

# CITY of NORCO

CITY HALL 2870 CLARK AVENUE • (909) 735-3900 • FAX (909) 270-5622 • P.O. BOX 428 NORCO CA 92860-0428

April 15, 2004

Margaret Malone, Foreperson  
Riverside County Grand Jury  
P.O. Box 829  
Riverside, CA 92502

RE: 2003-04 Grand Jury Report: City of Norco — Soil and Water Contamination

Ms. Malone:

The City of Norco provides the following responses to the six recommendations Contained in the Riverside County Grand Jury report:

1. The City of Norco agrees with the recommendation. The City does and will continue to adhere to existing environmental policies and will adopt new policies as appropriate for development, in order to comply with the California Environmental Quality Act (CEQA) and with Section 65962.5(f) of the California Government Code. This Code section requires that the City acquire a signed statement from the applicant indicating whether the project is located on the list of hazardous waste and substances sites. The City continues to enforce applicable codes, make periodic inspections and ensure compliance with the permit requirements. In accordance with CEQA regulations, the City continues to require mandatory testing when CEQA regulations warrant such testing. It is important to note that various regulatory agencies other than the City of Norco perform significant environmental regulation functions with respect to their jurisdictions and authority.
2. The City of Norco agrees with the recommendation and has implemented a link to the DTSC electronic database [www.dtsc.ca.gov/database/Calsites/Cortese List.cfm](http://www.dtsc.ca.gov/database/Calsites/Cortese%20List.cfm). Since May 2003, the City has placed information relative to the project on the City's Internet site at [www.ci.norco.ca.us/wyle.htm](http://www.ci.norco.ca.us/wyle.htm).
3. The City of Norco agrees with the recommendation and continues to work with property owners, community groups, regulatory agencies, and the City's environmental consulting firm regarding off-site testing and groundwater contamination. As indicated in Response 2 above, information regarding the project site has been placed on the City's Internet site. In addition, extensive reports were prepared and presented at City Council meetings on May 7, 2003, June 4, 2003 and July 2, 2003. A representative of the City is now serving on the DTSC citizens advisory group (CAG) and several CAG meetings have been held in City facilities using City resources. In addition, DTSC is providing public information in this regard, with the City of Norco interacting with DTSC and the

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City's environmental consultant providing technical review. A standing report is placed on each agenda of the Norco City Council providing an update to the public on the status of this issue. In addition, the City is working with the established CAG to facilitate dissemination of information to the community. Currently, information is being placed in the City's water bills.

4. The City of Norco agrees with the recommendation. The City has contracted with Kleinfelder, Inc. to analyze testing reports and work plans from DTSC for additional testing. The City has allocated funds for use in the event that the consultant determines that additional off-site soil and ground water testing is necessary. In the event that it is determined to be necessary, the City will participate in "split sampling" in conjunction with other regulatory agencies. However, it should be noted that DTSC is the lead regulatory agency evaluating data quality objectives. The City of Norco's environmental consulting firm will be providing technical assistance and guidance on data quality, data gaps and appropriateness of split sampling.

5. The City of Norco disagrees with this recommendation. DTSC is the lead agency for oversight regarding investigation and cleanup of the Wyle site; however, the City will cooperate fully with DTSC and other regulatory agencies. DTSC has developed an Interim Removal Action Workplan to contain and control identified groundwater contamination. In addition, DTSC has approved a site boundary assessment to identify migration of potential contaminated groundwater. Final cleanup standards for the site have not yet been developed and will be subject to subsequent approval by DTSC.

As part of this project, DTSC will make determinations as to the appropriateness of preparing environmental assessment of activities for cleanup, including actions taken to mitigate or eliminate the release, or threat of release, of hazardous waste or substances. It is inappropriate for the City of Norco to prepare an EIR when the City is not the Lead Agency for cleanup. For proposed development of the site, the City will function as the Lead Agency, making appropriate environmental determinations. A Notice of Preparation has been issued for a proposed residential development on the Wyle site, with a draft EIR under preparation at this time.

6. The City of Norco agrees with the recommendation. The City will send a letter to the California Cancer Registry asking for a review of the reported cancer cases and to update its report for the subject period. The California Department of Health Services (DHS) is evaluating data provided by DTSC and will determine the need for and direction of these follow-up health investigations. The City will fully cooperate with DHS.

In reviewing the Grand Jury report, there are several items on which the City would like to comment. The City's comments are included as an attachment.

The City of Norco appreciates the opportunity to respond to the Grand Jury report. Please contact Mr. Jeff Allred, City Manager at (909) 270-5611 if you require any additional information.

Sincerely,

/s/

Charles Skaggs,  
Fire Chief

/s/

James E. Daniels,  
Director of Community Development

/s/

Joseph Schenk,  
Director of Public Works/City Engineer

/s/

Steve King,  
Senior Planner

Attachment: City of Norco's comments relating to the Grand Jury report

/dlm — 49977

Comments from the City of Norco on the 2003-04 Grand Jury report relative to the soil and water contamination:

A. In reference to Tables 2a and 2b, comments from the City's environmental consulting firm, Kleinfelder, Inc., are as follows:

1. The highest TCE concentrations are correct (8,500 ppb both in a groundwater sample F-b and a temporary well in area F). Concentrations in monitoring wells are up to 4,800 ppb and 4,400 ppb in MW-13 and recently installed extraction wells EX-10, respectively. The MCL for TCE is correct.
2. The highest concentration for cis-1,2-DCE is actually 240 ppb (not 140 ppb) in sample collected from MW-7. The MCL for cis-1,2-DCE is correct.
3. The highest concentration for trans-1,2-DCE is correct at 100 ppb in sample collected from MW-7. The MCL for trans-1,2-DCE is correct.
4. The highest reported concentration for vinyl chloride (chloroethene) of 15 ppb in sample collected from MW-5A on October 10, 2002 is correct; however the duplicate of this sample was 16 ppb. The MCL is correct for USEPA, however the CDHS MCL is lower at 0.5 ppb.
5. The highest reported concentration of PCE historically was 71 ppb (not 79 ppb) in sample collected from MW-7 on May 10, 1999; however a concentration of 130 ppb was reported from a sample collected from the recently installed extraction well EX-8. The MCL for PCE is correct.
6. The highest reported concentration for perchlorate of 7.9 ppb collected from MW-2 on April 3, 2002 is correct. The stated MCL for perchlorate is actually an action level (AL) and should be 4.0 ppb (not 4.6 ppb).
7. The reported concentration of lead of ND is correct. The MCL should be an AL.
8. Kleinfelder did not find reference to liquid samples containing 9.2 ppb benzene analysis; however benzene was reported from the samples of sludge collected from septic tanks 6 and 9. The MCL of 5 ppb refers to USEPA; CDHS has a MCL of 1 ppb.
9. Kleinfelder did not find reference to liquid samples containing PCBs of 1.5 ppb during our review. All reported results are below the laboratory reporting limits, however the reporting limits are above the MCL. The MCL for PCBs is correct.
10. The reference to the highest NDMA concentrations of 7.2 ppb is in error. The concentration is in nanograms per liter or parts per trillion (ppt) and is equivalent to 0.0072 ppb. The reported MCL for NDMA should be an AL and is correct at 0.01 ppb.

11. The highest concentration for hydrazine of 14 ppb is incorrectly reported and is actually 0.014 ppb. The statement of no established MCL is correct.

B. In reference to Item 9 listed on Page 11, the City issued a detonation permit in the unlikely event that Wyle Laboratories needed to detonate something to react to its client needs. WyIe's last permitted detonation occurred in June of 2001. The detonation permit issued by the City to WyIe Laboratories stipulated that a maximum of ten (10) pounds of explosive material could be used at ground level or fifty (50) pounds below the surface. In contrast, detonations performed by a housing developer on the southern portion of its development in Norco during grading contained between 25,000 to 130,000 pounds of explosive.

Furthermore, the comments do not indicate that the testing done by WyIe in 2002 consisted of deflagration testing (mixing of hydrogen gas and air) which does not fall within the City's Municipal Code definition of blasting. Wyle Laboratories did not require a permit for deflagration testing and would have continued with the testing whether or not the detonation permit was issued.

C. In reference to Item 10a listed on Page 11, the City contracts with Riverside County to provide health services including the documentation of hazardous sites. Any time environmental documents are prepared, the City is required to use the list generated by the County Department of Environmental Health of identified hazardous materials sites and the City sends an NOP/IS to the County in accordance with CEQA regulations. When the NOP/IS was issued, there were no hazardous sites identified by the County in Norco. When the County received the NOP/IS, the City was informed that the Wyle site was listed on a SARWQCB investigations and cleanup list. As recommended by the State Clearinghouse, the City subsequently issued a second NOP/IS with revised data. The City followed standard procedure on the issuance of an NOP/IS. The City obtained information on WyIe Labs after the County responded to the NOP/IS. The City believes there was no deficiency as proper procedures were followed.

With regard to the reference in Item 10a concerning the "Calsites" database, it should be noted that, at that time, DISC determined that the site, as it was identified on the Calsites list, was not a candidate site for the National Priority List for cleanup. DTSC determined that "No Further Action" was required and its determination was forwarded to the County of Riverside Health Department.

D. In reference to Item 10b listed on Page 11, the City's Community Development Department distributed the NOP/IS to the State Clearinghouse pursuant to CEQA Guidelines Sections 15205 and 15206, to ensure that all responsible agencies were identified and notified.

The State Clearinghouse circulates the NOP/IS to any additional agencies that the state determines might be a responsible agency. Two state agencies (DISC and SARWQCB) determined that there were issues that needed to be addressed in the Draft EIR. The two state agencies also determined that the NOP/IS should reflect that

the site had been identified on the SARWQCB Investigations list, and on a DTSC investigations list, wherein DISC determined that “No Further Action” was necessary. The two state agencies forwarded the information to the State Clearinghouse in response to the NOP/IS. The State Clearinghouse then forwarded the information to the City and, as previously noted, the City sent out a second NOP/IS with the revised data. The City followed state and federal requirements as required by CEQA and the NOP/IS process worked exactly as it is intended.

E. In reference to Item 10c listed on Page 12, it should be noted that the purpose and scope of an NOP/IS is to identify issues and topics that would be addressed in the draft EIR. An NOP/IS is not intended to address specific cleanup and remediation activities.

F. In reference to Item 13 listed on Page 12, the comments combine two separate actions taken by the City Council and the Redevelopment Agency on June 4, 2003 and on June 18, 2003. On June 4, 2003, the Redevelopment Agency directed staff to solicit bids for a geologist to do an assessment, to look at the report submitted by Wyle, to look at the run-off areas and to speak with long-term residents. On June 18, 2003, the City Council allocated \$50,000 in the FY 2003-04 budget to conduct testing if necessary. An environmental consulting firm, Kleinfelder, Inc., has been retained by the City and is currently engaged in assessing the circumstances.

G. In reference to Item 14 on Page 13 and Item 11 on Page 12 of the Grand Jury report, residents living near Wyle Labs advised the City Council on January 16, 2002 of health risk concerns related to the site (listed in the Jury report as January 17, 2002). The convening of the Town Hall meeting within 30 days of being advised of the concerns was timely considering the number of agencies that were contacted to participate in the meeting. Representatives from the South Coast Air Quality Management District; the Riverside County Department of Environmental Health, Hazardous Materials Management; the State of California Environmental Protection Agency, Department of Toxic Substances Control, Statewide Compliance Division; the California Regional Water Quality Control Board, Santa Ana Region; the Office of Hazardous Materials Enforcement, Western Region; and the Riverside County Sheriff Department, Hazardous Device Team were all present at the Town Hall meeting of February 16, 2002 to provide information in response to the concerns expressed on January 16, 2002.

H. Due to the fact that Wyle Laboratories began operations in 1957, seven years prior to the City’s incorporation, the City did not issue any initial permits or approvals for this facility.