

**STATE WATER RESOURCES CONTROL BOARD
RESOLUTION NO. 2012-0068**

AUTHORIZATION FOR THE CHIEF DEPUTY DIRECTOR TO NEGOTIATE, APPROVE, AND EXECUTE TENTATIVE SETTLEMENT AGREEMENTS WITH PARTIES POTENTIALLY RESPONSIBLE FOR CONTAMINATION OF THE RIALTO-COLTON GROUNDWATER BASIN FROM A 160-ACRE SITE IN RIALTO

WHEREAS:

1. Since 2002, the Santa Ana Regional Water Quality Control Board (Santa Ana Water Board) has been conducting an investigation of perchlorate and other contamination in the Rialto-Colton groundwater basin emanating from a 160-acre site in the City of Rialto (160-Acre Site);
2. On February 8, 2005, the Santa Ana Water Board Executive Officer issued a Cleanup and Abatement Order (CAO) naming a number of potentially responsible parties for the contamination;
3. On October 26, 2006, the Santa Ana Water Board Executive Officer released a draft amended CAO naming several entities and requiring various actions including soil and groundwater investigation, water replacement, and remediation;
4. On February 5, 2007, the State Water Resources Control Board's (State Water Board) Executive Director informed the named parties that the State Water Board would take this matter up on its own motion and hold an evidentiary hearing on this matter (designated SWRCB/OCC File A-1824);
5. On August 13, 2007, the Los Angeles County Superior Court stayed all proceedings with regard to SWRCB/OCC File A-1824;
6. On June 3, 2008, the State Water Board adopted [Order WQ 2008-0004](#) with the intent to ratify, nunc pro tunc, all actions taken by the designated hearing officer and the Executive Director;
7. On March 7, 2009, the Los Angeles County Superior Court issued a writ of mandate directing the State Water Board to rescind all actions taken with regard to SWRCB/OCC File A-1824;
8. On May 19, 2009, the State Water Board adopted [Order WQ 2009-0004](#) to, among other things, comply with the writ of mandate;
9. On September 23, 2009, the United States Environmental Protection Agency (U.S. EPA) listed the 160-acre site on the National Priorities List pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) (42 U.S.C. § 9601 et seq.);
10. On September 30, 2010, U.S. EPA issued its Interim Action Record of Decision that selected an interim remedy for the cleanup of the 160-Acre Site;

11. All of the potentially responsible parties named in SWRCB/OCC File A-1824 are in the process of reaching tentative agreements with U.S. EPA, the Santa Ana Water Board, the City of Colton, the City of Rialto, and San Bernardino County concerning remediation of the contamination from the 160-Acre Site;
12. The State Water Board has the authority to approve the settlement between the U.S. EPA and the potentially responsible parties and to authorize administrative settlement agreements dismissing all claims pending against said parties pursuant to the Water Code;

THEREFORE BE IT RESOLVED THAT:

The State Water Board authorizes the Chief Deputy Director to negotiate, approve, and execute tentative settlement agreements with parties potentially responsible for contamination of the Rialto-Colton groundwater basin from a 160-Acre Site in the City of Rialto, California. Additionally, the Chief Deputy Director is authorized to perform all acts and to do all things necessary and convenient to implement any such settlement agreements.

CERTIFICATION


The undersigned Clerk to the Board does hereby certify that the foregoing is a full, true, and correct copy of a resolution duly and regularly adopted at a meeting of the State Water Resources Control Board held on December 4, 2012.

AYE: Chairman Charles R. Hoppin
Vice Chair Frances Spivy-Weber
Board Member Tam M. Doduc
Board Member Steven Moore
Board Member Felicia Marcus

NAY: None

ABSENT: None

ABSTAIN: None



Jeanine Townsend
Clerk to the Board