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23350 Lake Manor Drive, Chatsworth, CA 91311

Environmental Advocacy for the proper clean-up of the Santa Susana Field Laboratory and similar legacy nuclear and aerospace sites nationwide.

VIA ELECTRONIC MAIL

July 10, 2008

Assembly Member Julia Brownley  
State Capitol  
P.O. Box 942849  
Sacramento, CA 94249-0041

SUPPORT: AJR70 Relative to the Los Angeles River

Dear Assembly Member Brownley,

We write to you today in strong support of AJR70 to memorialize the Congress and President of the United States to support a special case review by the federal Environmental Protection Agency of the determination of the U.S. Army Corps of Engineers issued on June 4, 2008, finding that 2 sections of the Los Angeles River are traditional navigable waters, and to support any efforts of Congress to seek a review of this determination.

We recently learned that the United States Army Corps of Engineers has issued a navigability determination finding that only two parts of the Los Angeles River are a "traditional navigable water" for Clean Water Act purposes. We are alarmed by this finding which contradicts the facts and could result in eliminating Clean Water Act protections for many streams, wetlands, and tributaries of the Los Angeles River system. This decision will pose a major obstacle for the plans to restore and revitalize the Los Angeles River, which are currently underway. There are approximately 400 permit determinations throughout the LA River watershed with profound water-quality impacts, if those determinations are not subject to, and controlled by environmental review set forth by Clean Water Act protections.

The recent Army Corps navigability determination, is short-sighted and irrational, and contradicts the fact that the entire river is increasingly used by recreational boaters and kayakers and is further susceptible to use in the future, making water-quality of prime importance. For example, the Army Corps concluded that the Sepulveda Basin is a TNW, but did not afford this designation to the Glendale Narrows, an area that is regularly used for recreational boating and kayaking. Such omissions

underscore the fact that the entire Los Angeles River, and not just the several miles mentioned, is a navigable river and consequently a TNW.

The Los Angeles River Revitalization Master Plan was recently completed with the goal of using water quality protections including total maximum daily loads, water quality standards and limits to restore the river as a fishable and swimmable waterbody, which can be used for boating and water recreation. First and second order streams are critical to maintaining the health and vitality of the entire river system. If Clean Water Act protections are removed, the objectives of the Los Angeles River Revitalization Master Plan would be at risk.

It is vital for the Los Angeles River to be appropriately protected from pollution. With the Santa Susana Field Laboratory located at the headwaters to the L.A. River, it is important to understand the context in which this far-reaching decision may have impacts: The Santa Susana Field Laboratory is where recent fines of \$471,000 for 79 water-quality violations from the Los Angeles Regional Water Quality Control Board, who also mandated the creation of a Stormwater Expert Panel to deal with the ongoing and chronic water quality problem due to decades of, both 'accidental' and 'controlled' releases of toxic chemicals and radionuclides. The polluter was recently mandated by the Department of Toxic Substance Control to submit a new groundwater interim Measures Workplan by mid-July to re-instate "...focused groundwater extraction or other active remedial technologies applied at source(s) zones to eliminate and/or remediate the contaminant mass flux from the source(s) areas..." (Dassler letter dated May 16, 2008 rejecting Boeing's argument that interim measures are unnecessary based on their 'Site Conceptual Model'). The effluent drainage from the lab includes mapped seeps and springs connecting groundwater to surface water. The applicable NPDES permit for surficial stormwater runoff provides for a daily load of up to 192 million gallons per day and must therefore be considered a major tributary of the Los Angeles River. Removal of Clean Water Act protections would have serious negative impacts to the surficial stormwater runoff monitoring put in place to protect the people below.

We have learned from recent efforts to remove regulation of water-quality, which include ongoing litigation between the Regional Board and the polluter, in addition to recent requests to remove enforceable numeric limits from the permit in order to avoid further violation. We, as the people below, need the Clean Water Act. It is paramount to the continued safety of the surrounding communities, as well as down-stream, the 51 miles of the Los Angeles River terminating at the Pacific Ocean. In our research about the Santa Susana Field Lab, we learn that it is ALL about drainage and the Santa Susana Field Laboratory is where the L.A River starts.

The Clean Water Act is the cornerstone of surface water quality protection in the United States and must therefore be the guiding principal here, with the headwaters being one of the only uncontained nuclear melt-downs in our nations' history.

Thank you for your continued efforts to ensure that the Clean Water Act is used, as it was intended, and we whole-heartedly support AJR70 as a necessary step protecting public health and our natural environment.

Sincerely,

[originally signed]

Christina Walsh  
Founder and Executive Director  
Cleanuprocketdyne.org

[originally signed]

William Preston Bowling  
Founder,  
Aerospace Cancer Museum of Education  
ACMELA.ORG

cc: Senator Sheila James Kuehl; Tatiana Gaur, Santa Monica Bay Keepers; David Beckman, NRDC; Steve Baklar, FOLAR; Jonathan Parfrey, Liberty Hill; theriverproject.org; Linda Adams, Secretary CalEPA; Greig Smith, LA City Council; Norm Riley, DTSC Project Director, Santa Susana Field Lab Cleanup Program; Daniel Hirsch, Committee to Bridge the Gap; Cassandra Owens, Unit Chief, LARWQCB; Rebecca Christmann, LARWQCB; David Hung, LARWQCB.