

Harvey H. Liss, P.E., Ph.D.
Irvine, CA 92604
HarveyBronx@cox.net

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Matthew Rodriquez, Secretary
California Environmental Protection Agency
1001 I Street
P.O. Box 2815
Sacramento CA 95812-2815
SectyRodriquez@calepa.ca.gov

Barbara A. Lee, Director
California Department of Toxic Substances Control
1001 I Street
P.O. Box 806
Sacramento, CA 95812-0806
Barbara.Lee@dtsc.ca.gov

**Re: URGENT – OBSTACLES to implementing your March 2, 2016 letter to Irvine Unified School District (IUSD),
and copied to former Irvine Mayor Larry Agran**

Dear Director Lee and Secretary Rodriquez:

Your letter of March 2, 2016 directed the IUSD to develop a work plan to perform soil-gas testing for VOCs on the site of their now, almost-completed Portola High School (PHS). Implementation of your orders has run into obstacles put up by determined opponents that I'd like to report. I'm writing on behalf of former Mayor and Councilmember Larry Agran and also myself, since I performed the research that revealed that the school site on the former military base (MCAS El Toro) had gone untested for VOCs, even though those VOCs had been found along virtually the entire perimeter of the site; and in one instance, more than 900c.y. of naphthalene-contaminated soil had been removed.

First, I take this opportunity to convey my great appreciation to DTSC Senior Geologist Dan Gallagher, CHG, who carefully examined the pertinent documents, and overruled the original site assessment by IUSD's environmental consultant, PlaceWorks, especially their Associate Principal, Dr. Denise Clendening. She wrote the Preliminary Environmental Assessment (PEA) that was approved by the DTSC in April, 2014. In it, Dr. Clendening concluded that the PHS site was historically only agricultural, when in fact that certainly was not the case.

Your March 2nd directives are now facing the following obstacles:

- 1) Two days after your March 2nd letter—on March 4th—DTSC Division Chief Dot Lofstrom issued the following email to the IUSD, which is now public:
"I will clarify in my email that this letter [the March 2nd letter] is directed at collecting conformational [sic] samples, not reopening the investigation.... I will clarify that site safety is not in question."

This is in direct opposition to your directive as well as the reasons for your directive, as you stated in your letter:

"This additional sampling will assess the site for the potential presence of contaminants that could pose a threat to the health of individuals who attend classes or work at the school..."

That March 4th email from Chief Lofstrom has been used to justify minimizing the investigational work that is required to be performed and to continue to spread the falsehood that the interior of the school site has already been tested for soil-gas VOCs, and that any testing is merely to confirm prior testing. **I cannot emphasize too many times that there has never been any prior testing for VOCs in the interior of the school site, as, ironically, the lab report attached to the PEA makes unequivocally clear, as was confirmed by Dan Gallagher.**

- 2) Your March 2nd directive states:

“The proposed sampling activities should be discussed with DTSC, the public and other interested stakeholders, prior to the formal submittal of the work plan to the Department.”

There has been no “discussion,” with the public and interested stakeholders. The work plan was presented as a *fait accompli* at a public hearing on March 22nd attended by more than 100 anxious residents, many residing within the PHS attendance boundary. More than two dozen residents delivered comments that were limited to 3-minutes. IUSD’s work plan schedule, distributed at that meeting, showed that the work plan was to be submitted to the DTSC the very next day. The work plan that was presented at the hearing involved drilling 10 soil-gas test wells in the interior of the school site, a clearly inadequate number of wells for the 40-acre site, especially after geologist Dan Gallagher told the audience that there should be a test well for every one to one-and-a-half acres.

So, midway through the meeting, after seemingly endless presentations—actually misrepresentations by IUSD’s consultant, Dr. Clendening, and also by Chief Lofstrom—asserting that the interior of the site had already been sufficiently tested, when, in fact, it had never been tested for VOCs, a member of the IUSD Board asked if this testing is being done only for “political reasons.” Dr. Clendening stated: “We’re testing for political reasons, not scientific reasons.” At this point, the audience, aware of the true history of the lack of site testing, reacted in a turbulent uprising. The meeting was halted and a recess called by the Board president.

After the recess, the tone of the meeting changed dramatically. The discussion that ensued was not whether any testing was necessary, which your March 2nd directive specifically required, but rather, how many soil-gas test wells would be drilled, and that number would be significantly higher than the 10 wells proposed. Unfortunately, the meeting ended without any resolution or conclusion, except that the work plan would be revised, and Dan Gallagher would be involved in that revision, as the audience demanded. Yet to be determined for the revised work plan would be how many more soil-gas test wells to be bored, and their locations. However, no timetable was given for revision of the work plan.

- 3) On April 1st, I received a copy of the revised sampling map from Dan Gallagher. It showed 16 sampling locations (six more than the ten originally proposed). I also noticed two errors on the map where it indicated that testing for VOCs had been performed for the 2014 PEA, when in fact it had not. I reported the error to Dan Gallagher, who referred me back to Project Manager Rana Georges, of the DTSC Cypress Regional Office; but, it wasn’t clear to me if my objection would be addressed. That error would certainly affect the number of sampling locations taken, so it was a serious error, though it was an error that would only be detectable by someone, like me, who had a thorough recollection of the sample-by-sample testing protocols submitted with the 2014 PEA.
- 4) Your March 2nd directive also states:
“The final report should provide risk estimates for exposure to subsurface contaminants to both students and faculty.”

A major problem of credibility now exists for the firm, PlaceWorks, overseeing the sampling and also expected to perform the risk estimate. The public is aware that this same firm that wrote the seriously defective 2014 PEA that classified the school site as historically only a farm, is now being asked to perform soil-gas sampling and to write a new risk-estimate report. That report will not be believable by the public because PlaceWorks is not trustworthy. Their ongoing actions have not been protective of public safety, and regrettably, the DTSC has gone along with their misrepresentations. In fact, the risk estimate that PlaceWorks performed for the 2014 PEA has serious flaws in the input data used.

There is an important fact that has gone unmentioned in public pronouncements by the IUSD and DTSC: Aerial photos and VOCs discovered in soil-gas at the western perimeter of the site, used by Dan Gallagher to help determine that the school site must be considered as having had military use, was provided by Dr. Clendening in the 2014 PEA.

Further, two weeks before the close of the public comment period for the 2014 PEA, soil contaminated by petroleum hydrocarbons was accidentally discovered during excavation 350 feet from the school site boundary, in the Agua Chinon, where, ultimately 661 c.y. of contaminated material were removed. This event was reported by Irvine City Manager Sean Joyce in a public comment submitted to the IUSD that included lab reports showing, among many other VOCs, a 1,2,4-trimethylbenzene concentration of 23 ppm. The presence of this extensive, toxic contamination was never questioned as to its origin, or whether there might be more, similar contaminated soil nearby. There was, apparently, no action taken on this report.

Then, just one month after the DTSC approved the 2014 PEA, 11 soil-gas test wells were bored for a Supplementary Site Investigation (SSI) on a long, narrow strip of property added to the school site because of a street realignment along the southern boundary. Lab results reported that 10 of those 11 soil-gas test wells turned up various combinations of VOCs. Still, PlaceWorks, especially Dr. Clendening, as well as the DTSC officials who later approved the SSI, were unmoved by this discovery.

Then, a half-year later, in November of 2014, more than 900 c.y. of naphthalene-laced soil were removed from the northern boundary of the school site. Still, PlaceWorks, the IUSD and the DTSC insisted, in the face of the most contradictory evidence, that the site was always a farm, and its interior did not need to be tested for VOCs from past military operations. Or worse, they insisted that the interior had already been tested for VOCs when the lab reports clearly showed the opposite.

It was not until your intervention, based on a report by expert geologist Dan Gallagher, that the IUSD has reluctantly taken on the project to have soil-gas testing performed in the interior of the school site. IUSD's reluctance is abetted by DTSC's failure to fully implement your March 2nd directive.

- 5) Regarding a risk analysis, it would seem that earthquakes, being common in the area, should also factor into any analysis, as they can open new pathways for soil-gases.

It should be noted that the school site is 750 feet from a capped landfill (within IRP Site 3), the main dump of the former MCAS El Toro, active from 1943 to 1955. This capped landfill contains toxic waste from military operations, including solvents and fuels. The landfill has engineering restrictions imposed that include requirements for post-earthquake monitoring. The record shows that these requirements have not been taken seriously. Inspections have not been performed after earthquakes at an intensity and proximity that should have triggered such inspections.

- 6) It is a deeply regrettable that no attempt has been made to reach out to a well-respected environmental sciences department at the University of California, Irvine, to engage their expertise.

In summation, any work now performed by PlaceWorks, and by Dr. Clendening, will not be trusted by the community. Dr. Clendening has been unwilling to change her erroneous conclusions based on ever-mounting evidence to the contrary. Moreover, she continues to engage in ongoing misrepresentation of the facts in public presentations.

From the many messages I've received from the community, and from the comments made at the March 22nd public hearing, it is clear that the residents' concerns will **not** be addressed unless an independent environmental firm, one that does not have a built-in conflict of interest, is engaged to oversee the sampling and calculate the risk estimate. The residents are demanding to have experts **representing the public** perform this work.

On April 5th, I strongly recommended in an email to the IUSD Board president, that IUSD not engage PlaceWorks for any current and future work. To date, I have not received any response. In fact, an agenda item on today's IUSD Board meeting seeks approval to pay PlaceWorks a significant amount of money, presumably for future work.

I urge you to immediately call a halt to this ineffective implementation of your March 2nd directive, and require that IUSD engage an independent environmental firm with credibility and trust, to review the sampling already performed, oversee the sampling yet to be performed, to prepare a risk estimate that will be believed by the community, and to recommend remediation, if necessary.

This has now become particularly urgent because of the scheduled opening of Portola High School in August, 2016.

Sincerely,



Harvey H. Liss, P.E., Ph.D.
Executive Director
TestForToxics.org
Irvine CA 92604

Note: Original letter transmitted by USPS Priority Mail Express.

Cc: IUSD Board of Education:
paulbokota@iusd.org
laurenbrooks@iusd.org
iraglasky@iusd.org
michaelparham@iusd.org
SharonWallin@iusd.org