



Alan C. Lloyd, Ph.D.
Agency Secretary

California Regional Water Quality Control Board Central Coast Region

Internet Address: <http://www.waterboards.ca.gov/centralcoast/>
895 Aerovista Place, Suite 101, San Luis Obispo, California 93401
Phone (805) 549-3147 • FAX (805) 543-0397



Arnold Schwarzenegger
Governor

January 24, 2006

Ms. Gloria Zuniga
1000 Fairview Rd.
Hollister, CA 95023

Mr. Michael Keith
P.O. Box 1097
Hollister, CA 95024-1097

Ms. Helen Sperber
4501 W. Mail Street
Apt. No. 151
Norman, OK 73072-4468

Dear Ms. Zuniga, Ms. Sperber, and Mr. Keith:

2707 SANTA ANA VALLEY ROAD, HOLLISTER, SAN BENITO COUNTY: MK BALLISTICS SITE ENVIRONMENTAL INVESTIGATION WORK PLAN REQUEST

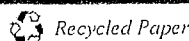
On January 9, 2006, Central Coast Regional Water Quality Control Board (Water Board) staff met with Ms. Gloria Zuniga, Mr. Michael Keith, Ms. Zuniga's attorney (Richard Klein), and your environmental consultant (Pat Hoban of Weber, Hayes & Associates) at the MK Ballistics site. We would like to thank all parties for meeting with us to discuss the recent perchlorate detections in the windmill well, a shallow groundwater well near the site. Based on the historical use of perchlorate and explosives, and due to the perchlorate detections in the windmill well, we believe that current or past practices at the site may have impacted groundwater and degraded the groundwater at the windmill well.

Since about 1992, Michael Keith, CEO of MK Ballistics, has leased the five-acre property from the co-owners Ms. Zuniga and Ms. Sperber. MK Ballistics currently manufactures "less-lethal" explosives and ordnance components and devices. Numerous other tenants have leased the property and conducted similar business. The Water Board does not have complete documentation identifying past tenants that may have contributed to the possible contamination. Please continue to compile previous tenants' contact information and submit all information to the Water Board. Owners of property from which tenants discharge waste are responsible to comply with Water Board cleanup requirements. (Petition of Schmidl, WQO 89-1; Petition of Spitzer, WQO 89-8; Petition of Wenwest, Inc., WQO 92-13.) The current and former tenants that discharged the waste are also responsible. We are seeking contact information so we can further involve previous tenants in the environmental investigation.

As discussed at the January 9th meeting, you must submit an environmental investigation work plan to determine the source and extent of perchlorate at the MK Ballistics site. The work plan shall include at least a:

1. summary of historical practices and a photo or map identifying areas of concern that may have contributed to soil and/or groundwater impacts.
2. description of proposed investigative tasks including proposed soil and groundwater monitoring locations.

California Environmental Protection Agency



Item No. 11 Attachment No. 3
March 24, 2006 Meeting
Perchlorate Cases

3. sampling and analysis plan
4. time schedule for completing the investigation

The environmental investigation work plan shall be signed and stamped by an appropriately registered professional (e.g. Registered Engineer or Professional Geologist). All work and reports requiring engineering or geologic evaluations/judgments must be performed under the direction of, and signed and stamped by, an appropriately registered professional. The environmental investigation shall commence following approval of the work plan by the Water Board's Executive Officer.

The Water Board is proceeding with this investigation pursuant to California Water Code Sections 13267 and 13304, and State Water Resources Control Board Resolution No. 92-49 (available online at <http://www.waterboards.ca.gov/plnspols/wqplans/res92-49.html>). Sections 13267 and 13304 allow the Water Board or its Executive Officer to order responsible dischargers to investigate and clean up actual or suspected waste discharges that have impacted or could impact water quality. Under Section 13304, dischargers are liable for Water Board staff oversight costs.

The nearby property involved in its own environmental investigation, the property where the windmill well resides, is leased to BAE Systems Land and Armaments (BAE Systems). BAE Systems leases about 1,200 acres west of the subject site and has conducted military armor and tracked vehicle testing since 1968. BAE Systems representative's address is included below.

Carl Hanes, Site Operations Manager
BAE Systems Test Facility (former United Defense, L.P.)
900 John Smith Road
Hollister, CA

Please submit the requested environmental investigation work plan by **March 24, 2005**. The Water Board's requirement for a work plan is made pursuant to Section 13267 of the California Water Code. Pursuant to Section 13268 of the Water Code, a violation of a requirement made pursuant to Water Code Section 13267 may subject you to civil liability of up to \$1,000 per day for each day in which the violation occurs.

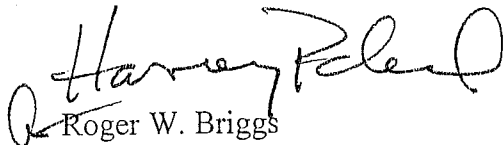
This information is required in order to determine if the MK Ballistics site is a contributing source to perchlorate groundwater contamination. Ms. Zuniga and Ms. Sperber are required to submit this information because you own the site and Mr. Keith is required to submit this information as the current tenant. More information can be found in our office's files regarding this matter.

Any person affected by this action of the Water Board may petition the State Water Resources Control Board (State Board) to review the action in accordance with Section 13320 of the California Water Code and Title 23, California Code of Regulations, Section 2050. The petition must be received by the State Board, Office of Chief Counsel, P. O. Box 100 Sacramento, 95812

within 30 days of the date of this order. Copies of the law and regulations applicable to filing petitions will be provided upon request.

Please do not hesitate to call Water Resources Control Engineer Kristina Seley at (805) 549-3121 or Senior Engineer Eric Gobler at (805) 549-3467 should you have any questions.

Sincerely,



Roger W. Briggs
Executive Officer

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cc:

Mr. Jeff Cattaneo, San Benito County Water District
Mr. Alan Fone, Dept. of Toxic Substances Control
Mr. Carl Hanes, BAE Systems Test Facility, Site Operations Manager
Mr. Pat Hoban, Weber, Hayes and Associates
Ms. Sheron Johnson
Mr. Richard Klein
Mr. Ray Stevenson, San Benito County Health
Ms. Susie Vedantham, URS Corporation, BAE Systems consultant