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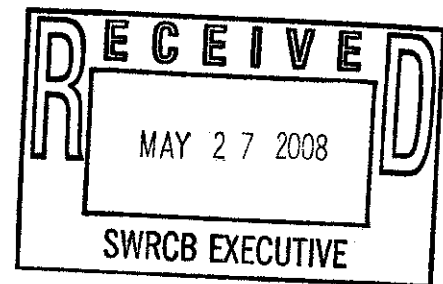
LOS ANGELES
ORANGE COUNTY
SAN DIEGO
SAN FRANCISCO
SANTA BARBARA
WESTLAKE VILLAGE

FILE NO. 96191.001

May 27, 2008

Via Facsimile / Email

Ms. Jeanine Townsend
Clerk to the Board
State Water Resources Control Board
1001 I Street, 24th Floor [95814]
P.O. Box 100
Sacramento, California 95812-0100



Re: **Comments to A-1824 – June 3, 2008 Board Meeting;**
Desperate Need for Water Replacement Orders

Dear Ms. Townsend :

The purpose of this letter is to stress the critical need for issuance of water replacement orders to those who polluted the Rialto and Colton groundwater basins. Towards this end; and in response to the April 24, 2008 letter of Chief Counsel Michael Lauffer, the West Valley Water District (the "District") would like to provide this written comment to the State Water Resources Control Board (the "Board") on SWRCB/OCC File A-1824, in anticipation of the Board's June 3, 2008 meeting. Furthermore, the District hereby requests its allotted five minutes for oral comment at the June 3, 2008 meeting.

Brief Background of Crisis

Over the last decade, the Inland Empire has been facing a groundwater pollution crisis. The chemical perchlorate has contaminated groundwater supplies in the region and is causing a water supply crisis for half a million people. The perchlorate pollution is polluting the groundwater aquifers on which the West Valley Water District, the Fontana Water Company (the "Water Providers") and other water providers (including the Cities of Colton and Rialto) rely and presents an imminent and substantial endangerment to health and the environment. The City of Rialto, for example, has declared two public health emergencies related to the water supply crisis. As noted in the Amended Cleanup and Abatement Order, the perchlorate pollution has forced the Water Providers and the other impacted water agencies to shut down and/or restrict use of twenty-two (22) groundwater production wells in the area, representing approximately

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52% of the region's water supply. In addition, more groundwater production wells may need to be shut down in the near future as the pollution continues to spread. What is not noted in the proposed order, however, is that the polluted drinking water wells in the Inland Empire impact approximately 500,000 people, many of whom are low income, working-class citizens.

Despite 10 years of investigation by the San Ana Regional Water Quality Control Board, the lead California agency, the scope and extent of the pollution is still completely unknown, hampering any regional cleanup efforts. As this time has passed, the perchlorate and TCE plume has continued to spread at a rate of approximately 6 feet per day. This rapidly expanding crisis remains unchecked and unmitigated. As a result, the dischargers Goodrich Corporation, Pyro Spectaculars, Inc., Kwikset Locks, Inc., Emhart Industries, Inc., Kwikset Corporation, and Black & Decker, Inc., among others, must be ordered to take immediate action.

Water Replacement Orders Needed Immediately

The District fully supports the ratification of the draft order. That said, in light of the urgent crisis discussed above, the water replacement orders (paragraphs 1 and 2 of the Amended Cleanup and Abatement Order No. R8-2005-0053, pages 29-30) must be the first priority of the Board. The District demands that the water replacement orders be approved and enforced without delay. The water replacement orders that are issued must provide *immediate relief and immediately begin reimbursing the District and Rialto for wellhead treatment costs*. A mid or long term plan for water replacement is not an acceptable solution. Detailed information on specific costs for wellhead treatment can be requested as necessary. Also, given that West Valley and Rialto will be a part of any solution, we will need to be involved in planning and finalizing such a solution.

A strong precedent for such action are the water replacement orders that were issued by the Los Angeles Regional Water Quality Control Board and the United States EPA in connection with the MTBE contamination case in the City of Santa Monica. These orders were issued soon after the contamination was discovered and the polluters were required to immediately begin paying for wellhead treatment. There is no question that the facts and issues concerning the perchlorate pollution in the Inland Empire are similar to or more severe than those in the Santa Monica case. As such, there is no reason that water replacement orders should no be issued in this case. These orders (and related information) can be obtained at: <http://www.epa.gov/region09/mtbe/charnock/enforce/waterreplacement/index.html>.

Indeed, on May 13, 2008, Senator Feinstein sent a letter to Governor Schwarzenegger asking that he demand that the polluters pay for water replacement until a long-term solution is achieved. A copy of the letter (and related press release) is attached hereto and hereby made a part of the administrative record.

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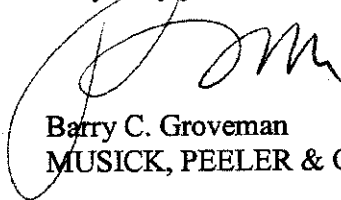
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Conclusion

Although the District approves the long-term solutions contained within the order, the Board must address the immediate concerns of the citizens of the Inland Empire. In other areas of California, such as Santa Monica, water replacement orders have been extremely effective in placing the cost burden where it belongs – with the responsible parties – rather than innocent citizens. The immediate ratification of these water replacement orders would hasten the participation of the dischargers to remedy this dire situation. Groundwater is the single source of drinking water in the region and therefore a swift and decisive order by the Board is imperative.

If the Board requires additional information or commentary, please contact the undersigned.

Very truly yours,



Barry C. Groveman
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