. Finding 7 is split into two findings, Findings 7 and 8.

   Finding 7. Lockheed has caused or permitted, is causing or permitting, or threatens to cause or permit waste, i.e., perchlorate, to be discharged to waters of the state, and has created, or threatens to create a condition of pollution of nuisance. Therefore, pursuant to California Water Code Section 13304, it is appropriate to order Lockheed to abate the effects of the discharge of perchlorate.

   Finding 8. Lockheed has indicated that it disputes these findings of fact, but has further indicated that it will not contest them for the purpose of performing the work required under the order.

3. Existing Finding 8 becomes Finding 9.

4. All other provisions of CAO No. 97-58 remain unchanged.

I, Gerard J. Thibeault, Executive Officer, do hereby certify that the foregoing is a full, true and correct copy of an order adopted by the California Regional Water Quality Control Board, Santa Ana Region, on April 19, 2001.

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Gerard J. Thibeault
Executive Officer

California Regional Water Quality Control Board
Santa Ana Region

April 19, 2001

ITEM: 7

SUBJECT: Order No. 01-56, Amending Cleanup and Abatement Order No. 97-58 for Lockheed Martin Corporation, Former Lockheed Propulsion Company Facility, San Bernardino County

DISCUSSION:

On July 18, 1997, the Regional Board adopted Cleanup and Abatement Order (CAO) No. 97-58, requiring Lockheed Martin Corporation (LMC) to develop and implement a remedial action plan for the perchlorate plume that originated from LMC's former solid propellant rocket motor production and testing facility that was located in the Mentone area, east of the City of Redlands. By 1997, the perchlorate plume had migrated about seven miles from the former LMC facility, and had impacted several municipal drinking water wells.

On August 15, 1997, LMC petitioned the State Board for review of CAO No. 97-58. However, LMC indicated that additional data, which were being collected at the time the petition was being filed, might obviate the need for the petition to be heard by the State Board. Therefore, LMC requested that the petition be held in abeyance.

On August 30, 1999, the State Board reactivated the petition at LMC's request. The State Board also informed LMC that the petition was not complete. On September 29, 1999, LMC submitted its complete petition. LMC stated that the Regional Board issued CAO No. 97-58 inappropriately, because there was no known effective treatment technology for removing low concentrations of perchlorate from groundwater. LMC stated that, under the circumstances, they would submit such technical and monitoring reports as the Regional Board may reasonably require, but LMC would be unable to remove perchlorate from the groundwater. Therefore, LMC requested that the order be re-issued as an investigation order under California Water Code Section 13267, an order designed specifically to elicit the submission of technical and monitoring reports.

On December 2, 1999, the State Board concluded that the petition failed to raise substantial issues that were appropriate for review by the State Board. Accordingly, the petition was dismissed. On December 29, 1999, LMC informed the State Board that they would file a petition for writ of mandate in Superior Court in connection with the State Board's dismissal of LMC's petition for review. LMC subsequently filed a petition for writ of mandate. As a result of follow-up discussions between LMC's counsel and the State Board's Office of the Chief Counsel, it was agreed that continuing the current process would be costly and would result in delays in implementing various aspects of

the CAO, which would not necessarily be productive for either party. As an alternative to LMC continuing with their objections to the CAO, LMC's counsel and the State Board's Office of the Chief Counsel negotiated proposed changes to several findings in the CAO. The proposed changes are as follows:

- Findings 2 and 5:

Finding 2. ~~Based on information available to the Board at the time Order No. 94-37 was adopted, trichloroethylene (TCE) was the only contaminant discharged from the former solid propellant rocket motor production facility that was known to have significantly impacted groundwater.~~ Order No. 94-37~~,~~ ~~therefore,~~ required Lockheed to perform certain tasks associated with a ~~the~~ TCE plume ~~that originated from the LPC facility~~ located in the Bunker Hill Groundwater Basin.

Finding 5. ~~Past waste disposal practices at the former LPC facility resulted in the discharge of solid rocket fuel to the ground in a manner which would have allowed ammonium perchlorate, which is highly soluble, to migrate to the groundwater.~~ Lockheed used ammonium perchlorate in the production of solid rocket fuel at the former LPC facility. Perchlorate also has a limited number of other industrial uses. There is circumstantial evidence that operations at the LPC facility caused or permitted, are causing or permitting, or threaten to cause or permit perchlorate to be discharged to waters in the Bunker Hill Basin.

- Split Finding 7 into two findings:

Finding 7. Lockheed has caused or permitted, is causing or permitting, or threatens to cause or permit waste, i.e., perchlorate, to be discharged to waters of the state, and has created, or threatens to create a condition of pollution or nuisance. Therefore, pursuant to California Water Code Section 13304, it is appropriate to order Lockheed to abate the effects of the discharge of perchlorate. ~~Lockheed has indicated that it disputes these findings of fact, but has further indicated that it will not contest them for the purpose of performing the work required under the order.~~

Finding 8. Lockheed has indicated that it disputes these findings of fact, but has further indicated that it will not contest them for the purpose of performing the work required under the order.

- Existing Finding 8 becomes Finding 9:

  ~~8~~9. This action is being taken by a regulatory agency to enforce a water quality law. Such action is exempt from the provisions of the California Environmental Quality Act (Public Resources Code, Section 21000, et seq.) in accordance with Section 15321, Article 19, Division 3, Title 14, California Code of Regulations.

- All other provisions of CAO No. 97-58 remain unchanged.

Despite its appeal of the CAO and the filing of a petition for writ of mandate, LMC has consistently been in compliance with the CAO. LMC has stated that if these proposed changes were made, it would allow them to concentrate their efforts in complying with the remaining conditions of the CAO, and would obviate the need for LMC to proceed with their petition for writ of mandate in Superior Court. Board staff has no objections to the proposed changes. The proposed changes do not change the basis upon which the Board adopted the CAO, and do not change any of the requirements of the CAO.

RECOMMENDATION:

Adopt Order No. 01-56, amending Cleanup and Abatement Order No. 97-58