

# *Test for Toxics*

*A resident committee whose goal is to have the Irvine Unified School District's  
Portola High School site thoroughly tested for volatile organic compounds*

**Leslie and Roger Sievers, Co-chairs**

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Barbara A. Lee, Director  
California Department of Toxic Substances Control  
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Matthew Rodriguez, Secretary  
California Environmental Protection Agency  
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## **Re: Urgent intervention requested to adequately test Irvine's Portola High School site for VOCs**

Dear Director Lee and Secretary Rodriguez:

I write you seeking your assistance in connection with what could be a major toxic contamination problem for the children, teachers and staff on the site of Irvine Unified School District's (IUSD) new high school (Portola High School) under construction on the former MCAS El Toro, a Federal Superfund site. The school is scheduled to open in September, 2016.

The central reason that Leslie and Roger Sievers, Larry Agran and I, would like to meet with both of you at your earliest convenience, hopefully at the same time in Sacramento, or elsewhere, is to discuss the incorrect premise by the DTSC of the school site as having been, historically, strictly agricultural when there is overwhelming evidence to the contrary.

- The Portola High School site was characterized as *agricultural* by the IUSD and accepted as such by the DTSC. Therefore, the DTSC required only shallow soil testing and only for agricultural contaminants such as pesticides, over virtually the entire site. Soil-gas testing for Volatile Organic Compounds (VOCs) was initially performed only along a pair of abandoned fuel pipelines and also along the school site's border with a capped, MCAS landfill property.
- The MCAS opened for military operations in 1943, serving wartime operations during the remainder of WWII and continuing through the Korean War (1950-53) and Vietnam War (1955-73). According to aerial photographs, there was no farming on the school site in 1952, and only a small portion was farmed in 1968. Yet, the DTSC continues to issue false statements claiming that the school site was historically agricultural, so there is no need to test for VOCs, even though large quantities (at least 1,400 c.y.) of VOC-contaminated soil have already been encountered and removed during construction both onsite, and nearby, offsite.

The DTSC's characterization of the school site solely as farmland is inconsistent with the facts. Not requiring site-wide testing for the VOCs already found onsite threatens the health of the school's future faculty, staff and students, as well as creating potentially huge financial liability.

We are asking the DTSC to re-characterize the school site as having served both military and agricultural uses requiring thorough, site-wide testing for VOCs, because of the following facts:

- 1) When construction of infrastructure was underway, a major discovery of contaminated soil with various VOCs was made offsite in November of 2013, about 250 feet from the school site. Ultimately, about 500 c.y. of contaminated soil was removed.

- 2) A second major discovery of contaminated soil (reported as *stained* soil) in a box storm-drain excavation was encountered in November of 2014, this time beginning immediately adjacent to the school site and continuing 29 feet onsite. Over 900 c.y. of soil contaminated with VOCs were removed, leaving still-contaminated soil that emitted a pungent petrochemical odor I smelled while standing at the edge of the trench, outside an adjacent fence. A few days later, when I went back, the trench was backfilled.
- 3) When, after the DTSC's approval of the Preliminary Environmental Assessment, the school site boundary was adjusted to accommodate an infrastructure easement and street realignment, a narrow strip of property was added to the school site at its perimeter. Oddly, only on this narrow strip, 11 soil-gas wells were drilled, and measurable levels of a variety of VOCs were found in 10 of the 11 wells.
- 4) It is apparently well known among former military personnel that dumping of toxic waste was very common at the ends of runways, because no one worked, lived or played there. It was the most dangerous place on a military base. The school site is located immediately at the end of a pair of major runways that were in use until the base was closed in 1999.
- 5) The City of Irvine's own environmental consultant, David Richter, in an emailed memo stated that because of the changed condition [discovery on the school site of large quantities of soil contaminated with naphthalene], he expected that the DTSC would reconsider its approval of the site. This memo went unheeded.

Presented above is strong, additional evidence since the original DTSC site approval to re-characterize the school site as both military and agricultural, and to require the entire site to be tested for VOCs in deep, soil-gas test wells. Ideally, testing should be performed before the high school is occupied, something the IUSD has resisted.

Accompanying this letter is my detailed reply with supporting evidence (attached references) to Chief Dot Lofstrom, written on behalf of Larry Agran, former Mayor and longtime City Councilmember of Irvine. My reply letter responds point by point to Chief Lofstrom's incorrect and misleading claims, which are similar to what I've received in the past from the DTSC's Cypress Regional office, and are contradicted by my references in my accompanying letter to Chief Lofstrom.

To explain what initiated Chief Lofstrom's reply, Larry Agran's original letter was sent to Governor Jerry Brown, who forwarded it to the DTSC that led to Chief Lofstrom's response.

Sincerely,

**Test for Toxics**, a resident committee



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**Attachments:** .pdf of this letter, reply letter to Chief Dot Lofstrom.

**Attachments of reference documents are only on the emailed letters.**