

Where was the Santa Ana Regional Water Quality Control Board?

**Prepared by Joseph E. Odenchantz, Ph.D., P.E.
Tri-S Environmental, Newport Beach, California
July 5, 2018 (Two Pages)**

Where was your Agency from 1990 through 2001? The pernicious effect of PCE impacts are demonstrable from the history at F-KIM1 and was clearly a harbinger of bad practices/releases from the adjacent site. The time of arrival is clear. The Water Board (Your Agency) is tasked with protecting the waters of the State of California and your Agency was seemingly asleep at the wheel to have ignored the impacts to F-KIM1 from 1990-2001. Your Cost Reimbursement letter dated May 14, 2018 is pejorative, off base, untimely and not supported by sound policy/science/law/ethics. The arbitrary and capricious manner of enforcing water regulations/the Porter Cologne Act is problematic. I will do my best to explain in the following 20 minutes (Vulnerability study or plume delineation on JCI v. Deeper well). Did your Agency take aggressive action in 2001 near this site? No.

1551 E. Orangethorpe Avenue, Fullerton was investigated, remediated and closed in 1995. Your Agency reviewed the information and decided groundwater sampling was not necessary. After careful examination of all the records and since the issuance of the June 1, 2018 report, there is no information to support the contention that any release from 1551 impacted groundwater since 1995. In fact, a State of California Appellate ruling on June 1, 2017 stated that Arnold Engineering (AE) did not impact regional groundwater at the 1551 site based on their examination of the evidence. Your Agency cannot ignore evidence that undercuts your judgment (CERCLA listing ruling dated May 2018 Federal District Court Ruling Genuine Parts Co v. USEPA). Your agency should review "all relevant data" and not rely on a clipped view of the record. The battle has already been fought and there is no reason to revisit all this.

The other big question is how could your Agency and the USEPA not include the former Johnson Controls Facility located at 1550 E. Kimberly Avenue in Fullerton? The highest PCE found in the clayey materials underneath JCI to a depth of 100 feet according to the US Army Corps of Engineers in 2006. There were groundwater impacts found at JCI. JCI vapor extracted over a ton (2,235 pounds) of VOCs in six months from an inefficient and inadequate vapor extraction system (~2007) that was riddled with problems (could not remove the solvent impacts from the fine-grained materials at depth). There was PCE found underneath a tank at JCI. JCI also rented a warehouse for battery disposal on 1551. JCI should contribute to Cost Reimbursement at 1551 for impacts in this vicinity. The next page lays out the spatial relationship at 1551 and JCI with respect to the production wells.

Is the solution to pollution dilution? Install a well a little more than twice the depth of the impacted well to solve the problem? Why not cleanup Johnson Controls once and for all?

