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Irvine, California

August 31, 2015

Governor Jerry Brown
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**Re: Toxic contamination on the construction site of Portola High School in
Irvine, and the need for comprehensive soil testing of the entire site**

Dear Governor Brown:

I am writing to you regarding a matter of urgent public importance. This involves the failure of State agencies — most notably the California Department of Toxic Substances Control (DTSC) and the California Department of Education — to safeguard the public against exposure to dangerous toxic contamination at a new high school site in Irvine.

Introduction

Despite growing opposition and widespread community anxiety, the Irvine Unified School District (IUSD) is rushing construction of a \$300 million high school that is located on a former military airbase — on land that was designated a national Superfund cleanup site and is apparently still contaminated with toxics.

Against all reason and common sense, IUSD — with the approval of DTSC and the Department of Education — last year voted to build Portola High School, Irvine's sixth high school, on a remote parcel of land that was once part of the former El Toro Marine Corps Air Station. El Toro was declared a Superfund site in 1989 and was closed in 1999. The federal government sold the property at auction in 2005, and the property is now being redeveloped by FivePoint Communities as Irvine's 1,300-acre Orange County Great Park, surrounded by residential neighborhoods that, of course, will include new public schools.

A critically important land-use fact is that the 40-acre Portola High School site is located at the end of massive runways that were operational at El Toro for nearly 50 years. This area — at the end of the runways — is known among retired military personnel and other knowledgeable professionals as the place where all sorts of aircraft fuels and maintenance petrochemicals were dumped in large quantities. Moreover, the Portola High School site is just 800 feet from a primitive, unlined, "capped" toxic waste landfill that operated from 1943 to 1955. [See attached map.]

Two years ago, a former Orange County school facilities official stated that the Portola High School site, because of its location at the end of the runways, was the "worst possible location" for a new Irvine high school. He predicted that if IUSD went ahead, serious problems would surely arise.

And sure enough, less than two years later, those problems have already become evident. Following an exhaustive investigation, including review of thousands of pages of records secured through several Public Records Act requests, Harvey Liss, Ph.D., a distinguished civil engineer and former Irvine Planning

Commissioner, authored a remarkable five-part series of articles in a local newspaper, *Irvine Community News & Views*. Dr. Liss meticulously documented the extensive toxic contamination found at the Portola High School site. Presented, below, is a summary of the essential facts as we now know them.

The Factual Record: 2013

In the fall of 2013, while trenching in the Agua Chinon Wash — near the capped toxic waste dump (known as IRP Site 3) and close to the northwestern perimeter of the Portola High School site — construction workers encountered discolored soil and pungent odors, evidence of what appeared to be extensive petrochemical contamination of the soil. [See attached map.] IUSD officials and their environmental consultant later described the discovery in minimalist terms — they said the soil was simply “stained” and “odorous” from “non-hazardous” petroleum hydrocarbons. Without even considering the possible source or extent of the contamination, these officials left the impression that the discovery was the consequence of a long-ago minor, isolated incident — a “spill.”

In fact, documents eventually revealed that the soil was laden with toxic and, in some cases, carcinogenic (cancer-causing) contaminants, including heavy metals and various chemical components of jet fuels, solvents, and hydraulic fluids. Among the discoveries were significant concentrations of barium, chromium, vanadium, as well as naphthalene, xylenes, and 1,2,4-trimethylbenzene.

Far beyond a tiny “spill,” records now reveal that more than 40 truckloads of contaminated soil were hauled away. Later, when Dr. Liss and I — and others — raised questions about the extent of the toxic contamination, its source, and the possible health hazards posed to future teachers, staff and students at Portola High School, we received not answers but institutional rationalizations. Officials from IUSD, with the tacit approval of regional officers of DTSC, said there was no problem because, while the toxic contamination accidentally discovered was near the high school site (about 200 feet away), it wasn’t actually on the site.

The Factual Record: 2014

In December, 2013 and in April, 2014 — in rushing to secure final DTSC approval of the 40-acre Portola High School site as meeting minimum State standards — certain on-site soil testing was ordered for Volatile Organic Compounds (VOCs). But, with the exception of 6 test wells dug along an abandoned jet fuel pipeline, the soil-test wells that could identify the presence of dangerous VOCs (petrochemicals and solvents, including benzene and its derivatives) were only required along a portion of the perimeter of the school site. Nevertheless, a later review of hundreds of pages of test results revealed that about half of these perimeter wells — tested at depths of 5 and 15 feet — registered positive for VOCs, such as various xylenes, toluene, benzene, trichloroethylene (TCE) and other potent carcinogens. All of these perimeter test wells were on the school site.

Once again, IUSD officials and regional DTSC officials publically expressed no ideas — or even any concern or curiosity — about the perimeter contamination and its likely source. But a growing number of experts believe the contamination is probably the result of widespread, direct dumping of fuels, solvents, hydraulic fluids and other contaminants decades ago at the end of the runways — precisely where the new Portola High School is now being built. [See map.]

In yet another incident — this time in mid-November of 2014 — while workers were trenching on the northeastern perimeter of the school site (adjacent to Irvine Blvd.) to construct a large storm drain, they discovered what turned out to be a 100-foot swath of contaminated soil that extended 29 feet into the Portola

High School site and was still evident at a depth of 28 feet. Laboratory tests of the soil revealed high levels of jet fuel derivatives, including diesel and carcinogenic naphthalene. The diesel fuel contamination far exceeded City of Irvine standards. The naphthalene was at a level 92 percent of the State health screening level. Of course, if another sample had been taken 10 feet away, the contamination level might have been double or triple the screening level. Records revealed that, ultimately, 78 truckloads of contaminated soil were hauled off to a far-away hazardous waste dump, although the School District continued to describe the contaminants in minimalist terms — “stained soil” of a “non-hazardous” nature.

David Richter, the environmental and geotechnical consultant for the City of Irvine, was so alarmed by the discovery of toxic contamination at the storm-drain site — where no testing had been previously done — that he wrote a November 18, 2014 memorandum to City staff. He alerted staff to the discovery and said he expected State DTSC officials would decertify the site, halt all school construction, and not allow it to resume until the site was tested, remediated where necessary, and then officially re-certified only when it was determined to be safe for school purposes.

Months went by and the City, IUSD and DTSC did nothing, absolutely nothing. Finally, with mounting public pressure, DTSC Project Manager Rana Georges issued a one-page letter on April 28, 2015 that simply restated the agency’s prior approval of the school site. Ms. Georges didn’t even acknowledge Mr. Richter’s memo and his pointed expectation that DTSC would decertify the site and order more testing to ensure public safety.

Conclusion: The Urgent Need for Comprehensive Testing

What are the chances — after having found significant quantities of VOCs present along the four sided perimeter of the school site — that the entire untested interior of the 40-acre site, where thousands of future students, teachers and staff will be located in school facilities, would be free of toxic contamination? Most people would logically say “zero” or close to it.

But the best way to definitively determine the nature and extent of toxic contamination at the Portola High School site is by appropriately testing for VOCs. This requires immediate, independent, comprehensive soil-gas testing over the entire school site. According to professional estimates that were part of Dr. Liss’ investigative report, a program of credible and comprehensive testing — involving about 100 soil-gas test wells — can be completed in a matter of weeks at a total cost of less than \$100,000.

This common-sense testing is precisely what 1,400 Irvine residents (and their families) have officially requested in an Irvine Safe Schools Petition, which was recently presented to IUSD and City officials. But so far, petitioning for soil-gas testing has been met with stony silence. Meanwhile, DTSC — the State agency charged with protecting the public from toxic exposure in schools and elsewhere — has shown itself time and again to be weak and unresponsive, cravenly dismissive of well-founded public concerns. As a result, much of the Irvine community remains increasingly worried that thousands of future students, teachers and staff will be put at risk of toxic exposure when Portola High School opens in September, 2016.

On behalf of the growing community of concern throughout Irvine, I plead for your urgent attention to this matter. I ask you to order immediate, independent, comprehensive soil-gas testing at the Portola High School site in Irvine.

Sincerely,



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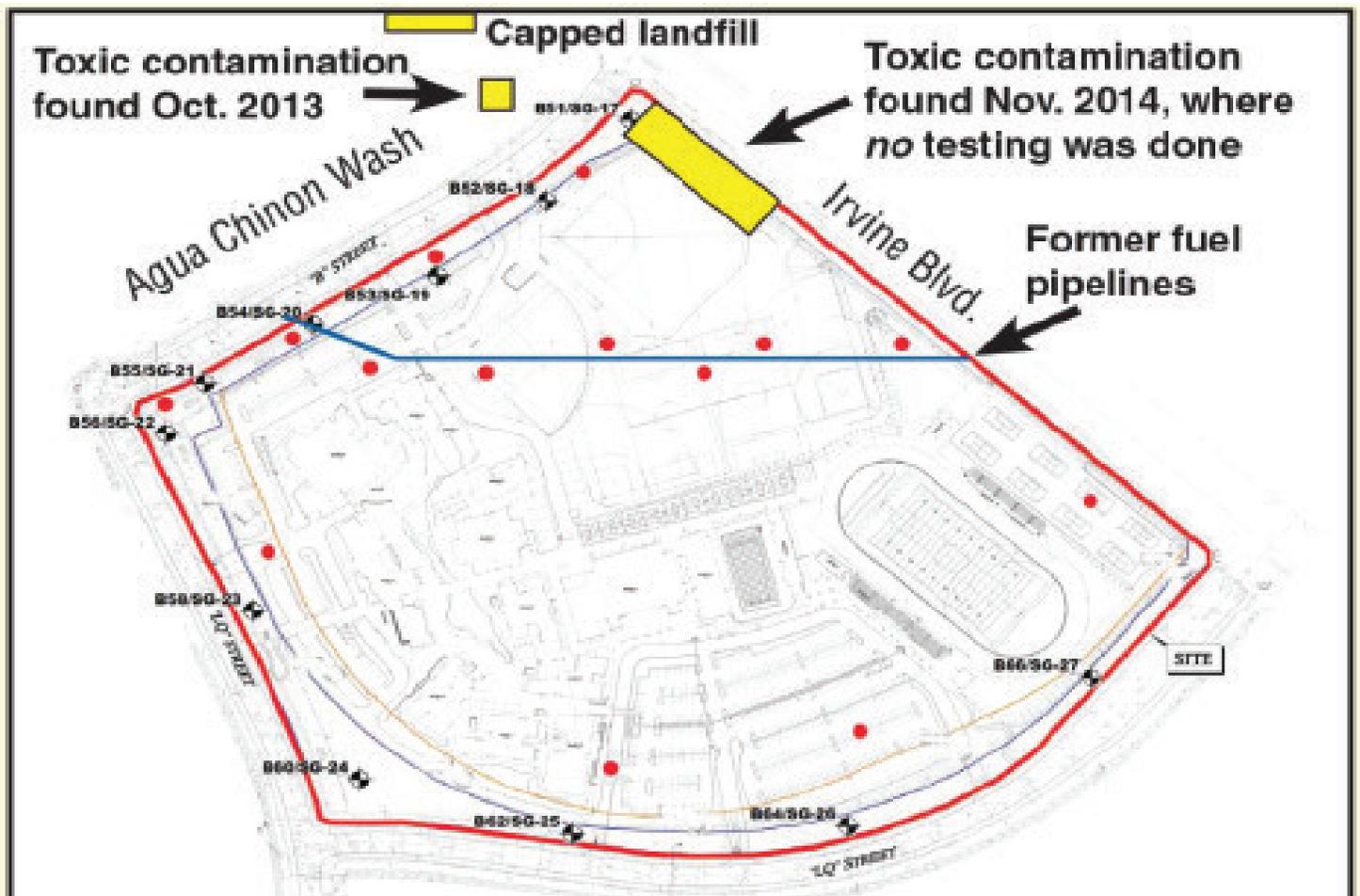
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Portola High School Site (40 Acres) Test Well Locations For VOCs (Volatile Organic Compounds)



- Dec. 2013 test wells for soil-gas testing of toxic Volatile and Semi-Volatile Organic Compounds (VOCs).
- Apr. 2014 supplemental test wells for soil-gas testing of toxic VOCs.

Except along the fuel pipelines, all tests for toxic VOCs were performed around the perimeter of the school site, leaving most of the interior untested for dangerous toxic wastes known to have been used by the military and detected in the test wells.