



California Regional Water Quality Control Board

Central Coast Region



Terry Tamminen
Secretary for
Environmental
Protection

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Arnold Schwarzenegger
Governor

August 17, 2004

Mr. J. Edward Tewes
City Manager
City of Morgan Hill
17555 Peak Avenue
Morgan Hill, CA 95037

Dear Mr. Tewes:

**SLIC: 425 TENNANT AVENUE, MORGAN HILL; FORMER OLIN FACILITY,
PERCHLORATE CONTAMINATION-TENNANT WELL, CITY OF MORGAN
HILL, RESPONSE TO YOUR LETTER DATED JULY 8, 2004**

We have received the July 8, 2004 letter from Hatch and Parent on the City of Morgan Hill's (City) behalf. The letter identifies concerns with Olin's response regarding Tennant well operation and asserts that Olin's response violates Water Code Section 13267. We understand your concerns regarding Olin's technical information regarding its opposition to Tennant well operation. While we do not agree with Olin's technical justification for not operating the Tennant well, we currently see no reason to take enforcement action against Olin at this time. Our (and your) disagreement with Olin's analysis or conclusion is not grounds for enforcement. However, we want to do everything we can to assist you regarding the City's water supply needs.

In our opinion, Olin's technical justification does not support Olin's position that Tennant well operation would affect onsite containment and treatment system and draw perchlorate into deeper aquifer zones. After reviewing Olin's June 21, 2004 response, we do not object to Tennant well operation. Should you decide to operate the Tennant well, we require that you notify Regional Board staff and Olin Corporation at least ten working days prior to well startup. This notification should enable Olin to properly monitor its groundwater containment and treatment system (system) during startup and operation. As discussed during our August 10, 2004 meeting, we agree with your decision to operate the Tennant well on a continual basis. Since the well was operated more or less continuously prior to the current shut down, evaluating the potential impacts from continual operation will be easier for Olin, should they occur.

For your information, by way of an August 17, 2004 letter to Mr. Curt Richards (enclosed), we have directed Olin to monitor its system during Tennant well operation. We are requiring them to inform us if the existing system can no longer contain onsite groundwater because of the Tennant well operation. Further, Olin will have to propose changes to its system if groundwater containment is compromised. While we do not anticipate interferences, if Olin

California Environmental Protection Agency



Item No. 10 Attachment No. 1
September 10, 2004 Meeting
Perchlorate Sites

adequately demonstrates that containment cannot be maintained, we may require that the City stop pumping the Tennant well. Since we do not anticipate interferences at this time, we do not consider the City a discharger. We would only consider such a designation if pumping the Tennant well either significantly interfered with the containment and treatment system or impacted the deeper aquifer, or if technical data show that either result is threatened. However, we assume that the City would voluntarily comply with a request to cease pumping in either of those events, so that discharger status is unlikely to become an issue. Any request to stop pumping the Tennant well would be made only after a complete and thorough technical data review, and coordination with Olin and City officials. For your information, we have attached our letter to Olin Corporation on this matter.

Since this is an important matter to you, Olin, the community, and us, we request that you work closely with Olin to monitor and evaluate system operation and potential impacts. Should 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

Enclosure: Letter to Mr. Kurt Richards, Olin Corporation

cc via E-mail:

Ms. Lori Okun
Office of the Chief Counsel
State Water Resources Control Board

Mr. Jim Ashcraft
City of Morgan Hill

Mr. Rich Chandler
Komex

Mr. Peter Forest
San Martin County Water

U.S. Environmental Protection Agency

Mr. Steven L. Hoch
Hatch & Parent

Ms. Sylvia Hamilton
PCAG

Mr. Tom Mohr
Santa Clara Valley Water District

PCAG Members

Elected Officials

California Environmental Protection Agency

cc via U.S. Mail:

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Ms. Helene Leichter
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