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ASSEMBLY MEMBER, TWENTY-SEVENTH DISTRICT



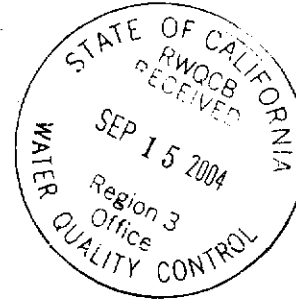
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September 13, 2004

Art Baggett, Chair
State Water Resources Control Board
1001 I Street
Sacramento, CA 95814



Dear Chair Baggett:

I am writing regarding **SWRCB/OCC Files A-1654 and A-1654(a)** (**CONSOLIDATED**), a petition by Olin Corporation and Standard Fusee Corporation (Olin) of Cleanup and Abatement Order (CAO) No. R3-2004-0101.

Olin is responsible for perchlorate contamination of ground water in the Morgan Hill-San Martin-Gilroy area. This contamination has affected hundreds of wells, both municipal and private. Olin is supplying replacement water for private domestic wells that have a perchlorate level of 4 ppb or more. 4 ppb was the state action level. The action level was changed recently to 6 ppb due to the Office of Environmental Health Hazard Assessment establishing a public health goal of 6 ppb.

The Central Coast Regional Water Quality Control Board issued a CAO requiring Olin to continue supplying replacement water to those whose wells measure 4 ppb or higher. Olin Corporation petitions the CAO on the grounds that they should only have to supply water to wells that test higher than the action level of 6 ppb.

I urge the State Water Resources Control Board to uphold the CAO and deny Olin's petition. I believe this is the only just and reasonable outcome of this appeal based on the following.

The level of perchlorate in any given well can change by many parts per billion over the course of a very short time. A well that tests at 4 ppb one week can easily test at 10 ppb the next week or the next month. This fluctuation can result from many factors including seasonal changes in the ground water levels and varying levels of perchlorate in the groundwater at any given time.

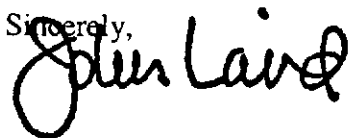
Because of this variation over short periods of time it is reasonable that, to ensure the health and safety of the residents, all those whose wells test at 4 ppb or higher should continued to be supplied replacement water.

In addition, the Regional Water Resources Control Board is not required to enforce the action level limit or even the state maximum contaminant level. Under the Clean Water Act the Regional Boards have the authority to force polluters to cleanup to background levels. In this case that would be to non-detect. While this may not be practical or technically possible, the Regional Board can enforce the requirements of this CAO to require replacement water for wells testing at 4 ppb or higher.

The health effects of various levels of perchlorate on human beings, animals and produce is not completely understood. However, perchlorate is known to interfere with thyroid function. Particularly vulnerable to the effects of perchlorate are infants, pregnant women, and those with thyroid problems.

For the health and safety of the residents whose wells are affected by this contaminate I urge that you uphold the Regional Board's CAO and deny the Olin petition.

Sincerely,



JOHN LAIRD

Assemblymember, 27th District

cc: Roger Briggs, Central Coast Regional Water Quality Control Board
David Athey, Central Coast Regional Water Quality Control Board
Curt M. Richards, Olin Corporation
Jay McLaughlin, Standard Fusee Corporation
Keith M. Casto, Esq., Sedgwick, Detert, Moran & Arnold LLP
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Tim Regan, State Water Resources Control Board
Sylvia Hamilton, Perchlorate Community Advisory Group
Mayor Dennis Kennedy, Morgan Hill