

California Regional Water Quality Control Board
Santa Ana Region

May 19, 2006

ITEM : 14

SUBJECT: Resolution Specifying a Procedure for Developing Future
Cleanup and Abatement Orders for Perchlorate Discharges
in the Rialto Area.

RESOLUTION REGARDING FUTURE CLEANUP ORDERS IN REGION 8

In order that the Board may have before it the full range of available options in considering future cleanup and abatement orders, the Board hereby instructs staff to address the appropriateness and applicability of each of the following remedies when presenting the matter to the Board:

1. Whether dischargers subject to cleanup and abatement orders should be held jointly and severally liable for both interim and long-term cleanup measures;
2. Whether the Board should require immediate interim measures to stop the further spread of existing plumes;
3. Whether the Board should require replacement water for all affected wells. In considering whether replacement water must be provided, staff should present a range of options, including but not limited to:
 - i. Requiring the discharger to pay the cost of installing and operating new and existing treatment systems on contaminated wells,
 - ii. Requiring the discharger to install additional extraction or other types of wells within the aquifer,
 - iii. Requiring the discharger to pay for the provision of water from outside the aquifer through existing infrastructure maintained by local water districts, and
 - iv. Requiring the discharger to provide bottled water to affected residents.
4. Whether the Board should require dischargers to reimburse affected water utilities, other public agencies, and individuals for costs incurred to implement interim and long-term cleanup measures;
5. Whether the Board should require dischargers to formulate and implement a plan that ensures long-term cleanup;
6. Whether the Board should require that all interim and long-term cleanup efforts employ “best available technology;”
7. Whether the Board should outline specific milestones, timelines, and deadlines for each interim and long-term remediation measure.
8. Whether the Board should consider the use of Water Code 13308 (based on threatened or continuing violations), specifying in advance penalties for each discharger for each day it fails to meet the deadlines established for implementation of each requirement in the order.

When cleanup and abatement orders are issued by the Executive Officer, the same issues should be considered before final action is taken.