California Regional Water Quality Control Board
Santa Ana Region

Order No. R8-2004-0072
Amending Cleanup and Abatement Order No. R8-2003-0013
For
County of San Bernardino, Solid Waste Management Division
City of Rialto, San Bernardino County

The California Regional Water Quality Control Board, Santa Ana Region (hereinafter Regional Board), finds that:

1. On January 17, 2003, the Regional Board adopted Cleanup and Abatement Order (CAO) No. R8-2003-0013 for the County of San Bernardino (hereinafter County). Order No. R8-2003-0013 found that perchlorate was being discharged to groundwater from the County's property located adjacent to the actively landfilled portion of the Mid-Valley Sanitary Landfill (MVSL) in Rialto.

2. CAO No. R8-2003-0013 required the County to define the lateral and vertical extent of the perchlorate that was discharging from its property, and to cleanup and abate the effects of the discharge.

3. The County subsequently performed a series of groundwater investigations. In June 2004, the County obtained depth discrete samples from a borehole that was drilled approximately 250 feet up gradient of City of Rialto Well No. 3. Results of the sampling found that perchlorate was detected throughout the upper 200 feet of groundwater, ranging from 26 parts per billion (ppb) in a sample obtained at the water table, to 7.5 ppb at the end of the boring, approximately 200 feet below the water table.

4. Rialto Well No. 3 is sampled monthly and has been non-detectable for perchlorate.

5. Rialto Well No. 3 represents 15 percent of the City of Rialto's current demand and is an important facility in the City of Rialto's water system. The presence of perchlorate in groundwater as close as 250 feet up gradient of Rialto Well No. 3 represents a threat to the beneficial use of Rialto Well No. 3 as a municipal drinking water supply.

6. In a letter dated July 6, 2004, the Executive Officer directed the County to submit an acceptable water supply contingency plan for Rialto Well No. 3 by August 6, 2004. The County submitted a conceptual plan on July 26, 2004, and proposed to begin providing replacement water to the City of Rialto by September 14, 2005. In a letter dated August 6, 2004, the Executive Officer expressed support for the County's proposal, but stated that an alternate plan should be submitted if the proposed plan could not be relied upon to commence providing replacement

water by February 15, 2005. In a letter dated August 19, 2004, the County expressed its commitment to complete its preferred alternative by February 15, 2005. However, various legal and practical impediments exist to the County's ability to expeditiously complete its preferred alternative, notwithstanding the expressed commitment of the County to make all reasonable efforts to achieve that goal. Therefore, it is reasonable to require the County to complete its preferred alternative and to begin providing replacement water to the City of Rialto by April 1, 2005.

7. Due to the threat to the beneficial use of Rialto Well No. 3 as a municipal drinking water supply, it is appropriate to order the County to provide replacement water for Rialto Well No. 3.

8. On September 17, 2004, the Regional Board considered comments on proposed Order No. R8-2004-0072, the results of the County's investigations that have been completed, the County's remedial action alternatives the County's preferred alternative remedial action plan and on other relevant matters.

9. This action is being taken by a regulatory agency to enforce a water quality law. Such action is exempt from the provisions of the California Environmental Quality Act (Public Resources Code, Section 21000 et seq.) in accordance with Section 15321, Article 19, Division 3, Title 14, California Code of Regulations.

IT IS HEREBY ORDERED THAT:

1. Cleanup and Abatement Order No. R8-2003-0013 is amended by adding a new Item 5 and 6, to read as follows:

5. a. The County shall take all actions necessary to provide replacement water that is non-detect for perchlorate to the City of Rialto by April 1, 2005, to replace the water currently extracted from Rialto Well No. 3. Since "non-detect" is a laboratory-specific determination, for the purposes of this order, "non-detect" is defined as a water quality treatment design standard equivalent to the standards by which Rialto's perchlorate treatment systems are designed."

b. In the event the County proposes to implement a plan other than its plan dated July 26, 2004, the County shall submit its alternative plan no later than November 15, 2004 for approval by the Executive Officer.

c. In the event that perchlorate is detected above the State Department of Health Services Detection Limit for Reporting (DLR) in Rialto Well No. 3 prior to the County

being able to provide replacement water to the City of Rialto pursuant to implementation of its approved plan, the County shall immediately replace the water being extracted from Rialto Well No. 3 by other reasonable means to be approved by the Executive Officer, including, but not limited to, purchasing replacement water from other sources.

6. In the event that current perchlorate treatment design standards or current analytical detection levels change in the future, the Regional Board may reopen Order No. R8-2003-0013, as amended by Order No. R8-2004-0072, to consider changes to Items 5.a and 5.c.

2. All other provisions of CAO No. R8-2003-0013 shall remain unchanged. This amendment does not limit any additional cleanup or abatement activities that may be required as a result of the discharge of perchlorate by the County or from the County's property, and is only intended to provide for the immediate replacement of the production capacity of Rialto Well No. 3.

I, Gerard J. Thibeault, Executive Officer, do hereby certify that the foregoing is a full, true and correct copy of an order adopted by the California Regional Water Quality Control Board, Santa Ana Region, on September 17, 2004.

Gerard J. Thibeault
Executive Officer

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California Regional Water Quality Control Board
Santa Ana Region

Terry Tamminen
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Arnold Schwarzenegger
Governor

September 22, 2004

Mr. Peter H. Wulfman
Division Manager
Solid Waste Management Division
County of San Bernardino
Department of Public Works
222 West Hospitality Lane, Second Floor
San Bernardino, CA 92415-0017

TRANSMITTAL OF ADOPTED ORDER NO. R8-2004-0072, AMENDING CLEANUP AND ABATEMENT ORDER NO. R8-2003-0013 FOR COUNTY OF SAN BERNARDINO, SOLID WASTE MANAGEMENT DIVISION

Dear Mr. Wulfman:

At the regular Board Meeting held on September 17, 2004, the Regional Board adopted Order No. R8-2004-0072, amending Cleanup and Abatement Order No. R8-2003-0013. A certified original copy is enclosed for your records. The adopted order includes several changes to the tentative order that were made at the Board Meeting. These changes included a new Item 6., and the changes that were noted on the errata sheet that was provided at the Board Meeting.

If you have any questions, please contact me at (951) 782-3284, Kurt Berchtold, Assistant Executive Officer, at (951) 782-3286, or Robert Holub, Division Chief, at (951) 782-3298.

Sincerely,

Gerard J. Thibeault
Executive Officer

Enclosure: Order No. R8-2004-0072

cc: w/enclosure (see attached mailing list)

rlh:data/slic/perchlorate/rialto-colton/SB Co CAO/R8-2004-0072 trnsmttal ltr