



# 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:

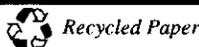
February 6, 2004 Directive to Submit Work Plan and Conduct Perchlorate Investigation

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  
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**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**

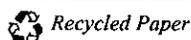
Dear Mr. Thompson:

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.
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6. Pyrotronics letter to San Bernardino County in 1985 regarding filling in the "pond" after burning the remaining solid waste.
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

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