

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL COAST REGION**

PROPOSED RESOLUTION NO. R3-2011-0210

**ADOPTION OF MITIGATED NEGATIVE DECLARATION FOR THE AQUIFER
CONTAINMENT AND CLEANUP SYSTEM, OLIN CORPORATION,
425 TENNANT AVENUE, MORGAN HILL, SANTA CLARA COUNTY**

WHEREAS, the California Regional Water Quality Control Board, Central Coast Region (hereinafter Central Coast Water Board), finds that:

1. On December 7, 2007, the Central Coast Water Board adopted Cleanup and Abatement Order No. R3-2007-0077 (Order) requiring the responsible party (Olin Corporation) to implement aquifer containment and cleanup for the offsite perchlorate plume.
2. Olin Corporation submitted final work plans and design documents for the offsite aquifer containment and cleanup system (ACS), and received concurrence from Central Coast Water Board staff on these documents. The approved groundwater cleanup remedy includes pumping and treating perchlorate greater than 11 micrograms per liter ($\mu\text{g/L}$) in groundwater from the intermediate aquifer, and perchlorate greater than 24.5 $\mu\text{g/L}$ in groundwater from the deep aquifer, and monitored attenuation for the remainder of the plume. The offsite pump and treat system involves extracting groundwater from one intermediate aquifer and one deep aquifer extraction well. Olin Corporation will convey the extracted groundwater back to the Olin site via underground pipelines where it will be treated using ion exchange. Olin Corporation will treat perchlorate to non-detect concentrations (below method detection limits) and reinject the effluent to the shallow aquifer beneath the site, pursuant to proposed Waste Discharge Requirement (WDR) Order No. R3-2011-0209 (included in this Board agenda as Item No. 9). Operation of the ACS requires a WDR because the extracted groundwater contains nitrate, from sources other than the Olin site; at concentrations above the receiving water concentrations of the shallow aquifer beneath the point of reinjection. The WDR finds that the reinjection is consistent with the State Water Resources Control Board's (State Water Board) Resolution No. 68-16 "Statement of Policy with Respect to Maintaining High Quality of Waters in California" (Resolution 68-16¹).
3. The Central Coast Water Board is functioning as the lead agency, which has the principal responsibility for approving the ACS project (Project) under the California Environmental Quality Act (CEQA at Public Resources Code §21000 et seq.) and is responsible for preparation of environmental documents. The Central Coast Water Board prepared an Initial Study in accordance with Title 14, California Code of Regulations, § 15063 and prepared a Mitigated Negative Declaration in accordance with Title 14, California Code of Regulations, §15070 et seq. The Project, as defined for the purposes of this CEQA evaluation, consists of the adoption of the WDR for reinjection, and Olin's installation of groundwater conveyance pipelines along City and County-right-of-ways; expansion of the onsite treatment system; installation of injection wells; and

¹ A copy of Resolution No. 68-16 (sometimes called the "Anti-Degradation Policy") is available at the following web site address:
http://www.waterboards.ca.gov/board_decisions/adopted_orders/resolutions/1968/rs68_016.pdf

operation, maintenance and monitoring of the ACS to treat perchlorate and blend nitrate according to Central Coast Water Board staff approved plans. The Initial Study did not identify any potentially significant impacts that would not be reduced to a less-than-significant level by incorporation of identified mitigation measures into the project design.

4. On February 22, 2011, the Central Coast Water Board provided a CEQA No Effect Determination form to the Department of Fish and Game.

5. On March 1, 2011, the Central Coast Water Board provided a Notice of Intent to adopt the Mitigated Negative Declaration to the public, responsible agencies, trustee agencies, and other interested persons. The Central Coast Water Board also published the Notice of Intent in the local newspaper and posted it at the City of Morgan Hill Public Library. Central Coast Water Board staff also posted the Mitigated Negative Declaration, supporting Initial Study, and related Project documents at the Central Coast Water Board's office and on our website.

6. On February 24, 2011, Central Coast Water Board staff submitted the Mitigated Negative Declaration and supporting Initial Study to the State Clearinghouse (SCH No. 2011022071) and copies were independently mailed to all agencies and persons known to be interested, thus initiating a 30-day public review and comment period.

7. The Central Coast Water Board received one minor comment on the Mitigated Negative Declaration and supporting documents concerning the correct permitting agency for well drilling.

8. The Central Coast Water Board finds that on the basis of the entire record that there is no substantial evidence that the Project, as revised and mitigated, will have a significant effect on the environment. The Mitigated Negative Declaration, all supporting documentation, and the record of proceedings are available at the Central Coast Water Board's offices and Geotracker website.

9. The Mitigated Negative Declaration reflects the independent judgment and analysis of the Central Coast Water Board.

10. The record of proceedings on which the Central Coast Water Board's decision is based, is available at the Central Coast Water Board's office.

11. The Initial Study includes a Mitigation Monitoring and Reporting Program for the Project.

12. The Central Coast Water Board considered all testimony and evidence at a public hearing held July 14, 2011 in Watsonville, and good cause was found to adopt the Mitigated Negative Declaration.

THEREFORE BE IT RESOLVED, that the Central Coast Water Board hereby adopts the Mitigated Negative Declaration for the Project and certifies that the Mitigated Negative Declaration reflects proper assessment of environmental impacts of the Project, and that the environmental impacts of the project will be less than significant.

I, Roger Briggs, Executive Officer, do hereby certify the foregoing is a full, true, and a correct copy of the resolution adopted by the California Regional Water Quality Control Board, Central Coast Region, on July 14, 2011.

Roger W. Briggs
Executive Officer

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