

# SAN GABRIEL VALLEY WATER COMI



July 11, 2012

Ms. Jeanine Townsend  
Clerk to the Board  
State Water Resources Control Board  
1001 I Street, 24th Floor  
P.O. Box 100  
Sacramento, CA 95812-0100

Subject: Comments to A-1824 – July 17 Board Meeting

Dear Ms. Townsend:

## 1. INTRODUCTION AND SUMMARY

Fontana Water Company, a division of San Gabriel Valley Water Company, is a public utility subject to the regulatory jurisdiction of the California Public Utilities Commission. Fontana Water Company provides water utility service to a population of 210,000 in its 52-square mile service area, encompassing most of the City of Fontana, portions of Rancho Cucamonga and Rialto, as well as adjacent unincorporated areas of the County of San Bernardino ("County"). It is the largest water supplier in the area contaminated by perchlorate and other contaminants from the County's Mid-Valley Sanitary Landfill and the 160-acre BF Goodrich Superfund site.

The fifth bullet point in the SWRCB's May 31, 2012 letter asks:

"Should any proceeding before the State Water Board remain limited to the 160-acre site or should it be expanded geographically? If the proceeding should be expanded, to what extent?"

The answer is the State Water Board should expand the geographical scope of any such proceeding to include Fontana Water Company's contaminated wells. Many Fontana Water Company groundwater wells are already contaminated by perchlorate and other contaminants, and 11 of them have been shut down. But the existing and proposed remedies for groundwater contamination from the 160-acre BF Goodrich Superfund site and the County landfill only treat wells southeast of those pollution sites, but not Fontana Water Company wells, which are located due south of those known sources of pollution. (See Attachment)

## **2. FONTANA WATER COMPANY WELLS ARE CONTAMINATED WITH PERCHLORATE AND OTHER CONTAMINANTS.**

Fontana Water Company pumps groundwater from 32 active production wells in the Lytle, Rialto-Colton, Chino, and "No Man's Land" basins. Most of these wells are contaminated by perchlorate and other contaminants. Eleven Fontana wells have been shut down due to perchlorate levels that exceeded or approached the maximum contaminant level ("MCL") of 6 ppb, and cannot be used without first treating the water. Fontana Water Company constructed and now operates costly wellhead treatment to remove perchlorate and restore the use of two of those wells, but 9 additional wells require treatment before they can be used to supply water to customers. Fontana Water Company has incurred over \$17 million in water treatment costs and other damages as a result of the perchlorate contamination. We continue to pay substantial O&M costs and these costs are borne by our customers.

In addition to its 11 shut down wells, Fontana Water Company has wells in the Rialto-Colton and No Man's Land basins that are contaminated with perchlorate at concentrations that do not yet exceed the MCL. (See Attachment) These wells are directly downgradient from and threatened by contamination from the County Landfill and BF Goodrich Superfund site. They would have to be shut down if perchlorate levels rise, which would impair critically needed public drinking water supplies.

## **3. SOURCES OF PERCHLORATE – JOINT STUDIES**

There is persuasive hydrological and chemical evidence that the perchlorate in Fontana Water Company's wells comes from the County Landfill and the 160-acre BF Goodrich Superfund site, but the County, BF Goodrich and other polluters dispute this evidence. Consequently, pursuant to the 1998 VOC Settlement Agreement with Fontana Water Company, the County agreed to participate in two joint studies of the sources of perchlorate in Fontana's wells under the auspices of federal agencies, the Department of Defense Environmental Security Technology Certification Program and United States Geological Survey:

(1) Hydrologic Study – to better understand how groundwater and perchlorate move between the Rialto-Colton and Chino groundwater basins; and

(2) Perchlorate Isotope Study – to identify the types and sources of perchlorate in wells of Fontana Water Company and other public water suppliers.

Those federal agencies expect to complete the two studies this year, and their results should greatly enhance the understanding of these contamination issues and how to remedy them.

## **4. FONTANA WATER COMPANY'S PRIOR LITIGATION AND NEGOTIATIONS**

In 1998, Fontana Water Company entered into a Settlement Agreement with San Bernardino County, whereby the County accepted responsibility for volatile organic compounds

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("VOCs") and certain other chemicals leaking from the County Landfill which contaminated our wells. Fontana Water Company pumps and treats three production wells pursuant to this Settlement Agreement to assure a safe and reliable water supply and enable the County to meet its VOC cleanup obligations to the RWQCB. However, this 1998 Settlement did not fully resolve the County's responsibility for perchlorate contamination of Fontana Water Company's wells.

Fontana Water Company was initially a plaintiff in the U. S. District Court CERCLA litigation, but Fontana Water Company withdrew its claims without prejudice in late 2007, in the expectation that the state and federal enforcement agencies (e.g., EPA, SWRCB, and DTSC) would adequately investigate and implement a remedy, and that the County would negotiate with Fontana Water Company in good faith to resolve its liability for perchlorate contamination. But that has not happened yet. Until now, the County and the enforcement agencies have failed to adequately address contamination of Fontana's local groundwater supplies.

#### **5. WHAT SHOULD SWRCB DO?**

Fontana Water Company, like the other public water suppliers (Rialto, Colton, and West Valley Water District), requires remediation of its contaminated wells, prevention of further contamination, and reimbursement of its response costs and damages. Neither Fontana Water Company nor its customers caused this groundwater contamination, and they should not have to pay for its remediation.

Consequently, SWRCB should either expand the geographic scope of File A-1824 southward to include our wells, or open a new case to investigate and remedy this groundwater contamination.

Very truly yours,



Timothy J. Ryan  
Vice President and General Counsel

TJR:sm  
Enclosure