

**EXHIBIT 1**



# California Regional Water Quality Control Board

## Santa Ana Region



Winston H. Hickox  
Secretary for  
Environmental  
Protection

Internet Address: <http://www.swrcb.ca.gov/rwqcb8>  
3737 Main Street, Suite 500, Riverside, California 92501-3348  
Phone (909) 782-4130 - FAX (909) 781-6288

Gray Davis  
Governor

*The energy challenge facing California is real. Every Californian needs to take immediate action to reduce energy consumption. For a list of simple ways you can reduce demand and cut your energy costs, see our website at [www.swrcb.ca.gov/rwqcb8](http://www.swrcb.ca.gov/rwqcb8).*

September 27, 2002

Mr. Chris Conley, Vice President  
Environmental Health and Safety  
GenCorp  
P. O. Box 13222  
Sacramento, CA 95670

### **DIRECTIVE TO SUBMIT A WORK PLAN AND CONDUCT PERCHLORATE INVESTIGATION IN THE VICINITY OF THE FORMER AEROJET BUNKERS, CITY OF RIALTO, SAN BERNARDINO COUNTY, CALIFORNIA**

Dear Mr. Conley:

As you are aware, perchlorate has been detected in municipal water supply wells in the Rialto, Colton and Chino Groundwater Subbasins. These water supply wells are located downgradient of the site of former storage bunkers in North Rialto. Information that local businesses provided to us in response to subpoenas indicates that Aerojet (now a subsidiary of GenCorp) used several of the bunkers to store explosives, ordnance, and propellant. Perchlorate salts are common constituents in explosives, ordnance, and solid propellant. GenCorp is now the parent company of Aerojet and Aerojet Fine Chemicals. As such, this letter sets forth a requirement under California Water Code Section 13267 that GenCorp conduct an investigation to define the lateral and vertical extent of perchlorate in soil and groundwater in the vicinity of the former bunker area used by Aerojet. As required by that provision, this letter contains an explanation of the need for the investigation, and cites evidence supporting the requirement.

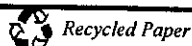
#### Background

Perchlorate contamination was first detected in groundwater in the Rialto, Colton and Chino Subbasins in 1997. At that time, the California Department of Health Services (DHS) Action Level (AL) for perchlorate in drinking water was 18 parts per billion (ppb). Two wells had perchlorate levels exceeding 18 ppb and were shut down. In January 2002, the DHS lowered the AL to 4 ppb. In response to the reduced AL for perchlorate, the local water purveyors in the Rialto, Colton and Chino Groundwater Subbasins restricted or eliminated the use of additional production wells with perchlorate concentrations that exceeded 4 ppb. Between 1997 and the present, various suspected perchlorate dischargers, including Aerojet's former bunkers in North Rialto, have been identified.

#### Requirement for an Investigation

The Regional Board has directed staff to issue individual letters under California Water Code Section 13267 to suspected perchlorate dischargers. The Board also expressed a strong desire

*California Environmental Protection Agency*



**EXHIBIT 1**

that suspected perchlorate dischargers work with the local water purveyors to provide a supply of replacement water during the loss or limited use of their production wells.

### The Need for the Investigation

The Santa Ana Regional Water Quality Control Board is charged with the protection of water quality in this Region. We have been working actively with the water purveyors for several years to identify the extent and address the impact of perchlorate contamination on water resources in the Rialto, Colton and Chino Groundwater Subbasins. The water purveyors whose wells have been contaminated with perchlorate now face a state of emergency, and may not be able to provide an adequate water supply to their customers. It is urgent that the sources of the contamination be identified, and the magnitude of the perchlorate plume defined.

### Evidence Supporting the Need for the Investigation

Enclosed as attachments are the following documents:

1. Attachment 1 – Well Location Map, showing perchlorate contamination in municipal water supply wells.
2. Attachment 2 – Minutes from a November 12, 1987 meeting held by the Rialto Fire Department, in which the owners, contents, and usage of the bunkers are described (documents obtained from American Promotional Events, Inc., - West in response to subpoena).
3. Attachment 3 – Plot Plan showing the former configuration of the bunkers that were located on property in North Rialto, and list of tenants and lessors using the bunkers.

The evidence indicates that the bunkers that formerly occupied property in North Rialto, (adjacent to the Mid-Valley Sanitary Landfill) were used by Aerojet (now a subsidiary of GenCorp) for storing explosives, ordnance, and propellant, which contained perchlorate salts. Perchlorate has been detected in groundwater downgradient of the former bunker area. Based on the evidence, Aerojet (a subsidiary of GenCorp) is suspected of having discharged perchlorate waste that has adversely affected water quality. This evidence supports the requirement for an investigation, as defined in Section 13267(b)(1) of the California Water Code.

### Deadlines

1. A work plan for soil and groundwater investigation for perchlorate in the vicinity of GenCorp's (formerly Aerojet's) former storage bunkers must be submitted to Board staff by October 28, 2002. The work plan will be subject to my approval.
2. The investigation must commence within 30 days of approval.
3. All analytical results, groundwater measurements, and field information are to be submitted by fax to Board staff within 24 hours of being generated, throughout all stages of work, and during all phases of the investigation. The office fax number to be used for your data transmittals is (909) 781-6288.
4. The final report for this soil and groundwater investigation, including (at a minimum) the borehole logs, well construction details, groundwater elevation data, and soil and groundwater analytical results, must be submitted to Board staff within 30 days of completing the field work.



**Failure to submit the required information by the specified deadline may subject you to administrative civil liability in the amount of up to \$1,000 per day pursuant to Section 13268(a) and (b) of the California Water Code.**

Finally, please be aware that the Board has directed staff to explore alternative ways of solving the water supply problem in the Rialto, Colton and Chino Groundwater Subbasins. In addition, consistent with the Board's direction, we will be issuing similar directives to a number of other suspected dischargers who have operated in the North Rialto area. Thus, there may be opportunities to cooperate with other entities to implement joint investigations or to propose solutions that would address the water supply problem. In fact, we believe it would be both scientifically effective and economically efficient for the suspected dischargers subject to these directives to jointly pursue the investigation and to explore water supply replacement options. Further, consistent with the Board's direction, we recommend that the joint efforts of the suspected dischargers consider both the characterization of the plume and initiation of water supply replacement or treatment strategies. Board staff has experience in managing similar joint investigations and cooperative solutions and we are available to discuss these further with you. If you are interested in discussing alternative options for complying with this directive, please contact us to arrange a meeting.

If you have any questions about this letter, please contact Kamron Saremi at (909) 782-4303, or you may call Ann Sturdivant, Chief of our Spills, Leaks, Investigations and Cleanups Section, at (909) 782-4904.

Sincerely,

Gerard J. Thibeault  
Executive Officer

Attachments:

- 1 - Well Location Map, showing perchlorate contamination in municipal water supply wells.
- 2 - Minutes from a November 12, 1987 meeting held by the Rialto Fire Department, in which the owners, contents, and usage of the bunkers are described (documents obtained from American Promotional Events, Inc., - West in response to subpoena).
- 3 - Plot Plan showing the former configuration of bunkers that were located on property in North Rialto, and list of tenants and lessors using the bunkers.
- 4 - Mailing List.

cc w/out attachments:

Regional Board

Jorge Leon, Office of Chief Counsel, SWRCB

Inland Empire Perchlorate Regulatory Task Force (mailing list attached)

Ken Miller, County of San Bernardino Department of Public Works

Katharine Wagner - Downey Brand Seymour & Rohwer, LLP, representing American Promotional Events - West, Inc.

Peter Duchesneau - Manatt, Phelps & Philips, representing Goodrich Corporation

AES/Data/SLIC/Rialto perchlorate 01-02/13267/Aerojet

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# California Regional Water Quality Control Board

## Santa Ana Region



**Winston H. Hickox**  
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September 25, 2002

Mr. Tad Trout, President  
American Promotional Events – West, Inc.  
55 North Gilbert Street  
Fullerton, CA 92833

### **DIRECTIVE TO SUBMIT A WORK PLAN AND CONDUCT A PERCHLORATE INVESTIGATION IN THE VICINITY OF 3196 NORTH LOCUST AVENUE, CITY OF RIALTO, SAN BERNARDINO COUNTY, CALIFORNIA**

Dear Mr. Trout:

As you are aware, perchlorate has been detected in municipal water supply wells in the Rialto and Colton Groundwater Subbasins. These water supply wells are located downgradient of the American Promotional Events – West, Inc. (APE – West) facility. Information that you provided to us in response to a subpoena indicates that APE – West and several other pyrotechnic companies have used and stored products containing perchlorate salts at the Rialto facilities that are currently occupied by APE – West. This letter sets forth a requirement under California Water Code Section 13267 that you conduct an investigation to define the lateral and vertical extent of perchlorate in soil and groundwater in the vicinity of 3196 North Locust Avenue, Rialto. As required by that provision, this letter contains an explanation of the need for the investigation, and cites evidence supporting the requirement.

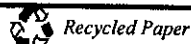
#### Background

Perchlorate contamination was first detected in groundwater in the Rialto and Colton Subbasins in 1997. At that time, the California Department of Health Services (DHS) Action Level (AL) for perchlorate in drinking water was 18 parts per billion (ppb). Two wells had perchlorate levels exceeding 18 ppb and were shut down. In January 2002, the DHS lowered the AL to 4 ppb. In response to the reduced AL for perchlorate, the local water purveyors in the Rialto and Colton Groundwater Subbasins restricted or eliminated the use of additional production wells with perchlorate concentrations that exceeded 4 ppb. Between 1997 and the present, various suspected perchlorate dischargers, including APE – West, have been identified.

#### Requirement for an Investigation

The Regional Board has directed staff to issue individual letters under California Water Code Section 13267 to suspected perchlorate dischargers in the Rialto and Colton Groundwater Subbasins. The Board also expressed a strong desire that suspected perchlorate dischargers work with the local water purveyors to provide a supply of replacement water during the loss or limited use of their production wells.

*California Environmental Protection Agency*



### The Need for the Investigation

The Santa Ana Regional Water Quality Control Board is charged with the protection of water quality in this Region. We have been working actively with the water purveyors for several years to identify the extent and address the impact of perchlorate contamination on water resources in the Colton and Rialto Groundwater Subbasins. The water purveyors whose wells have been contaminated with perchlorate now face a state of emergency, and may not be able to provide an adequate water supply to their customers. It is urgent that the sources of the contamination be identified, and the magnitude of the perchlorate plume defined.

### Evidence Supporting the Need for the Investigation

Enclosed as attachments are the following documents:

1. Attachment 1 – Well Location Map, showing perchlorate contamination in municipal water supply wells.
2. Attachment 2 – Description of APE – West Corporate History (correspondence dated September 20, 2002 from Downey, Brand, Seymour & Rohwer).
3. Attachment 3 – Plot Plan dated May 2001, showing existing waste disposal pit (document no. APE 00224, obtained from APE – West in response to subpoena).

The evidence demonstrates that from 1989 to the present, APE – West has handled and stored fireworks, containing perchlorate salts, at the Rialto site. As you stated during our meeting of September 23, 2002, APE – West currently disposes of certain wastes at an on-site location. An unlined waste disposal pit is shown on the site plot plan dated May 2001 (see Attachment 3). In addition, City of Rialto records indicate that on-site disposal systems have been used at the site since it was first occupied for industrial use. Disposal of waste in unlined pits and septic systems may also have occurred during site occupancy by corporate predecessors related to APE – West. Groundwater data indicates that perchlorate concentrations exceed the AL in municipal water supply wells that are located downgradient of the APE – West facility. Based on the evidence, APE – West is suspected of having discharged perchlorate waste that has adversely affected water quality. This evidence supports the requirement for an investigation, as defined in Section 13267(b)(1) of the California Water Code.

### Deadlines

1. A work plan for a soil and groundwater investigation for perchlorate in the vicinity of the APE – West facility on Locust Avenue must be submitted to Board staff no later than October 25, 2002. The work plan will be subject to my approval.
2. The investigation must commence within 30 days of approval.
3. All analytical results, groundwater measurements, and field information are to be submitted by fax to Board staff within 24 hours of being generated, throughout all stages of work, and during all phases of the investigation. The office fax number to be used for your data transmittals is (909) 781-6288.
4. The final report for the soil and groundwater investigation, including (at a minimum) the borehole logs, well construction details, groundwater elevation data, and soil and groundwater analytical results, must be submitted to Board staff within 30 days of completing the field work.

**Failure to submit the required information by the specified deadline may subject you to administrative civil liability in the amount of up to \$1,000 per day, pursuant to Section 13268(a) and (b) of the California Water Code.**

Finally, we remind you that the Board has directed staff to explore alternative ways of solving the water supply problem in the Rialto and Colton Groundwater Subbasins. In addition, consistent with the Board's direction, we will be issuing similar directives to a number of other suspected dischargers who have operated in the North Rialto area. Thus, there may be opportunities to cooperate with other entities to implement joint investigations or to propose solutions that would address the water supply problem. In fact, we believe it would be both scientifically effective and economically efficient for the suspected dischargers subject to these directives to jointly pursue the investigation and to explore water supply replacement options. Further, consistent with the Board's direction, we recommend that the joint efforts of the suspected dischargers consider both the characterization of the plume and initiation of water supply replacement or treatment strategies. Board staff has experience in managing similar joint investigations and cooperative solutions and we are available to discuss these further with you. If you are interested in discussing alternative options for complying with this directive, please contact us to arrange a meeting.

If you have any questions about this letter, or if you would like to arrange a meeting, please contact Kamron Saremi at (909) 782-4303, or you may call Ann Sturdivant, Chief of our Spills, Leaks, Investigations and Cleanups Section, at (909) 782-4904.

Sincerely,

Gerard J. Thibeault  
Executive Officer

Attachments:

- 1 - Well Location Map, showing perchlorate contamination in municipal water supply wells.
- 2 - Description of APE - West Corporate History (correspondence dated September 20, 2002 from Downey, Brand, Seymour & Rohwer).
- 3 - Plot Plan dated May 2001, showing existing waste disposal pit (document no. APE 00224, obtained from APE - West in response to subpoena).
- 4 - Mailing List.

cc w/out attachments:

Regional Board  
Jorge Leon, Office of Chief Counsel, SWRCB  
Inland Empire Perchlorate Regulatory Task Force (see mailing list)  
Katharine E. Wagner, Downey Brand Seymour & Rohwer, LLP

AES/Data/SLIC/Rialto perchlorate 01-02/13267/APE - west



# California Regional Water Quality Control Board

## Santa Ana Region



A  
AES

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June 26, 2003

Mr. G.D. Wheeler  
Contractors Cargo Company  
500 So. Alameda Street  
Compton, CA 90221

### **DIRECTIVE TO CONDUCT A RECORDS INVESTIGATION AND SUBMIT A REPORT CONCERNING PERCHLORATE DISCHARGES IN THE RIALTO, COLTON AND CHINO GROUNDWATER BASINS, SAN BERNARDINO COUNTY, CALIFORNIA**

Dear Mr. Wheeler:

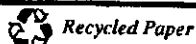
Perchlorate has been detected in municipal water supply wells in the Rialto, Colton and Chino Groundwater Subbasins in Southern California. These water supply wells are located downgradient of the former bunker used by Contractors Cargo in North Rialto. Evidence indicates that Contractors Cargo utilized the storage bunker to store military explosive materials, which may have contained perchlorate salts.

As described below, Contractors Cargo is a suspected discharger of perchlorate. This letter sets forth an order pursuant to California Water Code Section 13267 that Contractors Cargo conduct an investigation of its records of historical operations at the former Rialto facility. As required by that provision, this letter contains an explanation of the need for the report and cites evidence supporting the requirement.

#### Background

Perchlorate contamination was first detected in groundwater in the Rialto, Colton and Chino Groundwater Subbasins in 1997. At that time, the California Department of Health Services (DHS) Action Level (AL) for perchlorate in drinking water was 18 parts per billion (ppb). Two wells had perchlorate levels exceeding 18 ppb and were shut down. In January 2002, the DHS lowered the AL to 4 ppb. In response to the reduced AL for perchlorate, the local water purveyors in the Rialto, Colton and Chino Groundwater Subbasins restricted or eliminated the use of additional production wells with perchlorate concentrations that exceeded 4 ppb (Enclosure 1). Between 1997 and the present, various suspected perchlorate dischargers, including Contractors Cargo, have been identified.

*California Environmental Protection Agency*





### Requirement for an Investigation

The Regional Board has directed staff to issue individual letters under California Water Code Section 13267 to suspected perchlorate dischargers. The Board also expressed a strong desire that suspected perchlorate dischargers work with the local water purveyors to provide a supply of replacement water during the loss or limited use of their production wells.

### The Need for the Investigation

The Santa Ana Regional Water Quality Control Board is charged with the protection of water quality in this Region. We have been working actively with the water purveyors for several years to identify the extent and address the impact of perchlorate contamination on water resources in the Rialto, Colton and Chino Groundwater Subbasins. The water purveyors whose wells have been contaminated with perchlorate now face a state of emergency, and may not be able to provide an adequate water supply to their customers. It is urgent that the sources of the contamination be identified, and the magnitude of the perchlorate plume defined.

### Evidence Supporting the Need for the Investigation

A San Bernardino County Planning Commission record dated June 25, 1971 indicates that Contractors Cargo applied to construct and store military ordnance on approximately 10 acres in Rialto (Enclosure 2). Perchlorate is known to be used as an ingredient in certain ordnance and explosives. Other sites involved with ordnance and explosives have had documented perchlorate discharges and contamination (e.g., [www.geotracker.swrcb.ca.gov/perchlorate](http://www.geotracker.swrcb.ca.gov/perchlorate)).

Based on the evidence, Contractors Cargo is suspected of having discharged perchlorate waste that has adversely affected water quality. This evidence supports the requirement for an investigation, as defined in Section 13267(b)(1) of the California Water Code.

### Deadlines

By July 31, 2003, a report containing the following information shall be submitted to the Regional Board staff:

1. A detailed description of Contractors Cargo's past and present operations in the Rialto, Colton and Chino Groundwater Subbasins, including but not limited to, whether and when it used or handled perchlorate or perchlorate-containing materials and the approximate quantities of such materials; the operations, processes and activities involving perchlorate and perchlorate-containing materials, including testing and waste disposal practices; whether materials, off-spec or defective materials, or other wastes were burned or buried; any known or suspected discharges of perchlorate; any accidents, explosions or fires that may have occurred; and any other information that would be helpful in determining whether a discharge of perchlorate occurred from Contractors Cargo's operations.

June 26, 2003

2. Any documents pertaining to and/or describing Contractors Cargo's operations in Rialto, Colton and Chino Groundwater Subbasins, including but not limited to maps, plans, diagrams and photographs of the facility and its operations, records pertaining to perchlorate and perchlorate-containing materials, waste disposal records, operating procedures, environmental investigation and remediation reports, and employee lists.

**Failure to submit the required information by the specified deadline will subject you to administrative civil liability in the amount of up to \$1,000 per day pursuant to Section 13268(a) and (b) of the California Water Code.**

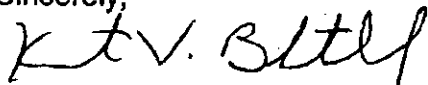
Finally, please be aware that the Board has directed staff to explore alternative ways of solving the water supply problem in the Rialto, Colton and Chino Groundwater Subbasins. In addition, consistent with the Board's direction, we have issued and will continue to issue similar directives to a number of other suspected dischargers who have operated in the Rialto, Colton and Chino Subbasins. Thus, there may be opportunities to cooperate with other entities to implement joint investigations or to propose solutions that would address the water supply problem. In fact, we believe it would be both scientifically effective and economically efficient for the suspected dischargers subject to these directives to jointly pursue the investigation and to explore water supply replacement options. Further, consistent with the Board's direction, we recommend that the joint efforts of the suspected dischargers consider both the characterization of the contamination and initiation of water supply replacement or treatment strategies. Board staff has experience in managing similar joint investigations and cooperative solutions. If you are interested in discussing such joint efforts, please contact us to arrange a meeting.

#### Recovery of Regional Board Expenses

California Water Code Section 13365 addresses the billing process for the Regional Board to recover reasonable expenses for overseeing investigation of illegal discharges, contaminated properties, and other unregulated releases that may adversely affect the State's waters. It is the Regional Board's intent to recover such costs for regulatory oversight work conducted in accordance with this order. A description of the Board's procedure for cost recovery for regulatory oversight of investigations and cleanups will be sent to you under separate cover.

If you have any questions about this letter, please contact Kamron Saremi at (909) 782-4303 or you may call Ann Sturdivant, Chief of our Spills, Leaks, Investigations and Cleanups Section, at (909) 782-4904.

Sincerely,



for Gerard J. Thibeault  
Executive Officer

*California Environmental Protection Agency*



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**Enclosures:**

1. Well Location Map, showing reported perchlorate contamination in municipal water supply wells and the Rialto-Colton and Chino groundwater basins.
2. Application – Contractor's Cargo Company, San Bernardino County Planning Commission dated June 25, 1971.
3. Mailing List.

**cc w/out enclosures:**

Regional Board members

Jorge Leon, Office of Chief Counsel, SWRCB

Wayne Praskins, U.S. EPA, Region IX

Inland Empire Perchlorate Task Force members (mailing list attached)



California Department of Health Services  
464 W. Fourth St., Ste. 437  
San Bernardino, CA 92402

Anthony Araiza  
West Valley Water District  
P.O. Box 920  
Rialto, CA 92377-0920

Wendy Arano  
California Dept. of Toxic Substances Control  
Geology & Corrective Action Branch  
5796 Corporate Ave.  
Cypress, CA 90630

Ken Ayers  
County of San Bernardino  
Office of the District Attorney  
412 W. Hospitality Lane, Ste. 301  
San Bernardino, CA 92415-0023

Karen Baker  
California Dept. of Toxic Substances Control  
Geology & Corrective Action Branch  
5796 Corporate Ave.  
Cypress, CA 90630

Brad Baxter  
City of Rialto  
Public Works Department  
P. O. Box 920  
Rialto, CA 92736

Gerald J. Black  
Fontana Water Company  
P.O. Box 987  
Fontana, CA 92335

Mike Bledsoe  
California Integrated Waste Management  
P.O. Box 4025  
Sacramento, CA 95812-4025

Bob Borzelleri  
California Dept. of Toxic Substances Control  
P.O. Box 806  
Sacramento, CA 95812-0806

Christine Brown  
California Dept. of Toxic Substances Control  
Geology & Corrective Action Branch  
5796 Corporate Ave.  
Cypress, CA 90630

Jim Bryson  
Fontana Water Company  
P.O. Box 987  
Fontana, CA 92335

Jerry Eagans  
West Valley Water District  
P.O. Box 920  
Rialto, CA 92377-0920

Steven Elie  
Musick, Peeler & Garrett  
One Wilshire Blvd.  
Los Angeles, CA 90017-3383

Cindy Forbes  
California Department of Health Services  
Drinking Water Field Operations Branch  
1040 E. Herndon Ave., Ste. 205  
Fresno, CA 93720

Peter Fox  
City of Rialto  
Public Works Department  
P. o. Box 920  
Rialto, CA 92736

Eric Fraser  
City of Colton  
Public Utilities Department  
650 N. La Cadena Drive  
Colton, CA 92324-2897

Barry C. Groveman  
Musick, Peeler & Garrett  
624 S. Grand Ave., Suite 2000  
Los Angeles, CA 90017-3383

Patrick J. King  
Thirty-second Senatorial District TEST 1  
822 N. Euclid Ave., Suite A  
Ontario, CA 91762

Jorge Leon  
California State Water Resources Control Board  
Legal Division  
1001 "I" Street, 22nd Floor  
Sacramento, CA 95814

Francis D. Logan, Jr.  
Law Offices of Susan M. Trager  
19712 MacArthur Blvd., Ste. 120  
Irvine, CA 92612

Leon Long  
West Valley Water District  
P.O. Box 920  
Rialto, CA 92377-0920

Mike McGraw  
Fontana Water Company  
P.O. Box 987  
Fontana, CA 92335

Tim Mim Mack  
City of Rialto  
P. O. Box 920  
Rialto, CA 92376

Matt Mitguard  
U.S. EPA, Region IX (Region 9)  
75 Hawthorne Street  
San Francisco, CA 94105-3901

Sarah Mueller  
U. S. EPA - Region 9  
75 Hawthorne Street  
San Francisco, CA 94105

Karen A. O'Hare  
California State Water Resources Control Board  
Legal Division  
1001 "I" Street, 22nd Floor  
Sacramento, CA 95814

Robert Owen  
City of Rialto  
P. O. Box 920  
Rialto, CA 92376

Dennis Parfitt  
California State Water Resources Control Board  
Division of Clean Water Programs  
1001 "I" Street, 22nd Floor  
Sacramento, CA 95814

Wayne Praskins  
U. S. EPA - Region 9  
75 Hawthorne Street  
San Francisco, CA 94105

Tim Ryan  
San Gabriel Valley Water Company  
Fontana Water Company  
11142 E. Garvey Ave.  
El Monte, CA 91732

Tom Soto  
PS Enterprises  
3350 Ocean Park Blvd., Ste. 205  
Santa Monica, CA 92405

Nell Soto  
Thirty-second Senatorial District  
The Honorable Senator Nell Soto  
State Capital, Room 4074  
Sacramento, CA 95814

Lynn Takaichi  
Kennedy/Jenks Consultants, Inc.  
1000 Hill Rd., Suite 200  
Ventura, CA 93003

Gene Tanaka, Esq.  
Best, Best & Kreiger  
3750 University Ave., Mission Square  
Riverside, CA 92501

Gary Tavetian  
California Office of the Attorney General  
300 S. Spring St., Ste. 500 N.  
Los Angeles, CA 90013-1204

Susan M. Trager  
Law Offices of Susan M. Trager  
19712 MacArthur Blvd., Ste. 120  
Irvine, CA 92612

Mike Whitehead  
Fontana Water Company  
P.O. Box 987  
Fontana, CA 92335

Michael Wochnick  
California Integrated Waste Management  
P.O. Box 4025  
Sacramento, CA 95812-4025

Glen Yabuno  
County of San Bernardino  
Specialized Prosecutions Unit  
412 W. Hospitality Lane, Ste. 301  
San Bernardino, CA 92415-0023

Robert Young  
San Gabriel Valley Water Company  
Fontana Water Company  
11142 E. Garvey Ave.  
El Monte, CA 91732

Aaron Yue  
California Dept. of Toxic Substances Control  
Geology & Corrective Action Branch  
5796 Corporate Ave.  
Cypress, CA 90630



# California Regional Water Quality Control Board

## Santa Ana Region



Winston H. Hickox  
Secretary for  
Environmental  
Protection

Internet Address: <http://www.swrcb.ca.gov/rwqcb8>  
3737 Main Street, Suite 500, Riverside, California 92501-3348  
Phone (909) 782-4130 - FAX (909) 781-6288

Gray Davis  
Governor

*The energy challenge facing California is real. Every Californian needs to take immediate action to reduce energy consumption. For a list of simple ways you can reduce demand and cut your energy costs, see our website at [www.swrcb.ca.gov/rwqcb8](http://www.swrcb.ca.gov/rwqcb8).*

September 26, 2002

Ken A. Miller  
Director of Public Works  
Department of Public Works  
County of San Bernardino  
222 West Hospitality Lane, 2<sup>nd</sup> Floor  
San Bernardino, CA 92415

### **DIRECTIVE TO SUBMIT A WORK PLAN AND CONDUCT ADDITIONAL PERCHLORATE INVESTIGATION IN THE VICINITY OF THE MID-VALLEY LANDFILL, CITY OF RIALTO, SAN BERNARDINO COUNTY, CALIFORNIA**

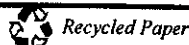
Dear Mr. Miller:

As you are aware, perchlorate has been detected in municipal water supply wells in the Rialto, Colton and Chino Groundwater Subbasins. These water supply wells are located downgradient of the Mid-Valley Sanitary Landfill (MVSL). Information that you and other local businesses provided to us in response to subpoenas indicates that: (1) perchlorate salts have historically been used in the manufacture and production of fireworks at industrial facilities located on property bordering the MVSL, during periods when the MVSL was actively accepting waste; and (2) bunkers were formerly used to store explosives, ordnance, propellant, and pyrotechnic chemicals (including perchlorate salts) adjacent to the MVSL, on property that now belongs to the County of San Bernardino (County). We recognize that the County has already initiated an effort to investigate and characterize the extent of perchlorate contamination in groundwater in the vicinity of the MVSL. We also understand that the County is currently considering additional drilling and sampling activities related to the perchlorate investigation. This letter sets forth a requirement under California Water Code Section 13267 that you submit the final report from the just-completed study, and conduct an additional investigation to further define the lateral and vertical extent of perchlorate in soil and groundwater in the vicinity of the MVSL. As required by that provision, this letter contains an explanation of the need for the investigation, and cites evidence supporting the requirement.

#### Background

Perchlorate contamination was first detected in groundwater in the Rialto, Colton and Chino Subbasins in 1997. At that time, the California Department of Health Services (DHS) Action Level (AL) for perchlorate in drinking water was 18 parts per billion (ppb). Two wells had perchlorate levels exceeding 18 ppb and were shut down. In January 2002, the DHS lowered the AL to 4 ppb. In response to the reduced AL for perchlorate, the local water purveyors in the Rialto, Colton and Chino Groundwater Subbasins restricted or eliminated the use of additional production wells with perchlorate concentrations that exceeded 4 ppb. Between 1997 and the

*California Environmental Protection Agency*



present, various suspected perchlorate dischargers, including the County's MVSL and adjacent properties owned by the County, have been identified.

#### Requirement for an Investigation

The Regional Board has directed staff to issue individual letters under California Water Code Section 13267 to suspected perchlorate dischargers. The Board also expressed a strong desire that suspected perchlorate dischargers work with the local water purveyors to provide a supply of replacement water during the loss or limited use of their production wells.

#### The Need for the Investigation

The Santa Ana Regional Water Quality Control Board is charged with the protection of water quality in this Region. We have been working actively with the water purveyors for several years to identify the extent and address the impact of perchlorate contamination on water resources in the Rialto, Colton and Chino Groundwater Subbasins. The water purveyors whose wells have been contaminated with perchlorate now face a state of emergency, and may not be able to provide an adequate water supply to their customers. It is urgent that the sources of the contamination be identified, and the magnitude of the perchlorate plume defined.

#### Evidence Supporting the Need for the Investigation

Enclosed as attachments are the following documents:

1. Attachment 1 – Well Location Map, showing perchlorate contamination in municipal water supply wells.
2. Attachment 2 – Minutes from a November 12, 1987 meeting held by the Rialto Fire Department, in which the owners, contents, and usage of the bunkers are described (documents obtained from American Promotional Events, Inc., - West in response to subpoena).
3. Attachment 3 – Plot Plan showing the former configuration of the bunkers that were located on property adjacent to the landfill, and list of tenants and lessors using the bunkers.

The evidence indicates that the bunkers adjacent to the MVSL were used for storing explosives, ordnance, propellant, and pyrotechnic chemicals (including perchlorate salts), on property that now belongs to the County. County and Regional Board records indicate that the MVSL has actively accepted refuse since the late 1950s. The landfill was available for disposal of waste during the periods of use of the bunkers, and throughout the history of fireworks manufacturing, handling, and storage in the industrial areas northeast of the MVSL. In addition, gravel washing operations on County property may have contributed to the mobilization or spread of perchlorate. Perchlorate has been detected in groundwater downgradient of the County's properties (the former bunker area, and the MVSL). Groundwater samples from one of the County's downgradient compliance monitoring wells for the MVSL have indicated perchlorate concentrations in excess of 800 ppb. Based on the evidence, the County is suspected of having discharged perchlorate waste that has adversely affected water quality. This evidence supports the requirement for an investigation, as defined in Section 13267(b)(1) of the California Water Code.



Deadlines

1. The final report for the County's August-September 2002 soil and groundwater investigation for perchlorate in the vicinity of the MVSL must be submitted to Board staff by October 7, 2002.
2. A work plan for additional soil and groundwater investigation for perchlorate in the vicinity of the MVSL must be submitted to Board staff by October 26, 2002. The work plan shall address all County-owned property where perchlorate has been historically disposed of, used or stored. The work plan will be subject to my approval.
3. The investigation must commence within 30 days of approval.
4. All analytical results, groundwater measurements, and field information are to be submitted by fax to Board staff within 24 hours of being generated, throughout all stages of work, and during all phases of the investigation. The office fax number to be used for your data transmittals is (909) 781-6288.
5. The final report for this phase of the soil and groundwater investigation, including (at a minimum) the borehole logs, well construction details, groundwater elevation data, and soil and groundwater analytical results, must be submitted to Board staff within 30 days of completing the field work.

**Failure to submit the required information by the specified deadline may subject you to administrative civil liability in the amount of up to \$1,000 per day, pursuant to Section 13268(a) and (b) of the California Water Code.**

Finally, we remind you that the Board has directed staff to explore alternative ways of solving the water supply problem in the Rialto and Colton Groundwater Subbasins. In addition, consistent with the Board's direction, we will be issuing similar directives to a number of other suspected dischargers who have operated in the North Rialto area. Thus, there may be opportunities to cooperate with other entities to implement joint investigations or to propose solutions that would address the water supply problem. In fact, we believe it would be both scientifically effective and economically efficient for the suspected dischargers subject to these directives to jointly pursue the investigation and to explore water supply replacement options. Further, consistent with the Board's direction, we recommend that the joint efforts of the suspected dischargers consider both the characterization of the plume and initiation of water supply replacement or treatment strategies. Board staff has experience in managing similar joint investigations and cooperative solutions and we are available to discuss these further with you. If you are interested in discussing alternative options for complying with this directive, please contact us to arrange a meeting.

If you have any questions about this letter, please contact Kamron Saremi at (909) 782-4303, or you may call Ann Sturdivant, Chief of our Spills, Leaks, Investigations and Cleanups Section, at (909) 782-4904.

Sincerely,

Gerard J. Thibeault  
Executive Officer

*California Environmental Protection Agency*



Recycled Paper

Attachments:

- 1 - Well Location Map, showing perchlorate contamination in municipal water supply wells.
- 2 - Minutes from a November 12, 1987 meeting held by the Rialto Fire Department, in which the owners, contents, and usage of the bunkers are described (documents obtained from American Promotional Events, Inc., - West in response to subpoena).
- 3 - Plot Plan showing the former configuration of bunkers that were located on property adjacent to the MVSL, and list of tenants and lessors using the bunkers.
- 4 - Mailing List.

cc w/out attachments:

Regional Board

Jorge Leon, Office of Chief Counsel, SWRCB

Inland Empire Perchlorate Regulatory Task Force (mailing list attached)

Robert Jocks, Office of San Bernardino County Counsel

Gary Lass, GeoLogic Associates

AES/Data/SLIC/Rialto perchlorate 01-02/13267/MVSL





# California Regional Water Quality Control Board

## Santa Ana Region



**Winston H. Hickox**  
Secretary for  
Environmental  
Protection

Internet Address: <http://www.swrcb.ca.gov/rwqcb8>  
3737 Main Street, Suite 500, Riverside, California 92501-3348  
Phone (909) 782-4130 - FAX (909) 781-6288

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October 2, 2002

Mr. Vernon Jolley  
Agent for Service of Process  
for Denova Environmental  
17390 Mockingbird Canyon  
Riverside, CA 92504

**Certified Mail**  
**Return Receipt Requested**

Mr. Gene Van Houten  
16725 Morningview Dr.  
Riverside, CA 92504

**Certified Mail**  
**Return Receipt Requested**

Mr. Robert V. Cole  
75 Teloma Drive  
Ventura, CA 93003

**Certified Mail**  
**Return Receipt Requested**

### **DIRECTIVE TO SUBMIT A WORK PLAN AND CONDUCT PERCHLORATE INVESTIGATION IN NORTH RIALTO, SAN BERNARDINO COUNTY, CALIFORNIA**

Dear Mr. Jolley, Mr. Van Houten and Mr. Cole:

As you are aware, perchlorate has been detected in municipal water supply wells in the Rialto, Colton and Chino Groundwater Subbasins. These water supply wells are located downgradient of the Broco Environmental facility (now Denova Environmental - hereinafter "Broco" and "Denova") on Alder Avenue in North Rialto, and a former bunker storage area used by Broco and Denova. Information that local businesses provided to us in response to subpoenas indicates that: (1) explosives and chemicals, including perchlorate salts, have historically been stored at the Denova (formerly Broco) facility on Alder Avenue; and (2) bunkers that were located in North Rialto were used by Denova (formerly Broco) to store explosives and chemicals, including perchlorate salts. This letter sets forth a requirement under California Water Code Section 13267 that you conduct an investigation to define the lateral and vertical extent of perchlorate in soil and groundwater in the vicinity of the Denova (formerly Broco) facility and former bunker storage area. As required by that provision, this letter contains an explanation of the need for the investigation, and cites evidence supporting the requirement.

#### Background

Perchlorate contamination was first detected in groundwater in the Rialto, Colton and Chino Subbasins in 1997. At that time, the California Department of Health Services (DHS) Action Level (AL) for perchlorate in drinking water was 18 parts per billion (ppb). Two wells had perchlorate levels exceeding 18 ppb and were shut down. In January 2002, the DHS lowered the AL to 4 ppb. In response to the reduced AL for perchlorate, the local water purveyors in the

*California Environmental Protection Agency*



Rialto, Colton and Chino Groundwater Subbasins restricted or eliminated the use of additional production wells with perchlorate concentrations that exceeded 4 ppb. Between 1997 and the present, various suspected perchlorate dischargers, including the Denova (formerly Broco) facility on Alder Avenue, and former storage bunkers in North Rialto that were used by Denova and Broco, have been identified.

#### Requirement for an Investigation

The Regional Board has directed staff to issue individual letters under California Water Code Section 13267 to suspected perchlorate dischargers. The Board also expressed a strong desire that suspected perchlorate dischargers work with the local water purveyors to provide a supply of replacement water during the loss or limited use of their production wells.

#### The Need for the Investigation

The Santa Ana Regional Water Quality Control Board is charged with the protection of water quality in this Region. We have been working actively with the water purveyors for several years to identify the extent and address the impact of perchlorate contamination on water resources in the Rialto, Colton and Chino Groundwater Subbasins. The water purveyors whose wells have been contaminated with perchlorate now face a state of emergency, and may not be able to provide an adequate water supply to their customers. It is urgent that the sources of the contamination be identified, and the magnitude of the perchlorate plume defined.

#### Evidence Supporting the Need for the Investigation

Enclosed as attachments are the following documents:

1. Attachment 1 – Well Location Map, showing perchlorate contamination in municipal water supply wells.
2. Attachment 2 – Minutes from a November 12, 1987 meeting held by the Rialto Fire Department, in which the owners, contents, and usage of the bunkers are described (documents obtained from American Promotional Events, Inc., - West in response to subpoena).
3. Attachment 3 – Plot Plan showing the former configuration of the storage bunkers, and list of tenants and lessors using the bunkers.
4. Attachment 4 – Material Data Safety Sheets (MSDS) hazmat inventory, and waste manifests for oxidizers, including perchlorate, received and stored at the Denova (formerly Broco) facilities on Locust and Alder Avenues in North Rialto (documents submitted by Goodrich Corporation).

The evidence indicates that the storage bunkers in North Rialto (vicinity of 2824 North Locust Street) were used by Denova (formerly Broco) for storing explosives, and chemicals such as oxidizers (including perchlorate salts). Records show that perchlorate was also stored at the Denova (formerly Broco) facility at 2610 North Alder Avenue in Rialto. Perchlorate has been detected in groundwater downgradient of the Denova (formerly Broco) facility and the storage bunkers. Based on the evidence, Denova (formerly Broco) is suspected of having discharged perchlorate waste that has adversely affected water quality. This evidence supports the requirement for an investigation, as defined in Section 13267(b)(1) of the California Water Code.



Deadlines

1. A work plan for soil and groundwater investigation for perchlorate in the vicinity of the Denova (formerly Broco) facility and storage bunkers must be submitted to Board staff by November 2, 2002. The work plan will be subject to my approval.
2. The investigation must commence within 30 days of approval.
3. All analytical results, groundwater measurements, and field information are to be submitted by fax to Board staff within 24 hours of being generated, throughout all stages of work, and during all phases of the investigation. The office fax number to be used for your data transmittals is (909) 781-6288.
4. The final report for the soil and groundwater investigation, including (at a minimum) the borehole logs, well construction details, groundwater elevation data, and soil and groundwater analytical results, must be submitted to Board staff within 30 days of completing the field work.

**Failure to submit the required information by the specified deadline may subject you to administrative civil liability in the amount of up to \$1,000 per day, pursuant to Section 13268(a) and (b) of the California Water Code.**

Finally, please be aware that the Board has directed staff to explore alternative ways of solving the water supply problem in the Rialto, Colton and Chino Groundwater Subbasins. In addition, consistent with the Board's direction, we will be issuing similar directives to a number of other suspected dischargers who have operated in the North Rialto area. Thus, there may be opportunities to cooperate with other entities to implement joint investigations or to propose solutions that would address the water supply problem. In fact, we believe it would be both scientifically effective and economically efficient for the suspected dischargers subject to these directives to jointly pursue the investigation and to explore water supply replacement options. Further, consistent with the Board's direction, we recommend that the joint efforts of the suspected dischargers consider both the characterization of the plume and initiation of water supply replacement or treatment strategies. Board staff has experience in managing similar joint investigations and cooperative solutions and we are available to discuss these further with you. If you are interested in discussing alternative options for complying with this directive, please contact us to arrange a meeting.

If you have any questions about this letter, please contact Kamron Saremi at (909) 782-4303, or you may call Ann Sturdivant, Chief of our Spills, Leaks, Investigations and Cleanups Section, at (909) 782-4904.

Sincerely,

Gerard J. Thibeault  
Executive Officer

Attachments:

- 1 - Well Location Map, showing perchlorate contamination in municipal water supply wells.
- 2 - Minutes from a November 12, 1987 meeting held by the Rialto Fire Department, in which the owners, contents, and usage of the bunkers are described (documents obtained from American Promotional Events, Inc., - West in response to subpoena).
- 3 - Plot Plan showing the former configuration of the storage bunkers, and list of tenants and lessors using the bunkers.
- 4 - Material Data Safety Sheets (MSDS) hazmat inventory, and waste manifests for oxidizers, including perchlorate, received and stored at the Denova (formerly Broco) facilities on Locust and Alder Avenues in North Rialto (documents submitted by Goodrich Corporation).
- 5 - Mailing List.

cc w/out attachments:

Regional Board

Jorge Leon, Office of Chief Counsel, SWRCB

Phillip Blum, DTSC, Glendale Office

Inland Empire Perchlorate Regulatory Task Force (mailing list attached)

Chris Conley, Aerojet - a subsidiary of GenCorp, Sacramento, California

Ken Miller, County of San Bernardino Department of Public Works

Katharine Wagner - Downey Brand Seymour & Rohwer, LLP, representing American Promotional Events - West, Inc.

Peter Duchesneau - Manatt, Phelps & Phillips, representing Goodrich Corporation

Charles Whisonant, 620 Newport Center Drive, Eleventh Floor, Newport Beach, CA 92660

AES/Data/SLIC/Rialto perchlorate 01-02/13267/Denova





# California Regional Water Quality Control Board

## Santa Ana Region



**Winston H. Hickox**  
Secretary for  
Environmental  
Protection

Internet Address: <http://www.swrcb.ca.gov/rwqcb8>  
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October 24, 2002

Lieutenant General Robert B. Flowers, Commanding  
HQ US Army Corps of Engineers  
ATTN: CECG  
441 G Street, NW  
Washington, DC 20314-1000

Colonel Richard G. Thompson, Commanding  
U.S. Army Corps of Engineers  
Los Angeles District  
911 Wilshire Blvd.  
Los Angeles, CA 90017-3401

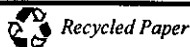
### **DIRECTIVE TO SUBMIT A WORK PLAN AND CONDUCT PERCHLORATE INVESTIGATION IN THE VICINITY OF THE FORMER RIALTO AMMUNITIONS STORAGE POINT, CITY OF RIALTO, SAN BERNARDINO COUNTY, CALIFORNIA**

Dear Lt. Gen. Flowers and Col. Thompson:

As you are probably aware, perchlorate has been detected in municipal water supply wells in the Rialto, Colton and Chino Groundwater Subbasins in San Bernardino County, California. These water supply wells are located downgradient of the former Rialto Ammunitions Storage Point (RASP). The RASP was a U.S. Army facility, used from 1941 to 1945 for the storage and testing of ordnance and explosives. The site consisted of more than 2,000 acres, and was outfitted with a network of railroad tracks, berm-enclosed sidings, and reinforced bunker buildings. After World War II, portions of the former RASP facility and the former bunkers were occupied or used by federal defense contractors, who developed and tested photo-flash cartridges, illuminating mortar shells (the West Coast Loading Corporation - Kwikset Defense Products Division) and solid rocket propellant (B.F. Goodrich and Aerojet, a subsidiary of GenCorp).

Perchlorate salts are common constituents in explosives and ordnance. Furthermore, information that the Kwikset Corporation and Rialto-area businesses provided to us in response to subpoenas indicates that perchlorate salts were imported, stored, and used in association with the activities of federal defense contractors on the former RASP site and the storage bunkers. This letter sets forth a requirement under California Water Code Section 13267 that the U.S. Army Corps of Engineers conduct an investigation to define the lateral and vertical extent of perchlorate in soil and groundwater in the vicinity of the former RASP facility and the former bunkers, areas that were used by the U.S. Army (Department of Ordnance) to store and mobilize ammunition and high explosives. As required by that provision, this letter contains an explanation of the need for the investigation, and cites evidence supporting the requirement.

*California Environmental Protection Agency*



### Background

Perchlorate contamination was first detected in groundwater in the Rialto, Colton and Chino Subbasins in 1997. At that time, the California Department of Health Services (DHS) Action Level (AL) for perchlorate in drinking water was 18 parts per billion (ppb). Two wells had perchlorate levels exceeding 18 ppb and were shut down. In January 2002, the DHS lowered the AL to 4 ppb. In response to the reduced AL for perchlorate, the local water purveyors in the Rialto, Colton and Chino Groundwater Subbasins restricted or eliminated the use of additional production wells with perchlorate concentrations that exceeded 4 ppb. Between 1997 and the present, various suspected perchlorate dischargers, including the former RASP and the U.S. Army's ordnance storage bunkers, have been identified.

### Requirement for an Investigation

The Regional Board has directed staff to issue individual letters under California Water Code Section 13267 to suspected perchlorate dischargers. The Board also expressed a strong desire that suspected perchlorate dischargers work with the local water purveyors to provide a supply of replacement water during the loss or limited use of their production wells.

### The Need for the Investigation

The Santa Ana Regional Water Quality Control Board is charged with the protection of water quality in this Region. We have been working actively with the water purveyors for several years to identify the extent and address the impact of perchlorate contamination on water resources in the Rialto, Colton and Chino Groundwater Subbasins. The water purveyors whose wells have been contaminated with perchlorate now face a state of emergency, and may not be able to provide an adequate water supply to their customers. It is urgent that the sources of the contamination be identified, and the magnitude of the perchlorate plume defined.

### Evidence Supporting the Need for the Investigation

Enclosed as attachments are the following documents:

1. Attachment 1 – Well Location Map, showing perchlorate contamination in municipal water supply wells.
2. Attachment 2 – Defense Environmental Restoration Program, Formerly Used Defense Sites (FUDS) Findings and Determination of Eligibility for Site No. JO9CA057200.
3. Attachment 3 – Defense Environmental Restoration Program for FUDS Archives Search Report, Historical Analysis of Ordnance and Explosive Waste/Chemical Warfare Materials Activities.
4. Attachment 4 – Map of Ammunitions Storage Area Layout.

The evidence indicates that the U.S. Department of the Army constructed storage "igloos" and concrete underground bunkers for storing fuse and powder magazines, explosives and ordnance, which are likely to have contained perchlorate salts. The former bunkers were also used by federal defense contractors for storage of propellant and oxidizers, including perchlorate salts. Perchlorate has been detected in groundwater downgradient of the former RASP and the storage bunker area. Based on the evidence, the U.S. Department of the Army is suspected of having discharged perchlorate waste that has adversely affected water quality. This evidence supports the requirement for an investigation, as defined in Section 13267(b)(1) of the California Water Code.



Deadlines

1. A work plan for soil and groundwater investigation for perchlorate in the vicinity of the former RASP facility and the former ordnance storage bunkers must be submitted to Board staff by November 25, 2002. The work plan will be subject to my approval.
2. The investigation must commence within 30 days of approval.
3. All analytical results, groundwater measurements, and field information are to be submitted by fax to Board staff within 24 hours of being generated, throughout all stages of work, and during all phases of the investigation. The office fax number to be used for your data transmittals is (909) 781-6288.
4. The final report for this soil and groundwater investigation, including (at a minimum) the borehole logs, well construction details, groundwater elevation data, and soil and groundwater analytical results, must be submitted to Board staff within 30 days of completing the field work.

**Failure to submit the required information by the specified deadline will subject you to administrative civil liability in the amount of up to \$1,000 per day pursuant to Section 13268(a) and (b) of the California Water Code.**

The impact of perchlorate pollution on the local water supply in the Rialto, Colton and Chino Groundwater Subbasins, as a result of the historical activities of the DoD and its contractors at the former RASP site is of critical importance. Therefore, we ask that the U.S. Army Corps of Engineers take immediate action to review and reprioritize the ranking and status of the former RASP facility to augment the funding allocation and address this site as an emergency priority under the "Formerly Used Defense Site" (FUDS) program or other available funding mechanisms.

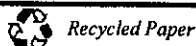
Finally, please be aware that the Board has directed staff to explore alternative ways of solving the water supply problem in the Rialto, Colton and Chino Groundwater Subbasins. In addition, consistent with the Board's direction, we will be issuing similar directives to a number of other suspected dischargers who have operated in the North Rialto area. Thus, there may be opportunities to cooperate with other entities to implement joint investigations or to propose solutions that would address the water supply problem. In fact, we believe it would be both scientifically effective and economically efficient for the suspected dischargers subject to these directives to jointly pursue the investigation and to explore water supply replacement options. Further, consistent with the Board's direction, we recommend that the joint efforts of the suspected dischargers consider both the characterization of the plume and initiation of water supply replacement or treatment strategies. Board staff has experience in managing similar joint investigations and cooperative solutions and we are available to discuss these further with you. If you are interested in discussing alternative options for complying with this directive, please contact us to arrange a meeting.

If you have any questions about this letter, please contact Kamron Saremi at (909) 782-4303, or you may call Ann Sturdivant, Chief of our Spills, Leaks, Investigations and Cleanups Section, at (909) 782-4904.

Sincerely,

Gerard J. Thibeault  
Executive Officer

*California Environmental Protection Agency*



Attachments:

1. Well Location Map, showing perchlorate contamination in municipal water supply wells.
2. Defense Environmental Restoration Program Formerly Used Defense Sites (FUDS) Findings and Determination of Eligibility for Site No. JO9CA057200.
3. Defense Environmental Restoration Program for FUDS Archives Search Report, Historical Analysis of Ordnance and Explosive Waste//Chemical Warfare Materials Activities.
4. Map of Ammunitions Storage Area Layout.
5. Inland Empire Perchlorate Regulatory Task Force Mailing List.

cc w/attachments:

Debra Castens, U.S. Army Corps of Engineers, Los Angeles District  
Allen Curlee, Office of the District Counsel, U.S. Army Corps of Engineers, Sacramento

cc w/out attachments:

Regional Board

Jorge Leon, Office of Chief Counsel, SWRCB

Ken Miller, County of San Bernardino Department of Public Works

Dan Coyle - Downey Brand Seymour & Rohwer, LLP, representing American  
Promotional Events – West, Inc.

Peter Duchesneau - Manatt, Phelps & Philips, representing Goodrich Corporation

Chris Conley, GenCorp, Sacramento

Charles Whisonant, representing Denova Environmental

Bruce Cash, United Strategies, Inc., consultant for Pyro Spectaculars by Souza

Jerry Vincent, U. S. Army Corps of Engineers, Sacramento District

Inland Empire Perchlorate Regulatory Task Force (mailing list attached)

AES/Data/SLIC/Rialto perchlorate01-02/13267/DoD





# California Regional Water Quality Control Board

## Santa Ana Region



Winston H. Hickox  
Secretary for  
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October 23, 2002

Emhart Industries, Inc.  
701 East Joppa Road  
Towson, MD 21286

B&D, Inc.  
701 East Joppa Road  
Towson, MD 21286

### **DIRECTIVE TO SUBMIT A WORK PLAN AND CONDUCT PERCHLORATE INVESTIGATION IN THE VICINITY OF THE FORMER WEST COAST LOADING CORPORATION AND ITS STORAGE BUNKERS, CITY OF RIALTO, SAN BERNARDINO COUNTY, CALIFORNIA**

Ladies and Gentlemen:

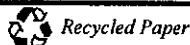
As you are aware, perchlorate has been detected in municipal water supply wells in the Rialto, Colton and Chino Groundwater Subbasins in San Bernardino County, California. These water supply wells are located downgradient of the former West Coast Loading Corporation (WCLC), in North Rialto. Perchlorate salts were used as oxidizers in photo-flash cartridges and illuminating mortar shells, which were manufactured and tested at the former WCLC facility. Shipments of perchlorate salts were stored and dried at the former WCLC facility. In addition, WCLC also owned, leased, managed, and/or used several storage bunkers that formerly occupied land adjacent to WCLC's 160-acre site, during the period of WCLC's operations in North Rialto.

Information that the Kwikset Corporation and Rialto-area businesses provided to us in response to subpoenas indicates that Emhart Industries, Inc. and B&D, Inc. are the successor companies of WCLC. As such, this letter sets forth a requirement under California Water Code Section 13267 that Emhart Industries, Inc. and B&D, Inc. conduct an investigation to define the lateral and vertical extent of perchlorate in soil and groundwater in the vicinity of the former WCLC facility and the former bunker area that was owned, leased, managed, and/or used by WCLC. As required by that provision, this letter contains an explanation of the need for the investigation, and cites evidence supporting the requirement.

#### Background

Perchlorate contamination was first detected in groundwater in the Rialto, Colton and Chino Subbasins in 1997. At that time, the California Department of Health Services (DHS) Action Level (AL) for perchlorate in drinking water was 18 parts per billion (ppb). Two wells had perchlorate levels exceeding 18 ppb and were shut down. In January 2002, the DHS lowered the AL to four ppb. In response to the reduced AL for perchlorate, the local water purveyors in

*California Environmental Protection Agency*



the Rialto, Colton and Chino Groundwater Subbasins restricted or eliminated the use of additional production wells with perchlorate concentrations that exceeded four ppb. Between 1997 and the present, various suspected perchlorate dischargers, including WCLC and the former bunkers used by WCLC (now Emhart Industries and B&D, Inc.) in North Rialto, have been identified.

#### Requirement for an Investigation

The Regional Board has directed staff to issue individual letters under California Water Code Section 13267 to suspected perchlorate dischargers. The Board also expressed a strong desire that suspected perchlorate dischargers work with the local water purveyors to provide a supply of replacement water during the loss or limited use of their production wells.

#### The Need for the Investigation

The Santa Ana Regional Water Quality Control Board is charged with the protection of water quality in this Region. We have been working actively with the water purveyors for several years to identify the extent and address the impact of perchlorate contamination on water resources in the Rialto, Colton and Chino Groundwater Subbasins. The water purveyors whose wells have been contaminated with perchlorate now face a state of emergency, and may not be able to provide an adequate water supply to their customers. It is urgent that the sources of the contamination be identified, and the magnitude of the perchlorate plume defined.

#### Evidence Supporting the Need for the Investigation

Enclosed as attachments are the following documents:

1. Attachment 1 – Well Location Map, showing perchlorate contamination in municipal water supply wells.
2. Attachment 2 – Invoices and business records indicating the use and storage of perchlorate salts at the former WCLC (now Emhart Industries, Inc. and B&D, Inc.) facility in North Rialto. (Documents obtained from the Kwikset Corporation in response to subpoena).
3. Attachment 3 – Plot Plan of the former WCLC (now Emhart Industries, Inc. and B&D, Inc.) facility with a cross-reference to "igloos" (storage bunkers) used by WCLC. (Documents obtained from the Kwikset Corporation in response to subpoena).
4. Attachment 4 – Plot Plan of the former storage bunkers (listed as bunkers A1 through E3) that were located on property in North Rialto.
5. Attachment 5 – Invoices for WCLC's (now Emhart Industries, Inc. and B&D, Inc.) monthly rental of igloos (storage bunkers) that were owned, leased, managed, and/or used by WCLC. (Documents obtained from the Kwikset Corporation in response to subpoena).
6. Attachment 6 – Corporate history indicating that Emhart Industries, Inc. and B&D, Inc. are the corporate successors of WCLC.

The evidence indicates that the WCLC (now Emhart Industries, Inc. and B&D, Inc.) used and stored perchlorate salts on the main WCLC facility site, and possibly in storage bunkers that formerly occupied property adjacent to WCLC in North Rialto. Perchlorate has been detected in groundwater downgradient of the WCLC site and the former bunker area. Based on the evidence, WCLC (now Emhart Industries, Inc. and B&D, Inc.) is suspected of having discharged perchlorate waste that has adversely affected water quality. This evidence supports the requirement for an investigation, as defined in Section 13267(b)(1) of the California Water Code.

Deadlines

1. A work plan for soil and groundwater investigation for perchlorate in the vicinity of the WCLC (now Emhart Industries and B&D, Inc.) facility and the former storage bunkers must be submitted to Board staff by November 25, 2002. The work plan will be subject to my approval.
2. The investigation must commence within 30 days of approval.
3. All analytical results, groundwater measurements, and field information are to be submitted by fax to Board staff within 24 hours of being generated, throughout all stages of work, and during all phases of the investigation. The office fax number to be used for your data transmittals is (909) 781-6288.
4. The final report for this soil and groundwater investigation, including (at a minimum) the borehole logs, well construction details, groundwater elevation data, and soil and groundwater analytical results, must be submitted to Board staff within 30 days of completing the field work.

**Failure to submit the required information by the specified deadline will subject you to administrative civil liability in the amount of up to \$1,000 per day pursuant to Section 13268(a) and (b) of the California Water Code.**

Finally, please be aware that the Board has directed staff to explore alternative ways of solving the water supply problem in the Rialto, Colton and Chino Groundwater Subbasins. In addition, consistent with the Board's direction, we will be issuing similar directives to a number of other suspected dischargers who have operated in the North Rialto area. Thus, there may be opportunities to cooperate with other entities to implement joint investigations or to propose solutions that would address the water supply problem. In fact, we believe it would be both scientifically effective and economically efficient for the suspected dischargers subject to these directives to jointly pursue the investigation and to explore water supply replacement options. Further, consistent with the Board's direction, we recommend that the joint efforts of the suspected dischargers consider both the characterization of the plume and initiation of water supply replacement or treatment strategies. Board staff has experience in managing similar joint investigations and cooperative solutions and we are available to discuss these further with you. If you are interested in discussing alternative options for complying with this directive, please contact us to arrange a meeting.

If you have any questions about this letter, please contact Kamron Saremi at (909) 782-4303, or you may call Ann Sturdivant, Chief of our Spills, Leaks, Investigations and Cleanups Section, at (909) 782-4904.

Sincerely,

Gerard J. Thibeault  
Executive Officer

Attachments:

*California Environmental Protection Agency*



- 1 - Well Location Map, showing perchlorate contamination in municipal water supply wells.
- 2 - Invoices and business records indicating the use and storage of perchlorate salts at the former WCLC (now Emhart Industries, Inc. and B&D, Inc.) facility in North Rialto.
- 3 - Plot Plan of the former WCLC (now Emhart Industries, Inc. and B&D, Inc.) facility with a cross-reference to "igloos" (storage bunkers) used by WCLC.
- 4 - Plot Plan of the former storage bunkers (listed as bunkers A1 through E3) that were located on property in North Rialto.
- 5 - Invoices for WCLC's (now Emhart Industries, Inc. and B&D, Inc.) monthly rental of igloos (storage bunkers) that were owned, leased, managed, and/or used by WCLC.
- 6 - Corporate history indicating that Emhart Industries, Inc. and B&D, Inc. are the corporate successors of WCLC.
- 7 - Inland Empire Perchlorate Regulatory Task Force Mailing List.

cc w/attachments:

Charles E. Fenton, Senior Vice President and General Counsel, Black & Decker Corp  
Robert Wyatt, Allen Matkins Leck Gamble & Mallory, LLP

cc w/out attachments:

Regional Board

Jorge Leon, Office of Chief Counsel, SWRCB

Ken Miller, County of San Bernardino Department of Public Works

Chris Conley, GenCorp, Sacramento

Dan Coyle - Downey Brand Seymour & Rohwer, LLP, representing American  
Promotional Events - West, Inc.

Peter Duchesneau - Manatt, Phelps & Philips, representing Goodrich Corporation

Charles Whisonant, representing Denova Environmental

Allen Curlee, Office of the District Counsel, U.S. Army Corps of Engineers, Sacramento

Bruce Cash, United Strategies, Inc., consultant for Pyro Spectaculars by Souza

Inland Empire Perchlorate Regulatory Task Force (mailing list attached)

AES/Data/SLIC/Rialto perchlorate 01-02/13267/B&D





# California Regional Water Quality Control Board

## Santa Ana Region



**Winston H. Hickox**  
Secretary for  
Environmental  
Protection

Internet Address: <http://www.swrcb.ca.gov/rwqcb8>  
3737 Main Street, Suite 500, Riverside, California 92501-3348  
Phone (909) 782-4130 - FAX (909) 781-6288

**Gray Davis**  
Governor

*The energy challenge facing California is real. Every Californian needs to take immediate action to reduce energy consumption. For a list of simple ways you can reduce demand and cut your energy costs, see our website at [www.swrcb.ca.gov/rwqcb8](http://www.swrcb.ca.gov/rwqcb8).*

June 26, 2003

Ralph H. Harnett, President  
The Ensign-Bickford Company  
660 Hopmeadow St.  
P. O. Box 483  
Simsbury, CT 06070

Joseph E. Lovejoy, Chairman  
Ensign-Bickford Industries, Inc.  
660 Hopmeadow Street  
P. O. Box 7  
Simsbury, CT 06070-0483

### **DIRECTIVE TO CONDUCT A RECORDS INVESTIGATION AND SUBMIT A REPORT CONCERNING PERCHLORATE DISCHARGES IN THE RIALTO, COLTON AND CHINO GROUNDWATER SUBBASINS, SAN BERNARDINO COUNTY, CALIFORNIA**

Dear Messrs. Harnett and Lovejoy:

Perchlorate has been detected in municipal water supply wells in the Rialto, Colton and Chino Groundwater Subbasins in Southern California. These water supply wells are located downgradient of the site of the 160-acre parcel that was formerly owned by the B.F. Goodrich Corporation (now Goodrich Corporation) in North Rialto, San Bernardino County, California. During the 1960s, the Ensign-Bickford Company leased the Rialto property from Goodrich, and used the site for manufacturing ordnance and pyrotechnic devices, which probably contained perchlorate salts.

As described below, The Ensign-Bickford Company ("Ensign-Bickford") and Ordnance Associates, Inc. ("Ordnance Associates") are suspected dischargers of perchlorate. This letter sets forth an order, pursuant to California Water Code Section 13267, that you conduct an investigation of your records and provide a report with respect to Ensign-Bickford's and Ordnance Associates' operations in the above-referenced groundwater basins. As required by that provision, this letter contains an explanation of the need for the report and cites evidence supporting the requirement.

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### Background

Perchlorate contamination was first detected in groundwater in the Rialto, Colton and Chino Groundwater Subbasins in 1997. At that time, the California Department of Health Services (DHS) Action Level (AL) for perchlorate in drinking water was 18 parts per billion (ppb). Two wells had perchlorate levels exceeding 18 ppb and were shut down. In January 2002, the DHS lowered the AL to 4 ppb. In response to the reduced AL for perchlorate, the local water purveyors in these groundwater basins restricted or eliminated the use of additional production wells with perchlorate concentrations that exceeded 4 ppb (See Enclosure 1). Between 1997 and the present, various suspected perchlorate dischargers have been identified and ordered by the Regional Board to investigate.

### The Need for the Investigation and Report

The Regional Board is charged with the protection of water quality in the Rialto-Colton and Chino groundwater basins. We have been working actively with the water purveyors for several years to identify the extent and address the impact of perchlorate contamination on water resources in these basins. The water purveyors whose wells have been contaminated with perchlorate now claim to face a state of emergency, and may not be able to provide an adequate water supply to their customers. It is urgent that the sources of the contamination be identified, and the magnitude of the perchlorate plume defined.

### Evidence Supporting the Need for the Investigation and Report by Ensign-Bickford

Evidence indicates that Ordnance Associates leased a facility in Rialto in 1964 from The B.F. Goodrich Company. Evidence further indicates that The Ensign-Bickford Company was the guarantor of the lease. Corporation Grant Deeds associated with the 1966 sale of the property indicate that Ordnance Associates entered into a lease for the premises, or a portion thereof, dated November 4, 1964 (Enclosures 2 and 3). The evidence further indicates that The Ensign-Bickford Company entered into a Guarantee Agreement dated November 6, 1964, guaranteeing the performance of Ordnance Associates under the lease and made lease payments on behalf of Ordnance Associates (Enclosures 4 and 5).

The Ensign-Bickford Company has a long history in the explosives manufacturing industry (Enclosure 6). Ordnance Associates is also believed to have been involved with ordnance and pyrotechnics. In 1964, Ordnance Associates was the pyrotechnics contractor for the Gemini Space Program (Enclosure 7). Ordnance Associates also produced other explosives, such as M26 grenades (Enclosure 8).

Perchlorate is known to be used as an ingredient of certain pyrotechnics, ordnance and other explosives. Other sites involved with pyrotechnics, ordnance and explosives have had documented perchlorate discharges and contamination. (See, e.g.,

[www.geotracker.swrcb.ca.gov/perchlorate](http://www.geotracker.swrcb.ca.gov/perchlorate))

Based on the evidence, The Ensign-Bickford Company and Ordnance Associates are suspected of having discharged perchlorate waste that has adversely affected water



quality. This evidence supports the requirement for an investigation, as defined in Section 13267(b)(1) of the California Water Code.

#### Required Report

By July 31, 2003, a report under penalty of perjury containing the following information shall be submitted to the Regional Board staff:

1. A detailed description of Ensign-Bickford's and Ordnance Associates' past and present operations in the Rialto, Colton and Chino Groundwater Subbasins, including but not limited to, whether and when it used or handled perchlorate or perchlorate-containing materials and the approximate quantities of such materials; the operations, processes and activities involving perchlorate and perchlorate-containing materials, including testing and waste disposal practices; whether materials, off-spec or defective materials, or other wastes were burned or buried; any known or suspected discharges of perchlorate; any accidents, explosions or fires that may have occurred; and any other information that would be helpful in determining whether a discharge of perchlorate occurred from Ensign-Bickford's and Ordnance Associates' operations.
2. Any documents pertaining to and/or describing Ensign-Bickford's and Ordnance Associates' operations in Rialto, Colton and Chino Groundwater Subbasins, including but not limited to the above-referenced leases and guarantee agreement, maps, plans, diagrams and photographs of the facility and its operations, records pertaining to perchlorate and perchlorate-containing materials, waste disposal records, operating procedures, environmental investigation and remediation reports, and employee lists.

Failure to submit the required information by the specified deadline will subject you to administrative civil liability in the amount of up to \$1,000 per day pursuant to Section 13268(a) and (b) of the California Water Code.

#### Recovery of Regional Board Expenses

California Water Code Section 13365 addresses the billing process for the Regional Board to recover reasonable expenses for overseeing investigation of illegal discharges, contaminated properties, and other unregulated releases that may adversely affect the State's waters. It is the Regional Board's intent to recover such costs for regulatory oversight work conducted in accordance with this order. A description of the Board's procedure for cost recovery for regulatory oversight of investigations and cleanups will be sent to you under separate cover.

#### Encouragement to Explore Alternative Resolutions and to Cooperate with Water Purveyors and Other Suspected Dischargers

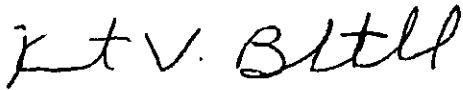
Finally, please be aware that the Board has directed staff to explore alternative ways of solving the water supply problem in the Rialto, Colton and Chino Groundwater Subbasins. In addition, consistent with the Board's direction, we have issued and plan to continue to issue similar directives to a number of other suspected dischargers who have operated in the basins. Thus, there may be opportunities to cooperate with other entities to implement joint investigations or to propose solutions that would address the

June 26, 2003

water supply problem. In fact, we believe it would be both scientifically effective and economically efficient for the suspected dischargers subject to these directives to jointly pursue the investigation and to explore water supply replacement options. Further, consistent with the Board's direction, we recommend that the joint efforts of the suspected dischargers consider both the characterization of the contamination and initiation of water supply replacement or treatment strategies. Board staff has experience in managing similar joint investigations and cooperative solutions. If you are interested in discussing this, please contact us to arrange a meeting.

If you have any questions about this letter, please contact Kurt Berchtold, Assistant Executive Officer, at (909) 782-3286.

Sincerely,



for Gerard J. Thibeault  
Executive Officer

Enclosures:

1. Well Location Map, showing perchlorate contamination in municipal water supply wells.
2. Corporation Grant Deed, The B.F. Goodrich Company to The B.F. Goodrich Fund, Inc., April 29, 1966.
3. Corporation Grant Deed, The B.F. Goodrich Fund, Inc. to Century Investment Company, May 25, 1966.
4. Assignment, The B.F. Goodrich Company to The B.F. Goodrich Fund, April 29, 1966.
5. Letter from F.K. Curtis to W.C. Becker, May 23, 1966.
6. The Ensign-Bickford Company website ([www.ebco-commercial.com](http://www.ebco-commercial.com))
7. Excerpt from NASA website, Project Gemini Chronology ([www.history.nasa.gov/sp-4002/p2b.htm](http://www.history.nasa.gov/sp-4002/p2b.htm))
8. Excerpt, Markings ([www.pacificoast.net/~dlynn/markings.htm](http://www.pacificoast.net/~dlynn/markings.htm))
9. Mailing List.

cc (w/out enclosures):

Regional Board members

Jorge Leon, Office of Chief Counsel, SWRCB

Wayne Praskins, U.S. EPA, Region IX

Inland Empire Perchlorate Task Force members (mailing list attached)

AES/Data/SLIC/2001-03 Rialto perchlorate/13267 duchesneau/ensign-bickford

*California Environmental Protection Agency*



California Department of Health Services  
464 W. Fourth St., Ste. 437  
San Bernardino, CA 92402

Anthony Araiza  
West Valley Water District  
P.O. Box 920  
Rialto, CA 92377-0920

Wendy Arano  
California Dept. of Toxic Substances Control  
Geology & Corrective Action Branch  
5796 Corporate Ave.  
Cypress, CA 90630

Ken Ayers  
County of San Bernardino  
Office of the District Attorney  
412 W. Hospitality Lane, Ste. 301  
San Bernardino, CA 92415-0023

Karen Baker  
California Dept. of Toxic Substances Control  
Geology & Corrective Action Branch  
5796 Corporate Ave.  
Cypress, CA 90630

Brad Baxter  
City of Rialto  
Public Works Department  
P. O. Box 920  
Rialto, CA 92736

Gerald J. Black  
Fontana Water Company  
P.O. Box 987  
Fontana, CA 92335

Mike Bledsoe  
California Integrated Waste Management  
P.O. Box 4025  
Sacramento, CA 95812-4025

Bob Borzelleri  
California Dept. of Toxic Substances Control  
P.O. Box 806  
Sacramento, CA 95812-0806

Christine Brown  
California Dept. of Toxic Substances Control  
Geology & Corrective Action Branch  
5796 Corporate Ave.  
Cypress, CA 90630

Jim Bryson  
Fontana Water Company  
P.O. Box 987  
Fontana, CA 92335

Jerry Eagans  
West Valley Water District  
P.O. Box 920  
Rialto, CA 92377-0920

Steven Elie  
Musick, Peeler & Garrett  
One Wilshire Blvd.  
Los Angeles, CA 90017-3383

Cindy Forbes  
California Department of Health Services  
Drinking Water Field Operations Branch  
1040 E. Herndon Ave., Ste. 205  
Fresno, CA 93720

Peter Fox  
City of Rialto  
Public Works Department  
P. o. Box 920  
Rialto, CA 92736

Barry C. Groveman  
Musick, Peeler & Garrett  
624 S. Grand Ave., Suite 2000  
Los Angeles, CA 90017-3383

Jorge Leon  
California State Water Resources Control Board  
Legal Division  
1001 "I" Street, 22nd Floor  
Sacramento, CA 95814

Leon Long  
West Valley Water District  
P.O. Box 920  
Rialto, CA 92377-0920

Tim Mim Mack  
City of Rialto  
P. O. Box 920  
Rialto, CA 92376

Sarah Mueller  
U. S. EPA - Region 9  
75 Hawthorne Street  
San Francisco, CA 94105

Robert Owen  
City of Rialto  
P. O. Box 920  
Rialto, CA 92376

Eric Fraser  
City of Colton  
Public Utilities Department  
650 N. La Cadena Drive  
Colton, CA 92324-2897

Patrick J. King  
Thirty-second Senatorial District TEST 1  
822 N. Euclid Ave., Suite A  
Ontario, CA 91762

Francis D. Logan, Jr.  
Law Offices of Susan M. Trager  
19712 MacArthur Blvd., Ste. 120  
Irvine, CA 92612

Mike McGraw  
Fontana Water Company  
P.O. Box 987  
Fontana, CA 92335

Matt Mitguard  
U.S. EPA, Region IX (Region 9)  
75 Hawthorne Street  
San Francisco, CA 94105-3901

Karen A. O'Hare  
California State Water Resources Control Board  
Legal Division  
1001 "I" Street, 22nd Floor  
Sacramento, CA 95814

Dennis Parfitt  
California State Water Resources Control Board  
Division of Clean Water Programs  
1001 "I" Street, 22nd Floor  
Sacramento, CA 95814

Wayne Praskins  
U. S. EPA - Region 9  
75 Hawthorne Street  
San Francisco, CA 94105

Tim Ryan  
San Gabriel Valley Water Company  
Fontana Water Company  
11142 E. Garvey Ave.  
El Monte, CA 91732

Tom Soto  
PS Enterprises  
3350 Ocean Park Blvd., Ste. 205  
Santa Monica, CA 92405

Nell Soto  
Thirty-second Senatorial District  
The Honorable Senator Nell Soto  
State Capital, Room 4074  
Sacramento, CA 95814

Lynn Takaichi  
Kennedy/Jenks Consultants, Inc.  
1000 Hill Rd., Suite 200  
Ventura, CA 93003

Gene Tanaka, Esq.  
Best, Best & Kreiger  
3750 University Ave., Mission Square  
Riverside, CA 92501

Gary Tavetian  
California Office of the Attorney General  
300 S. Spring St., Ste. 500 N.  
Los Angeles, CA 90013-1204

Susan M. Trager  
Law Offices of Susan M. Trager  
19712 MacArthur Blvd., Ste. 120  
Irvine, CA 92612

Mike Whitehead  
Fontana Water Company  
P.O. Box 987  
Fontana, CA 92335

Michael Wochnick  
California Integrated Waste Management  
P.O. Box 4025  
Sacramento, CA 95812-4025

Glen Yabuno  
County of San Bernardino  
Specialized Prosecutions Unit  
412 W. Hospitality Lane, Ste. 301  
San Bernardino, CA 92415-0023

Robert Young  
San Gabriel Valley Water Company  
Fontana Water Company  
11142 E. Garvey Ave.  
El Monte, CA 91732

Aaron Yue  
California Dept. of Toxic Substances Control  
Geology & Corrective Action Branch  
5796 Corporate Ave.  
Cypress, CA 90630



# California Regional Water Quality Control Board

## Santa Ana Region



A  
AES

**Winston H. Hickox**  
Secretary for  
Environmental  
Protection

Internet Address: <http://www.swrcb.ca.gov/rwqcb8>  
3737 Main Street, Suite 500, Riverside, California 92501-3348  
Phone (909) 782-4130 - FAX (909) 781-6288

**Gray Davis**  
Governor

*The energy challenge facing California is real. Every Californian needs to take immediate action to reduce energy consumption. For a list of simple ways you can reduce demand and cut your energy costs, see our website at [www.swrcb.ca.gov/rwqcb8](http://www.swrcb.ca.gov/rwqcb8).*

June 26, 2003

Mr. Fred Seminara  
ETI Explosives Technologies International Inc.  
2901 State Hwy 16  
Plymouth, CA 95669

Mr. Fred Seminara  
American West Explosives, Inc.  
2901 State Hwy 16  
Plymouth, CA 95669

### **DIRECTIVE TO CONDUCT A RECORDS INVESTIGATION AND SUBMIT A REPORT CONCERNING PERCHLORATE DISCHARGES IN THE RIALTO, COLTON AND CHINO GROUNDWATER BASINS, SAN BERNARDINO COUNTY, CALIFORNIA**

Dear Mr. Seminara:

Perchlorate has been detected in municipal water supply wells in the Rialto, Colton and Chino Groundwater Subbasins in Southern California. These water supply wells are located downgradient of the former ETI Explosives Technologies International, Inc. facility in North Rialto. ETI Explosives Technologies International, Inc. and American West Explosives, and their subsidiaries and predecessors, including but not limited to King Explosives, Inc., ETI Explosives Technologies International Inc. of California, and Golden State Explosives Inc. (hereafter, referred collectively as "ETI") manufactured and distributed explosive materials, which are likely to have contained perchlorate.

As described below, ETI is a suspected discharger of perchlorate. This letter sets forth a requirement under California Water Code Section 13267 that ETI conduct an investigation of its records of historical operations at the Rialto site. As required by that provision, this letter contains an explanation of the need for the investigation, and cites evidence supporting the requirement.

#### Background

Perchlorate contamination was first detected in groundwater in the Rialto, Colton and Chino Groundwater Subbasins in 1997. At that time, the California Department of Health Services (DHS) Action Level (AL) for perchlorate in drinking water was 18 parts

*California Environmental Protection Agency*



down. In January 2002, the DHS lowered the AL to 4 ppb. In response to the reduced AL for perchlorate, the local water purveyors in the Rialto, Colton and Chino Groundwater Subbasins restricted or eliminated the use of additional production wells with perchlorate concentrations that exceeded 4 ppb (Enclosure 1). Between 1997 and the present, various suspected perchlorate dischargers, including ETI, have been identified.

#### Requirement for an Investigation

The Regional Board has directed staff to issue individual letters under California Water Code Section 13267 to suspected perchlorate dischargers. The Board also expressed a strong desire that suspected perchlorate dischargers work with the local water purveyors to provide a supply of replacement water during the loss or limited use of their production wells.

#### The Need for the Investigation

The Santa Ana Regional Water Quality Control Board is charged with the protection of water quality in this Region. We have been working actively with the water purveyors for several years to identify the extent and address the impact of perchlorate contamination on water resources in the Rialto, Colton and Chino Groundwater Subbasins. The water purveyors whose wells have been contaminated with perchlorate now face a state of emergency, and may not be able to provide an adequate water supply to their customers. It is urgent that the sources of the contamination be identified, and the magnitude of the perchlorate plume defined.

#### Evidence Supporting the Need for the Investigation and Report

ETI has operated in Rialto, California and possibly in Fontana. ETI operated under several names, beginning around the mid-1980's as King Explosives, Inc. and dating back to before 1970 as Margraf Explosives, Inc (Enclosures 2, 3 and 4). In 1988, ETI purchased King Explosives, Inc. Thereafter, ETI also operated in Rialto as ETI King Explosives, Inc., ETI Explosives Technology International of California Incorporated, and Golden State Explosives, Inc. (Enclosures 4 and 5). ETI manufactured and distributed explosives at multiple locations in the Rialto area, including at 2900 N. Tamino Avenue and in the vicinity of Alder and Stonehurst Avenue (Enclosures 3 and 6). ETI also utilized an explosive storage bunker in the vicinity (Enclosure 7). In addition, ETI has used a mailing address of PO Box 697 in Fontana, California (Enclosure 2).

Perchlorate is used in explosives and pyrotechnics. Records indicate that perchlorate and perchlorate containing materials were burned, detonated and otherwise disposed of at ETI. Other sites involved with the manufacture of explosives and the testing, burning and disposal of perchlorate-containing materials and wastes have had documented perchlorate discharges and contamination (*e.g.*, [www.geotracker.swrcb.ca.gov/perchlorate](http://www.geotracker.swrcb.ca.gov/perchlorate)). An

investigation by the County of San Bernardino in the vicinity of ETI's former Rialto operations has revealed perchlorate contamination in the groundwater.

Based on the evidence, ETI is suspected of having discharged perchlorate waste that has adversely affected water quality. This evidence supports the requirement for an investigation, as defined in Section 13267(b)(1) of the California Water Code.

#### Deadlines

By July 31, 2003, a report containing the following information shall be submitted to the Regional Board staff:

1. A detailed description of ETI's past and present operations in the Rialto, Colton and Chino Groundwater Subbasins, including but not limited to, whether and when it used or handled perchlorate or materials containing perchlorate and the approximate quantities of such materials; the operations, processes and activities involving perchlorate and perchlorate-containing materials, including testing and waste disposal practices; whether materials, off-spec or defective materials, or other wastes were burned or buried; any known or suspected discharges of perchlorate; any accidents, explosions or fires that may have occurred; and any other information that would be helpful in determining whether a discharge of perchlorate occurred from ETI's operations.
2. A detailed description of ETI's relationship with Margraf Explosives, Inc. If ETI has any relation to Margraf Explosives, Margraf Explosives must be addressed in your response to Request No. 1.
3. Any documents pertaining to and/or describing ETI's and Margraf's operations in Rialto, Colton and Chino Groundwater Subbasins, including but not limited to maps, plans, diagrams and photographs of the facility and its operations, records pertaining to perchlorate and perchlorate-containing materials, waste disposal records, operating procedures, environmental investigation and remediation reports, and employee lists.

**Failure to submit the required information by the specified deadline will subject you to administrative civil liability in the amount of up to \$1,000 per day pursuant to Section 13268(a) and (b) of the California Water Code.**

Finally, please be aware that the Board has directed staff to explore alternative ways of solving the water supply problem in the Rialto, Colton and Chino Groundwater Subbasins. In addition, consistent with the Board's direction, we have issued and will continue to issue similar directives to a number of other suspected dischargers who have operated in the Rialto, Colton and Chino Subbasins. Thus, there may be opportunities to cooperate with other entities to implement joint investigations or to propose solutions that would address the water supply problem. In fact, we believe it would be both scientifically effective and economically efficient for the suspected dischargers subject to these directives to jointly pursue the investigation and to explore water supply replacement options. Further, consistent with the Board's direction, we



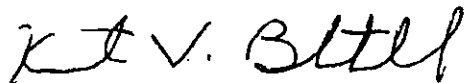
recommend that the joint efforts of the suspected dischargers consider both the characterization of the contamination and initiation of water supply replacement or treatment strategies. Board staff has experience in managing similar joint investigations and cooperative solutions. If you are interested in discussing such joint efforts, please contact us to arrange a meeting.

Recovery of Regional Board Expenses

California Water Code Section 13365 addresses the billing process for the Regional Board to recover reasonable expenses for overseeing investigation of illegal discharges, contaminated properties, and other unregulated releases that may adversely affect the State's waters. It is the Regional Board's intent to recover such costs for regulatory oversight work conducted in accordance with this order. A description of the Board's procedure for cost recovery for regulatory oversight of investigations and cleanups will be sent to you under separate cover.

If you have any questions about this letter, please contact Kamron Saremi at (909) 782-4303 or you may call Ann Sturdivant, Chief of our Spills, Leaks, Investigations and Cleanups Section, at (909) 782-4904.

Sincerely,



for Gerard J. Thibeault  
Executive Officer

Enclosures:

1. Well Location Map, showing reported perchlorate contamination in municipal water supply wells and the Rialto-Colton and Chino groundwater basins.
2. Excerpts from Pacific Telephone Directory, Donnelley Yellow Pages, and Pacific Bell Directory.
3. Select Environmental Health Services Department, County of San Bernardino Underground Storage Tank and Hazardous Materials Handler permits.
4. Correspondence from San Bernardino County, Hazardous Materials Division files.
5. Corporate Records & Business Registrations, Golden State Explosives Inc., West, June 28, 2002.
6. Excerpt from Hazardous Chemical Reporting, SARA Title III, Explosives Technologies International of California, Inc., March 14, 1994.
7. Diagrams and listing for explosive storage bunkers in Rialto, California.
8. Mailing List.



Mr. Fred Seminara

- 5 -

June 26, 2003

cc (w/out enclosures):

Regional Board members

Jorge Leon, Office of Chief Counsel, SWRCB

Wayne Praskins, U.S. EPA, Region IX

Inland Empire Perchlorate Task Force members (mailing list attached)

*California Environmental Protection Agency*



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California Department of Health Services  
464 W. Fourth St., Ste. 437  
San Bernardino, CA 92402

Wendy Arano  
California Dept. of Toxic Substances Control  
Geology & Corrective Action Branch  
5796 Corporate Ave.  
Cypress, CA 90630

Karen Baker  
California Dept. of Toxic Substances Control  
Geology & Corrective Action Branch  
5796 Corporate Ave.  
Cypress, CA 90630

Gerald J. Black  
Fontana Water Company  
P.O. Box 987  
Fontana, CA 92335

Bob Borzelleri  
California Dept. of Toxic Substances Control  
P.O. Box 806  
Sacramento, CA 95812-0806

Jim Bryson  
Fontana Water Company  
P.O. Box 987  
Fontana, CA 92335

Steven Elie  
Musick, Peeler & Garrett  
One Wilshire Blvd.  
Los Angeles, CA 90017-3383

Anthony Araiza  
West Valley Water District  
P.O. Box 920  
Rialto, CA 92377-0920

Ken Ayers  
County of San Bernardino  
Office of the District Attorney  
412 W. Hospitality Lane, Ste. 301  
San Bernardino, CA 92415-0023

Brad Baxter  
City of Rialto  
Public Works Department  
P. O. Box 920  
Rialto, CA 92736

Mike Bledsoe  
California Integrated Waste Management  
P.O. Box 4025  
Sacramento, CA 95812-4025

Christine Brown  
California Dept. of Toxic Substances Control  
Geology & Corrective Action Branch  
5796 Corporate Ave.  
Cypress, CA 90630

Jerry Eagans  
West Valley Water District  
P.O. Box 920  
Rialto, CA 92377-0920

Cindy Forbes  
California Department of Health Services  
Drinking Water Field Operations Branch  
1040 E. Herndon Ave., Ste. 205  
Fresno, CA 93720

Peter Fox  
City of Rialto  
Public Works Department  
P. o. Box 920  
Rialto, CA 92736

Barry C. Groveman  
Musick, Peeler & Garrett  
624 S. Grand Ave., Suite 2000  
Los Angeles, CA 90017-3383

Jorge Leon  
California State Water Resources Control Board  
Legal Division  
1001 "I" Street, 22nd Floor  
Sacramento, CA 95814

Leon Long  
West Valley Water District  
P.O. Box 920  
Rialto, CA 92377-0920

Tim Mim Mack  
City of Rialto  
P. O. Box 920  
Rialto, CA 92376

Sarah Mueller  
U. S. EPA - Region 9  
75 Hawthorne Street  
San Francisco, CA 94105

Robert Owen  
City of Rialto  
P. O. Box 920  
Rialto, CA 92376

Eric Fraser  
City of Colton  
Public Utilities Department  
650 N. La Cadena Drive  
Colton, CA 92324-2897

Patrick J. King  
Thirty-second Senatorial District TEST 1  
822 N. Euclid Ave., Suite A  
Ontario, CA 91762

Francis D. Logan, Jr.  
Law Offices of Susan M. Trager  
19712 MacArthur Blvd., Ste. 120  
Irvine, CA 92612

Mike McGraw  
Fontana Water Company  
P.O. Box 987  
Fontana, CA 92335

Matt Mitguard  
U.S. EPA, Region IX. (Region 9)  
75 Hawthorne Street  
San Francisco, CA 94105-3901

Karen A. O'Hare  
California State Water Resources Control Board  
Legal Division  
1001 "I" Street, 22nd Floor  
Sacramento, CA 95814

Dennis Parfitt  
California State Water Resources Control Board  
Division of Clean Water Programs  
1001 "I" Street, 22nd Floor  
Sacramento, CA 95814

Wayne Praskins  
U. S. EPA - Region 9  
75 Hawthorne Street  
San Francisco, CA 94105

Tom Soto  
PS Enterprises  
3350 Ocean Park Blvd., Ste. 205  
Santa Monica, CA 92405

Lynn Takaichi  
Kennedy/Jenks Consultants, Inc.  
1000 Hill Rd., Suite 200  
Ventura, CA 93003

Gary Tavetian  
California Office of the Attorney General  
300 S. Spring St., Ste. 500 N.  
Los Angeles, CA 90013-1204

Mike Whitehead  
Fontana Water Company  
P.O. Box 987  
Fontana, CA 92335

Glen Yabuno  
County of San Bernardino  
Specialized Prosecutions Unit  
412 W. Hospitality Lane, Ste. 301  
San Bernardino, CA 92415-0023

Aaron Yue  
California Dept. of Toxic Substances Control  
Geology & Corrective Action Branch  
5796 Corporate Ave.  
Cypress, CA 90630

Tim Ryan  
San Gabriel Valley Water Company  
Fontana Water Company  
11142 E. Garvey Ave.  
El Monte, CA 91732

Nell Soto  
Thirty-second Senatorial District  
The Honorable Senator Nell Soto  
State Capital, Room 4074  
Sacramento, CA 95814

Gene Tanaka, Esq.  
Best, Best & Kreiger  
3750 University Ave., Mission Square  
Riverside, CA 92501

Susan M. Trager  
Law Offices of Susan M. Trager  
19712 MacArthur Blvd., Ste. 120  
Irvine, CA 92612

Michael Wochnick  
California Integrated Waste Management  
P.O. Box 4025  
Sacramento, CA 95812-4025

Robert Young  
San Gabriel Valley Water Company  
Fontana Water Company  
11142 E. Garvey Ave.  
El Monte, CA 91732



# California Regional Water Quality Control Board

## Santa Ana Region



**Terry Tamminen**  
Secretary for  
Environmental  
Protection

Internet Address: <http://www.swrcb.ca.gov/rwqcb8>  
3737 Main Street, Suite 500, Riverside, California 92501-3348  
Phone (909) 782-4130 - FAX (909) 781-6288

**Arnold  
Schwarzenegger**  
Governor

July 13, 2004

Mr. Russell L. Evanski  
V.P. and General Manager  
Golden State Explosives  
2901 Highway 16  
Plymouth, CA 95669

### **DIRECTIVE TO SUBMIT REPORT OF CORPORATE SUCCESSORSHIP FOR GOLDEN STATE EXPLOSIVES, INC. AND ITS PREDECESSORS FOR BUSINESS CONDUCTED IN THE VICINITY OF 2298 NORTH STONEHURST AVENUE, CITY OF RIALTO, SAN BERNARDINO COUNTY, CALIFORNIA**

Dear Mr. Evanski:

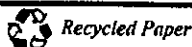
Thank you for your response to my June 26, 2003 Directive to Conduct a Records Investigation and Submit a Report Concerning Perchlorate Discharges (Directive) in the Rialto, Colton and Chino Groundwater Basins, San Bernardino County. This Directive was issued pursuant to California Water Code (Porter-Cologne) Section 13267.

Golden State Explosives' (Golden State) response to that directive was received in July 2003 and states, in summary:

- (1) Explosives Technologies International (ETI) operating as King Explosives, E.T.I. of California, Inc. (E.T.I.), and Golden State, operated explosives storage and blasting agent production facilities in the vicinity of North Highland/Stonehurst and Alder Avenue and at 2900 N. Tamarind Avenue in Rialto from 1987 through 1994.
- (2) The blasting agent production consisted of Ammonium Nitrate and Fuel Oil mixing and that no perchlorate or perchlorate materials were stored or handled with the exception of pre-packaged detonators which were stored and distributed from the site.
- (3) There were no accidents, explosions, discharges, or fires relating to the products.
- (4) ETI had no relationship with Margraf Explosives, Inc. (Margraf) and has no knowledge of its operations.

After conducting further research, evidence indicates that the information provided in your response may be incomplete and that there may be a relationship between Golden State, Margraf, Du Pont, King Explosives, ETI, and E.T.I. This letter is being sent to direct Golden State to conduct a complete investigation of its corporate records, including but not limited to, mergers, acquisitions, fictitious name filings, partnership agreements, and corporate filings, involving Golden State, Margraf, E I Du Pont De

*California Environmental Protection Agency*



July 13, 2004

Nemours & Company (Du Pont), King Explosives, Inc., ETI, and E.T.I. of the Rialto operation.

This letter sets forth a requirement under California Water Code Section 13267 for Golden State to conduct the additional investigation. As required by that provision, this letter contains an explanation of the need for the investigation, and cites evidence supporting the requirement.

Requirement for Additional Records Investigation

The Regional Board has directed staff to issue individual letters under California Water Code Section 13267 to suspected perchlorate dischargers in the Rialto and Colton Groundwater Subbasins.

Evidence Supporting the Need for Investigation of Corporate Successorship

As stated in my June 26, 2003 directive, a 1987 plot plan identifying Margraf-Dupont-King as occupying bunker E-3 (Enclosure 1) and an August 10, 1987 letter from the San Bernardino County Environmental Health Department addressed to Margraf Explosives c/o King Explosives Co. at the 2900 N. Tamarind address (Enclosure 2), indicate a relationship between the ETI, King Explosives Company and Margraf.

In addition, a December 21, 1988 letter from ETI to the California Water Resources Control Board states that ETI purchased King Explosives in 1988, making ETI liable for activities conducted by King Explosives and its subsidiaries and predecessors (Enclosure 3).

A telephone conversation took place in March of 2004 between Debra Ney of my staff, and Mr. William Margraf. Mr. Margraf stated that Du Pont purchased Margraf and that ETI subsequently purchased Du Pont's entire explosives division in the mid to late 1980s.

The San Bernardino Assessor's Office Business Owner History of Parcel No. 0239-211-20-P000 indicates that ETI's business at 2298 Stonehurst Avenue in Rialto was previously owned by Du Pont, and prior to that was owned by Margraf (Enclosure 4).

This evidence supports the requirement for additional information as part of this investigation, as defined in Section 13267(b)(1) of the California Water Code.

Deadlines

By August 16, 2004 a report containing the following information, and documents supporting that information, shall be submitted to the Regional Board:

1. Corporate Records, including corporate officer names and addresses
2. Fictitious Business Name documents

Mr. Russell Evanski

-3-

July 13, 2004

3. Agreements of Mergers or Acquisitions and other related documents
4. Partnership Agreements and other related documents

**Failure to submit the required information by the specified deadline may subject you to administrative civil liability in the amount of up to \$1,000 per day, pursuant to Section 13268(a) and (b) of the California Water Code.**

If you have any questions regarding this letter, or if you would like to arrange a meeting or teleconference, please contact Kamron Saremi, Project Engineer, at (909) 782-4303 or Robert L. Holub, Supervising Water Resources Control Engineer, at (909) 782-3298.

Sincerely,



Gerard J. Thibeault  
Executive Officer

Enclosures:

1. 1987 plot plan identifying Margraf-Dupont-King as occupying bunker E-3
2. August 10, 1987 letter from the San Bernardino County Environmental Health Department addressed to Margraf Explosives c/o King Explosives Co.
3. December 21, 1988 letter from ETI to the California Water Resources Control Board
4. San Bernardino Assessor's Office Business Owner History of Parcel 0239-211-20-P000
5. Mailing List

cc: Regional Board Members  
Jorge Leon, SWRCB, OCC  
Inland Empire Perchlorate Regulatory Task Force (mailing list enclosed)

*California Environmental Protection Agency*





Robert Thompson  
The Honorable Senator Nell Soto  
822 N. Euclid Ave., Suite A  
Ontario, CA 91762

The Honorable Senator Nell Soto  
State Capital, Room 4078 P.O. Box 942848  
Sacramento, CA 94248-0001

Anthony Araiza , Jerry Eagans & León Long  
West Valley Water District  
P.O. Box 920  
Rialto, CA 92377-0920

Barry Groveman & Steve Elie  
Musick, Peeler & Garrett  
624 S. Grand Ave., Suite 2000  
Los Angeles, CA 90017-3383

Christine Brown, Wendy Arano and Aaron Yue  
California Dept. of Toxic Substances Control  
5796 Corporate Ave.  
Cypress, CA 90630

Danielle Sakai Gene Tanaka  
Best, Best & Kreiger  
3750 University Ave., Mission Square  
Riverside, CA 92501

Eric Fraser  
City of Colton  
Public Utilities Department  
650 N. La Cadena Drive  
Colton, CA 92324-2897

Glen Yabuno & Ken Ayers  
County of San Bernardino  
Specialized Prosecutions Unit  
412 W. Hospitality Lane, Ste. 301  
San Bernardino, CA 92415-0023

Kathleen Kenealy & Gary Tavetian  
California Office of the Attorney General  
Deputy Attorney General  
300 S. Spring St., Ste. 500 N  
Los Angeles, CA 90013-1204

Kevin P. Mayer  
U.S. EPA, Region IX (Region 9)  
75 Hawthorne Street, SFC-7-2  
San Francisco, CA 94105-3901

Mike Bledsoe & Michael Wochnick  
California Integrated Waste Management Board  
P.O. Box 4025  
Sacramento, CA 95812-4025

Mike Whitehead, Mike McGraw, Jim Bryson and  
Gerald J Black  
Fontana Water Company  
P.O. Box 987  
Fontana, CA 92335

Peter Fox, Tim Mim Mack & Robert Owen  
City of Rialto  
Public Works Department  
150 S. Palm Avenue  
Rialto, CA 92376

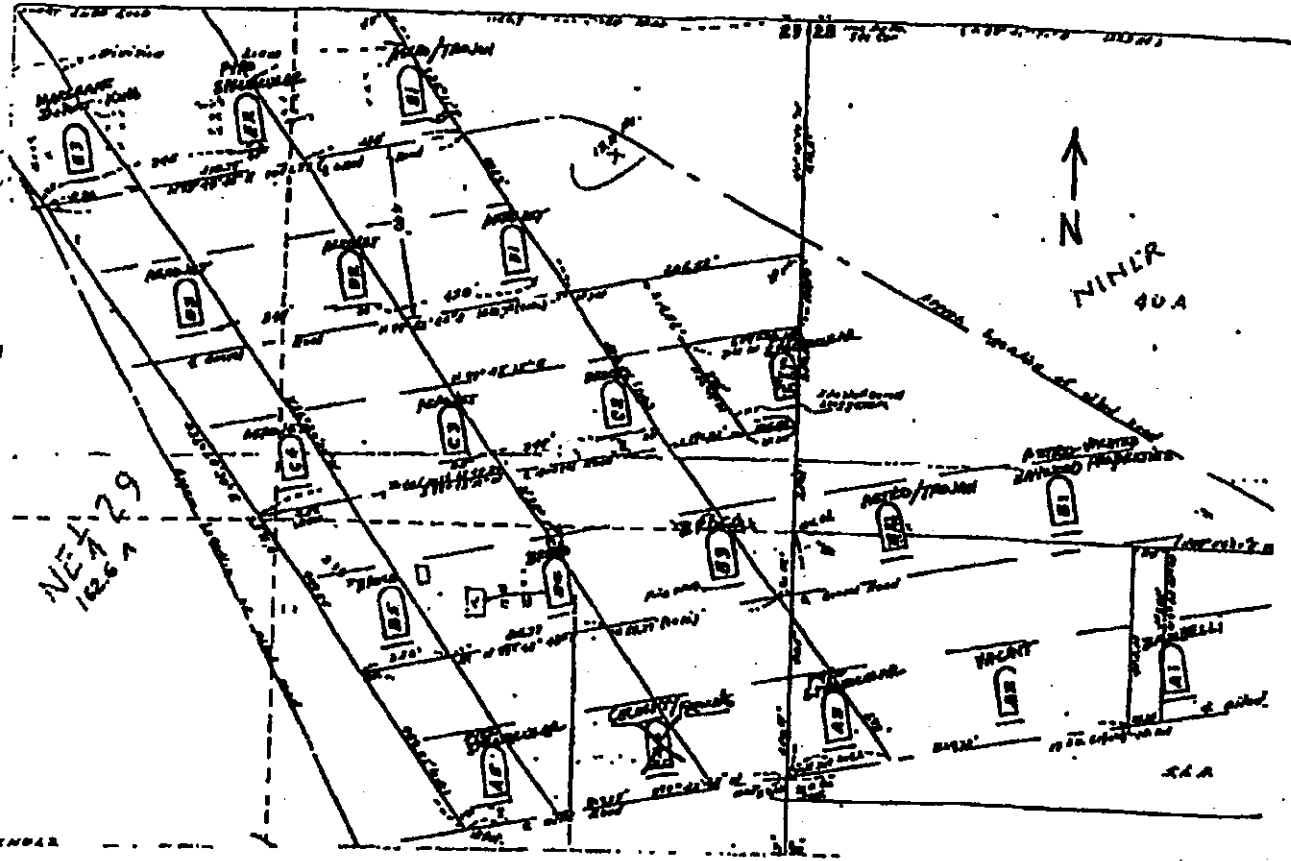
Sarah Mueller, Wayne Praskins & Matt Mitguard  
U.S. EPA - Region 9  
75 Hawthorne Street  
San Francisco, CA 94105

Scott Sommer  
Miller, Starr, & Regalia  
1331 N. California Blvd., 5th Floor  
Walnut Creek, CA 94596

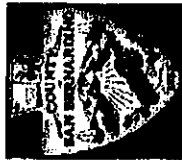
Susan M. Trager & Francis D. Logan, Jr.  
Law Offices of Susan M. Trager  
19712 MacArthur Blvd., Ste. 120  
Irvine, CA 92612

Tim Ryan & Robert Young  
San Gabriel Valley Water Company  
Fontana Water Company  
11142 E. Garvey Ave.  
El Monte, CA 91732

Tom Soto  
PS Enterprises  
3350 Ocean Park Blvd., Ste. 205  
Santa Monica, CA 92405



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**Owner Name History for Parcel 0239-211-20-P000**

Name	Owner Status	Percent Ownership	Relationship	Document Number	Recording Date	Acquire Date	Roll Year
BUSINESS OWNER	Past Owner		UNKNOWN	9400000000000000	1994/03/01		
WILSON BUSH SUITE ***	Past Owner		DOING BUSINESS AS	8700000000000000	1988/03/01	1988/03/01	
E T I INC	Past Owner		SOLE OWNER	8700000000000000	1988/03/01	1988/03/01	1989
CONOCO TAX DEPT	Past Owner		DOING BUSINESS AS	8600000000000000	1986/03/01	1986/03/01	
KING EXPLOSIVES.	Past Owner		DOING BUSINESS AS	0000000000000000			
E I DU PONT DE NEMOURS AND COMPANY	Past Owner		CORPORATION	0000000000000000			
MARGRAF EXPLOSIVES INC	Past Owner		SOLE OWNER	0000000000000000			

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- Property Info
- Owner History
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# ENVIRONMENTAL HEALTH SERVICES



COUNTY OF SAN BERNARDINO  
ENVIRONMENTAL  
PUBLIC WORKS AGENCY

- 288 North Arrowhead Avenue • San Bernardino, CA 92415-8100 • (714) 387-4629
- 320 East "D" Street • Ontario, CA 91764 • (714) 898-1137
- 15505 Civic Drive • Victorville, CA 92382 • (951) 243-9141

RICHARD L. ROBERTS, R.S., M.P.H.  
Director

Also serving the cities of:

- |               |                |
|---------------|----------------|
| Adelanto      | Redlands       |
| Banning       | Riverside      |
| Big Bear Lake | Rosemead       |
| Chico         | Chunchoy       |
| Colum         | Redondo        |
| Fountain      | Watts          |
| Grand Terrace | San Bernardino |
| Laurel        | Upland         |
| Manhattan     | Victorville    |

PLEASE REPLY TO ADDRESS CHECKED

August 10, 1987

MARGRAF EXPLOSIVES CO/KING EXPLOSIVES CO  
2900 Tameron  
P.O. Box 679  
Rialto, CA 92376

**SUBJECT: STORAGE AND DISPOSAL OF NEW AND OFF-SPECK FIREWORKS**

Due to the recent accident at the Trojan Fireworks Facility in Rialto, our Department is doing a survey of the various facilities located in this area. Our Department would like your facility to fill out the accompanying form and return it to us no later than August 21, 1987.

If you have any questions, please call at (714) 387-4629.

RICHARD L. ROBERTS, R.S., MPH  
Director

*Steve Van Stockum, R.S.*

STEVE VAN STOCKUM, R.S.  
Environmental Specialist IV

RLR:SVS:em

cc: Jennifer Campbell

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*OK to file*

RECEIVED  
DEC 28 1988  
DEPT. OF ICW & GRANTS

December 21, 1988

Ed Anton  
California Water Resources Control Board  
P.O. Box 100  
Sacramento, CA 95801

Dear Mr. Anton:

Explosives Technologies International (ETI) purchased King Explosives in 1988 and believe that an underground storage tank may not have been reported in the required manner. This UST is located in San Bernardino CA and has been registered with the county Environmental Health Services Dept. (see attached Permit) This tank is reported on the attached form.

If you need more information please contact:

J. D. Fuller  
Environmental Manager (US)  
ETI  
7700 W. DuPont Road  
Morris, IL 60450

Very truly yours,

*Riley F. Williams*  
Riley F. Williams  
Consultant

rfv  
Attachment

cc: V. E. Schmidt  
J. D. Fuller

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# California Regional Water Quality Control Board

## Santa Ana Region



Winston H. Hickox  
Secretary for  
Environmental  
Protection

Internet Address: <http://www.swrcb.ca.gov/rwqcb8>  
3737 Main Street, Suite 500, Riverside, California 92501-3348  
Phone (909) 782-4130 - FAX (909) 781-6288

Gray Davis  
Governor

*The energy challenge facing California is real. Every Californian needs to take immediate action to reduce energy consumption. For a list of simple ways you can reduce demand and cut your energy costs, see our website at [www.swrcb.ca.gov/rwqcb8](http://www.swrcb.ca.gov/rwqcb8).*

September 24, 2002

Mr. Peter R. Duchesneau  
Manatt, Phelps & Philips  
11355 West Olympic Boulevard  
Los Angeles, CA 90064-1614

### **DIRECTIVE TO PROCEED WITH INITIAL PHASE OF PERCHLORATE INVESTIGATION IN THE VICINITY OF THE FORMER GOODRICH FACILITY, CITY OF RIALTO, SAN BERNARDINO COUNTY, CALIFORNIA**

Dear Mr. Duchesneau:

As you are aware, perchlorate has been detected in municipal water supply wells in the Rialto and Colton Groundwater Subbasins. These water supply wells are located downgradient of the 160-acre site (site) of the former Goodrich Corporation (Goodrich) facility. During the 1950s and 1960s, Goodrich manufactured and tested solid rocket propellant at the site, using perchlorate salt as an oxidizer for the propellant. This letter sets forth a requirement under California Water Code Section 13267 that you conduct an investigation to define the lateral and vertical extent of perchlorate in soil and groundwater at the former Goodrich property in Rialto. As required by that provision, this letter contains an explanation of the need for the investigation, and cites evidence supporting the requirement.

#### Background

Perchlorate contamination was first detected in groundwater in the Rialto and Colton Subbasins in 1997. At that time, the California Department of Health Services (DHS) Action Level (AL) for perchlorate in drinking water was 18 parts per billion (ppb). Two wells had perchlorate levels exceeding 18 ppb and were shut down. In January 2002, the DHS lowered the AL to 4 ppb. In response to the reduced AL for perchlorate, the local water purveyors in the Rialto and Colton Groundwater Subbasins restricted or eliminated the use of additional production wells with perchlorate concentrations that exceeded 4 ppb. Between 1997 and the present, various suspected perchlorate dischargers, including Goodrich, have been identified.

#### Requirement for an Investigation

Board staff first contacted Goodrich in August 2001, requesting that they provide information regarding their historical activities at the Rialto site and conduct an investigation of soil and groundwater at the site. During subsequent correspondence, Goodrich agreed to initiate a limited, phased investigation at the site. Goodrich submitted a draft work plan for the limited groundwater investigation in May 2002. Subsequently, I issued Cleanup and Abatement Order (CAO) No. R8-2002-0051 on June 6, 2002. The CAO, in part, required Goodrich and the Kwikset Corporation to submit a proposal with a one-year implementation schedule to obtain information and define the lateral and vertical extent of the perchlorate in soil and groundwater.

*California Environmental Protection Agency*



Recycled Paper

The CAO was rescinded by the Board on September 13, 2002, after you (on behalf of Goodrich) provided assurance to the Board that Goodrich would proceed with the perchlorate investigation in cooperation with Board staff and the local water purveyors. The Board then directed staff to issue individual letters under California Water Code Section 13267 to Goodrich and the other suspected perchlorate dischargers that have been identified. The Board also expressed a strong desire that the suspected perchlorate dischargers work with the local water purveyors to provide replacement water during the loss or limited use of their production wells.

#### The Need for the Investigation

The Santa Ana Regional Water Quality Control Board is charged with the protection of water quality in this Region. We have been working actively with the water purveyors for several years to identify the extent and address the impact of perchlorate contamination on water resources in the Colton and Rialto Groundwater Subbasins. The water purveyors whose wells have been contaminated with perchlorate now face a state of emergency, and may not be able to provide an adequate water supply to their customers. It is urgent that the sources of the contamination be identified, and the magnitude of the perchlorate plume defined.

#### Evidence Supporting the Requirement for an Investigation

Enclosed as attachments are the following documents:

1. Attachment 1 – Correspondence between RWQCB and Goodrich Corporation
2. Attachment 2 – Well Location Map, showing perchlorate contamination in municipal water supply wells.
3. Attachment 3 – Written summary by Mr. John Kase, former employee of Goodrich.
4. Attachment 4 – Declaration of August 27, 2002 by Mr. John Kase, former employee of Goodrich.

The evidence demonstrates that Goodrich used perchlorate salts at the Rialto site during the 1950s and 1960s. Groundwater data indicates that perchlorate concentrations exceed the AL in municipal water supply wells that are located downgradient of the former Goodrich facility. Based on the evidence, Goodrich is suspected of having discharged perchlorate waste that has adversely affected water quality. This evidence supports the requirement for an investigation, as defined in Section 13267(b)(1) of the California Water Code.

#### Specific Comments on the Proposed Work Plan for the Investigation

On July 17, 2002, Goodrich submitted a revised work plan entitled "Implementation Schedule and Work Plan in Response to Cleanup and Abatement Order No. R8-2002-0051 Issued to Goodrich Corporation." This work plan was prepared by Conestoga-Rovers & Associates (CRA). According to CRA, Goodrich proposes to obtain and assess available information concerning the perchlorate in local water supply wells, the local hydrogeology, and other pertinent information, prior to proposing a long-term comprehensive work plan for an investigation of the perchlorate contamination and any future remediation, if necessary. Goodrich proposes to implement a phased program, where the necessity for further investigation will be determined after completion of the first two phases outlined in the work



plan. Goodrich proposes to work with Board staff to determine how to proceed with additional phases of investigation.

Goodrich proposes to drill two boreholes, each containing two nested monitoring wells, along the downgradient perimeter of the 160-acre site. These monitoring wells are proposed to be utilized to measure groundwater elevations, and to obtain representative groundwater samples for chemical analyses. Goodrich proposes that one well pair be located along Locust Avenue approximately 600 feet north of the intersection of Summit Avenue and Locust Avenue. The other well pair is proposed to be located along the extension of Summit Avenue, approximately 800 feet west of the intersection of Summit Avenue and Locust Avenue. Any necessary well permits will be obtained, and a health and safety (H&S) plan and quality assurance plan will be submitted to the RWQCB. The H&S plan will be in place prior to the commencement of drilling activities.

CRA recognizes that three aquifer zones (A, B, and C) are present. A discussion of the three aquifer zones is included in conjunction with Board staff's recommendations, below. The monitoring wells are proposed to be located in 12-inch diameter boreholes drilled by the air percussion method. A continuous core sample is proposed to be obtained through the A/B aquitard (confining layer) to a depth of 15 feet into Aquifer B, the second aquifer. Monitoring wells are proposed to be completed using Schedule 80 PVC well screen, 1.913-inch ID, 15-foot screen length, and No. 20 slot machined openings, threaded and flush-coupled joints.

The wells are proposed to be developed to a silt-free condition prior to collection of groundwater samples. Soil samples are proposed to be obtained from split-spoon samplers or from a continuous core at each borehole location. Soil samples are proposed to be analyzed for grain size (sieve analyses) in accordance with ASTM Method D422. Groundwater samples are proposed to be collected and water quality constituents analyzed according to the standard USEPA Method protocols pertinent to the individual chemicals being analyzed for. Proper chain-of-custody procedures are proposed to be strictly adhered to. One round of groundwater sampling and analysis is proposed to be performed immediately, followed by a confirmation round one month later. The need for future monitoring events is proposed to be determined after reviewing the analytical results.

Based on our review of the work plan, and the comments received from Kennedy/Jenks Consultants on behalf of the Inland Empire Perchlorate Regulatory Task Force, we concur with the phased-approach investigation of soil and groundwater in the immediate vicinity of the former 160-acre Goodrich facility, with the following conditions:

1. For the initial phase of the groundwater investigation at the former 160-acre site, a minimum of three downgradient and one upgradient groundwater monitoring well pairs should be installed. We believe that two nested monitoring wells should be installed at each of three separate locations downgradient, along the southern boundary of the former site, in an alignment along the extension of Summit Avenue. One downgradient well pair should be located approximately 600 feet west of the intersection of Summit Avenue and Locust Avenue, and another pair should be approximately 2,100 feet west of that intersection. The third downgradient monitoring well location should be along Locust Avenue, approximately 600 feet north of the intersection as illustrated on Figure 1 of your work plan. We recognize that it may be difficult to obtain access to private property upgradient of the former Goodrich site. The upgradient well location may be situated in the right-of-way of Casa Grande Park Avenue (just west of Alder Avenue), if feasible. The final locations of the monitoring wells will be subject to my review and approval.



2. The monitoring wells should be drilled to a minimum depth of 500 feet bgs using air rotary casing-hammer drilling techniques. Centralizers should be used to position each monitoring well screen within the borehole. Discrete soil samples should be collected within 10 feet of the top and bottom of the aquitard that separates the A-zone and B-zone aquifers, to assess potential residual presence of perchlorate. These discrete soil samples should be collected using a drive barrel sampler equipped with a stainless steel sampling tube.
3. According to drilling logs and monitoring data from monitoring wells at the Mid-Valley Sanitary Landfill (MVSL), the general aquifer conditions for the immediate area of the 160-acre site consists of three aquifers (A, B, and C), separated by two fine-grained aquitards. The depth to the first aquitard is approximately 330 feet below ground surface (bgs). The second aquitard is approximately 485 feet bgs. Based on recent (June 2002) groundwater elevation measurements for existing monitoring wells at the MVSL, groundwater was encountered at approximately 395 feet bgs (F-6 monitoring well). This information indicates that the groundwater is currently present in the lower portion of the B-zone aquifer, while the A-zone aquifer is currently dry.
4. Drilling activities for the four new wells at the MVSL were initiated on August 3, 2002. These recent activities provide good reference data for planning the proposed drilling project at the former Goodrich site. In August, the first groundwater zone was encountered at approximately 395 to 399 feet bgs. Further, it was determined through depth-discrete groundwater sampling that perchlorate is present in the groundwater throughout the entire depth of the B-zone aquifer east of the landfill (downgradient of the former Goodrich site). Therefore, your proposed drilling procedure should include a depth-discrete sampling program for groundwater, utilizing temporary wells to collect the samples throughout the drilling operation. Once the borehole approaches the anticipated depth of first groundwater, groundwater samples should be collected by installing and sampling temporary wells (two-inch diameter, segmented, threaded Schedule 80 PVC casing). Based on the laboratory analytical results for samples collected from the temporary wells, the most impacted groundwater zone should be identified, in consultation with Regional Board staff, and a permanent monitoring well should be installed in that zone. Well screen intervals may be 20 to 30 feet in length, but should not exceed 30 feet in length.
5. Based, in part, on our review of design components for local monitoring wells, including those installed at the MVSL, Board staff believes that the two-inch inner diameter (ID), schedule 80 PVC monitoring wells proposed by CRA may not provide the structural strength necessary for the anticipated well depth (greater than 480 feet total depth). Based on our experience, the two-inch ID PVC casings are likely to bend or break during installation, owing to the depth of the borehole and weight of the PVC on the threaded pipe sections. Two-inch ID stainless steel casings have been used successfully at other sites in this locality, and the wells have proven to be problem-free, both during installation and post-installation, as intended for short-term monitoring programs in shallower zones (i.e., up to 350 feet depth). However, considering the need for permanent monitoring points in the deeper aquifer zones, we strongly recommend that you consider increasing the diameter of the boreholes for each nested pair, and install two four-inch diameter well casings in each borehole. We would approve the use of four-inch ID, schedule 80 PVC casing for such wells.
6. In order to determine whether the C-zone aquifer has been impacted by perchlorate at each well location, the last depth-discrete groundwater sample should be collected in the C-zone.



A 4-inch diameter PVC monitoring well with a screened interval not to exceed 10-feet should be installed at this depth. Once completed, your C-zone monitoring wells (in conjunction with the MVSL wells) can be utilized to establish the groundwater gradient and flow direction in this area. Selection of the well screen depth and interval of the monitoring well in the B and C-zones must be made in consultation with Board staff. All the well materials should be virgin, decontaminated and factory sealed well materials. All screen and well casings shall be flush-threaded, and a threaded bottom cap must be placed at the base of the well. No glue or solvents shall be used to join pipe sections.

7. Completed wells must be developed using bailing or surging techniques to settle the sand pack and remove fine-grained sediments. The level of the sand pack within the annulus of the borehole will be measured both before and after the development process, and additional sand will be added to the borehole, using a tremie pipe, to bring the sand pack to the design-specified elevations. A tremie pipe will also be used for placement of the well seal materials in the borehole annulus. Following construction of the well seal, the annular grout will be allowed to harden for a minimum of 24 hours prior to final well development. At that time, the well will be developed by pumping and surging with a well-development pump or bailer until visually clear, non-turbid (NTU less than 20) water is discharged from the well, and the temperature, pH, and specific conductivity of the discharge water stabilizes. During the completion of the wells, sand pack will be placed in the borehole annulus from one foot below to three feet above the C-zone well screen. A bentonite seal will be placed and hydrated prior to continuing the placement of the annular seal, using a tremie pipe as described above.
8. Groundwater samples will be submitted to a state-certified testing laboratory for analysis of perchlorate by using USEPA Method 314.0. In addition to testing for perchlorate (using the lowest possible method detection limit), we request that groundwater collected from the permanent monitoring wells be tested for N-nitrosodimethylamine (NDMA) using the USEPA method approved by the California Department of Health Services, with a reporting limit of 2.0 nanograms per liter. Groundwater samples should also be tested for general water chemistry parameters.
9. Please note that certain well records and groundwater information that have been submitted to Board staff by local water agencies is considered privileged and confidential, as allowed by law. As such, some of the information that has been requested by CRA may not be available at this time, and water agency staff may have to be consulted for this information. Board staff believes that, prior to Goodrich initiating their comprehensive groundwater investigation (i.e., after this initial investigation), arrangements could be made to obtain the necessary information from the water agencies whose wells have been impacted by perchlorate. We ask that Goodrich initiate contact with the local water purveyors to obtain this information. Additionally, in conformance to the directive from the Regional Board, Goodrich should initiate a discourse with the water purveyors regarding water supply replacement options.

Please contact Kamron Saremi, Project Engineer, at least seven days in advance of commencing your drilling activities, so that he may arrange to be present at the site. Mr. Saremi's telephone number is (909) 782-4303. Any modifications to this drilling plan is subject to my approval. Based on the results of the initial phase of this investigation, the need for additional investigations, both on-site and off-site, will be evaluated, and you will be notified of additional requirements as soon as possible.



Deadlines

1. A revised work plan including the revisions specified above must be submitted by, and the project must be initiated by, October 15, 2002.
2. All analytical results, groundwater measurements, and field information are to be submitted by fax to Board staff within 24 hours of being generated, throughout all stages of work, and during all phases of the investigation. The office fax number to be used for your data transmittals is (909) 781-6288.
3. The final report for the initial phase of this soil and groundwater investigation, including (at a minimum) the borehole logs, well construction details, groundwater elevation data, and soil and groundwater analytical results, must be submitted to Board staff within 30 days of completing the field work.

**Failure to submit the required information by the specified deadline may subject you to administrative civil liability in the amount of up to \$1,000 per day pursuant to Section 13268(a) and (b) of the California Water Code.**

If you have any questions about this letter, please contact Mr. Saremi at the number listed above, or you may call Ann Sturdivant, Chief of our Spills, Leaks, Investigations and Cleanups Section, at (909) 782-4904.

Sincerely,

Gerard J. Thibeault  
Executive Officer

Attachments:

- 1 – Correspondence between RWQCB and Goodrich Corporation.
- 2 – Well Location Map, showing perchlorate contamination in municipal water supply wells.
- 3 – Written summary by Mr. John Kase.
- 4 – Declaration of August 27, 2002 by Mr. John Kase.
- 5 – Mailing List.

cc w/out attachments:

Regional Board  
Jorge Leon, Office of Chief Counsel, SWRCB  
Inland Empire Perchlorate Regulatory Task Force (see mailing list)

cc w/attachments:

Bruce Amig, Goodrich Corporation

\*AES/Data/SLIC/Rialto perchlorate 01-02/13267/Goodrich wkplan 13267

*California Environmental Protection Agency*



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# California Regional Water Quality Control Board

## Santa Ana Region



**Terry Tamminen**  
Secretary for  
Environmental  
Protection

Internet Address: <http://www.swrcb.ca.gov/rwqcb8>  
3737 Main Street, Suite 500, Riverside, California 92501-3348  
Phone (909) 782-4130 - FAX (909) 781-6288

**Arnold  
Schwarzenegger**  
Governor

February 19, 2004

**CERTIFIED MAIL  
RETURN RECEIPT REQUESTED**

Mr. Ken Thompson  
Ken Thompson, Inc.  
P.O. Box 770  
Rialto, CA 92376

**DATE ERROR - ORIGINAL DIRECTIVE TO SUBMIT A WORK PLAN AND  
CONDUCT A PERCHLORATE INVESTIGATION IN THE VICINITY OF LAUREL  
AVENUE AND LOWELL STREET, CITY OF RIALTO, SAN BERNARDINO COUNTY**

Dear Mr. Thompson:

On February 6, 2004 I issued a directive under California Water Code Section 13267 that Ken Thompson, Inc. conduct an investigation to define the lateral and vertical extent of perchlorate in soil and groundwater at its property in the vicinity of Laurel Avenue and Lowell Street in North Rialto.

The directive was inadvertently dated February 6, 2003 rather than February 6, 2004. A replacement directive reflecting the correct date is enclosed. Please discard the original letter.

Please be aware that all deadlines contained in the original directive are still valid and must be adhered to in order to avoid further enforcement action.

If you have any questions, please contact Debi Ney, Analyst, at (909) 782-3237, or you may call Ann Sturdivant, Chief of our Spills, Leaks, Investigations and Cleanups Section, at (909) 782-4904.

Sincerely,

Gerard J. Thibeault  
Executive Officer

Enclosure:

February 6, 2004 Directive to Submit Work Plan and Conduct Perchlorate Investigation

cc w/out enclosures:

Regional Board Members  
Jorge Leon, Office of Chief Counsel, SWRCB  
Inland Empire Perchlorate Regulatory Task Force (see mailing list)

DON/Data/SLIC/Rialto perchlorate/13267/Thompson error cover

**California Environmental Protection Agency**





# California Regional Water Quality Control Board

## Santa Ana Region



**Terry Tamminen**  
Secretary for  
Environmental  
Protection

3737 Main Street, Suite 500, Riverside, California 92501-3339  
(909) 782-4130 • Fax (909) 781-6288  
<http://www.swrcb.ca.gov/rwqcb8>

**Arnold Schwarzenegger**  
Governor

February 6, 2004

**CERTIFIED MAIL  
RETURN RECEIPT REQUESTED**

Mr. Ken Thompson  
Ken Thompson, Inc.  
P.O. Box 770  
Rialto, CA 92376

### **DIRECTIVE TO SUBMIT A WORK PLAN AND CONDUCT A PERCHLORATE INVESTIGATION IN THE VICINITY OF LAUREL AVENUE AND LOWELL STREET, CITY OF RIALTO, SAN BERNARDINO COUNTY, CALIFORNIA**

Dear Mr. Thompson:

Perchlorate has been detected in municipal water supply wells in the Rialto, Colton, and Chino Groundwater Subbasins in San Bernardino County. These water supply wells are located downgradient of property owned by Ken Thompson, Inc., consisting of three parcels located in the vicinity of Laurel Avenue and Lowell Street in North Rialto. According to San Bernardino County Tax Assessor records (Assessor), Ken Thompson, Inc. purchased Assessor's Parcel Numbers (APN) 0239-192-06-0000 and 0239-192-07-0000 in 1987 (combined in 1998 and currently APN 0239-192-20-0000), APN 0239-192-05-0000 in 1988, and APN 0239-192-11-0000 in 2000. Assessor's office records also indicate that the parcels were previously owned and occupied by Pyrotronics Corporation and subsidiaries (Pyrotronics) from 1973 to the mid-1980's.

Evidence indicates that Pyrotronics manufactured, handled, tested and stored fireworks containing perchlorate salts at the property owned by Ken Thompson, Inc. located at Lowell Street and Laurel Avenue, Rialto, California. In addition, City of Rialto records indicate that on-site disposal systems have been used at the site since the property was first occupied for industrial use. Disposal of perchlorate waste in unlined pits and septic systems is suspected to have occurred during occupancy of the property by Pyrotronics and other parties.

This letter sets forth a requirement under California Water Code Section 13267 that Ken Thompson, Inc. conduct an investigation to define the lateral and vertical extent of perchlorate in soil and groundwater at its property in the vicinity of Laurel Avenue and Lowell Street in North Rialto. As required by Section 13267, this letter contains an explanation of the need for the investigation, and cites evidence supporting the requirement.

**California Environmental Protection Agency**



### Background

Perchlorate contamination was first detected in groundwater in the Rialto, Colton, and Chino Groundwater Subbasins in 1997. At that time, the California Department of Health Services (DHS) Action Level (AL) for perchlorate in drinking water was 18 parts per billion (ppb). Two wells contained perchlorate exceeding 18 ppb and were shut down. In January 2002, the DHS lowered the AL to 4 ppb. In response to the reduced AL for perchlorate, the local water purveyors in the Rialto, Colton, and Chino Groundwater Subbasins restricted or eliminated the use of additional production wells with perchlorate concentrations that exceeded 4 ppb. Between 1997 and the present, various suspected perchlorate dischargers, including former and current occupants of the property owned by Ken Thompson, Inc., have been identified.

### Requirement for an Investigation

The Santa Ana Regional Water Quality Control Board (Board) has directed staff to issue individual letters under California Water Code Section 13267 to suspected perchlorate dischargers in the Rialto, Colton and Chino Groundwater Subbasins. Several letters similar to this one have already been issued to other suspected dischargers and to the owners of properties where discharges of perchlorate are suspected of having occurred. The Board also expressed a strong desire that suspected perchlorate dischargers work with the local water purveyors to provide a replacement water supply during the loss or limited use of their production wells.

### The Need for the Investigation

The Board is charged with the protection of water quality in this Region. We have been working actively with the water purveyors for several years to identify the extent and address the impact of perchlorate contamination on water resources in the Rialto, Colton and Chino Groundwater Subbasins. The water purveyors whose wells have been contaminated with perchlorate now face a state of emergency, and may not be able to provide an adequate water supply to their customers. It is urgent that the sources of the contamination be identified, and the magnitude of the perchlorate plume defined.

### Evidence Supporting the Need for the Investigation

Enclosed are the following documents:

1. Well Location Map, showing perchlorate contamination in municipal water supply wells in the vicinity of Rialto, Colton and Fontana, California.

2. Property Ownership Records for APN 0239-192-20-0000; 0239-192-05-000; and 0239-192-11-0000 (obtained from San Bernardino Tax Assessor's Internet Site).
3. Excerpts from Pyrotronics 1985 Hazardous Materials Disclosure Form: includes the use of 25,000+ pounds per month of potassium perchlorate (AP 00521 and continuing).
4. 1979 Fireworks Composition Specifications that include potassium perchlorate (AP 00724 and continuing).
5. Pyrotronics letter regarding use of "pond" for disposal of shells and powders (AP 00456).
6. Pyrotronics letter to San Bernardino County in 1985 regarding filling in the "pond" after burning the remaining solid waste (AP 00640).

Based on the evidence, Pyrotronics and its successors are suspected of having discharged perchlorate on the property. As the owner of the affected land, Ken Thompson, Inc. bears legal liability under California law for any perchlorate, or other waste, that is present in soil on its property, or in groundwater underlying its property. This evidence supports the requirement for an investigation as defined in Section 13267(b)(1) of the California Water Code.

#### Deadlines

1. A work plan for a soil and groundwater investigation for perchlorate at the property in the vicinity of Laurel Avenue and Lowell Street in Rialto must be submitted to Board staff no later than March 15, 2004. The work plan must include a detailed time schedule for the tasks to be conducted. The work plan and time schedule will be subject to my approval.
2. The investigation must commence within 30 days of my approval of the work plan.
3. All analytical results, groundwater measurements, and field information are to be submitted by fax to Board staff within 24 hours of being generated, throughout all stages of work, and during all phases of the investigation. The office fax number to be used for your data transmittals is (909) 781-6288.
4. The final report for the soil and groundwater investigation, including (at a minimum) the borehole logs, well construction details, groundwater elevation data, and soil and groundwater analytical results, must be submitted to Board staff within 30 days of completing the field work.

**Failure to submit the required information by the specified deadline may subject you to administrative civil liability in the amount of up to \$1,000 per day, pursuant to Section 13268(a) and (b) of the California Water Code.**



Finally, please be aware that the Board has directed staff to explore alternative ways of solving the water supply problem in the Rialto, Colton and Chino Groundwater Subbasins. In addition, consistent with the Board's direction, we have issued and will continue to issue similar directives to a number of other suspected dischargers who have operated in the North Rialto area. Thus, there may be opportunities to cooperate with other entities to implement joint investigations or to propose solutions that would address the water supply problem. In fact, we believe it would be both scientifically effective and economically efficient for the suspected dischargers subject to these directives to jointly pursue the investigation and to explore water supply replacement options. Further, consistent with the Board's direction, we recommend that the joint efforts of the suspected dischargers consider both the characterization of the plume and initiation of water supply replacement or treatment strategies. Board staff has experience managing similar joint investigations and cooperative solutions and we are available to discuss these further with you. If you are interested in discussing alternative options for complying with this directive, please contact us to arrange a meeting or teleconference.

#### Recovery of Regional Board Expenses

California Water Code Section 13365 addresses the billing process for the Board to recover reasonable expenses for overseeing investigation of illegal discharges, contaminated properties, and other unregulated releases that may adversely affect the State's waters. It is the Board's intent to recover such costs for regulatory oversight work conducted in accordance with this order. A description of the Board's procedure for cost recovery for regulatory oversight of investigations and cleanups will be sent to you under separate cover.

If you have any questions about this letter, or if you would like to arrange a meeting or teleconference, please contact Kamron Saremi, Project Engineer, at (909) 782-4303, or you may call Ann Sturdivant, Chief of our Spills, Leaks, Investigations and Cleanups Section, at (909) 782-4904.

Sincerely,



Gerard J. Thibeault  
Executive Officer

Enclosures: see next page

1. Well Location Map, showing perchlorate contamination in municipal water supply wells in the vicinity of Rialto, Colton and Fontana, California.
2. Property Ownership Records for APN 0239-192-20-0000; 0239-192-05-000; and 0239-192-11-0000 (obtained from San Bernardino Tax Assessor's Internet Site).
3. Excerpts from Pyrotronics 1985 Hazardous Materials Disclosure Form: includes the use of 25,000+ pounds per month of potassium perchlorate (AP 00521 and continuing).
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7. Mailing List.

cc w/out enclosures:

Regional Board Members

Jorge Leon, Office of Chief Counsel, SWRCB

Inland Empire Perchlorate Regulatory Task Force Members (see mailing list)

DON/Data/SLIC/Rialto perchlorate/13267/Thompson

Robert Thompson  
822 N. Euclid Ave., Suite A  
Ontario, CA 91762

Senator Nell Soto  
The Honorable Senator Nell Soto  
State Capital, Room 4078 P.O. Box 942848  
Sacramento, CA 94248-0001

Anthony Araiza, Jerry Eagans & Leon Long  
West Valley Water District  
P.O. Box 920  
Rialto, CA 92377-0920

Barry C. Groveman & Steven Elie  
Musick, Peeler & Garrett  
624 S. Grand Ave., Suite 2000  
Los Angeles, CA 90017-3383

Christine Brown  
California Dept. of Toxic Substances Control  
Geology & Corrective Action Branch  
5796 Corporate Ave.  
Cypress, CA 90630

Eric Fraser  
City of Colton  
Public Utilities Department  
650 N. La Cadena Drive  
Colton, CA 92324-2897

Gary Tavetian  
California Office of the Attorney General  
300 S. Spring St., Ste. 500 N.  
Los Angeles, CA 90013-1204

Gene Tanaka, & Danielle Sakai  
Best, Best & Kreiger  
3750 University Ave., Mission Square  
Riverside, CA 92501

Glen Yabuno  
County of San Bernardino  
Specialized Prosecutions Unit  
412 W. Hospitality Lane, Ste. 301  
San Bernardino, CA 92415-0023

Karen Baker  
California Dept. of Toxic Substances Control  
Geology & Corrective Action Branch  
5796 Corporate Ave.  
Cypress, CA 90630

Ken Ayers  
County of San Bernardino  
Office of the District Attorney  
412 W. Hospitality Lane, Ste. 301  
San Bernardino, CA 92415-0023

Lynn Takaichi  
Kennedy/Jenks Consultants, Inc.  
1000 Hill Rd., Suite 200  
Ventura, CA 93003

Mike Bledsoe & Michael Wochnick  
California Integrated Waste Management Board  
P.O. Box 4025  
Sacramento, CA 95812-4025

Mike Whitehead, Mike McGraw Jim Bryson & Gerald J.  
Black  
Fontana Water Company  
P.O. Box 987  
Fontana, CA 92335

Peter Fox, Brad Baxter, Tim Mim Mack & Robert Owen  
City of Rialto  
Public Works Department  
150 S. Palm  
Rialto, CA 92736

Sarah Mueller, Wayne Praskins & Matt Mitguard  
U.S. EPA - Region 9  
75 Hawthorne Street  
San Francisco, CA 94105

Susan M. Trager & Francis D. Logan, Jr.  
Law Offices of Susan M. Trager  
19712 MacArthur Blvd., Ste. 120  
Irvine, CA 92612

Tim Ryan & Robert Young  
San Gabriel Valley Water Company  
Fontana Water Company  
11142 E. Garvey Ave.  
El Monte, CA 91732

Tom Soto  
PS Enterprises  
3350 Ocean Park Blvd., Ste. 205  
Santa Monica, CA 92405

Wendy Arano, Aaron Yue &  
California Dept. of Toxic Substances Control  
Geology & Corrective Action Branch  
5796 Corporate Ave.  
Cypress, CA 90630