



AEROSPACE CONTAMINATION MUSEUM OF EDUCATION

DTSC

11/22/2010

California Department of Toxic Substances Control (DTSC) 8800 Cal Center Drive, Sacramento, California 95826 (Via Electronic Mail)



ACME has provided the below comments for the Department of Energy (DOE) Administrative Order on Consent (AOC) - Draft Document Report of the Santa Susana Field Laboratory (SSFL)

Dear DTSC,

The following Comments are intended to go into the record for the DOE AOC - Draft Document. We must hold these Responsible Parties to the strict guidelines of Senate Bill 990 (SB 990) and consider the fact that over 1700 acres of this Facility feed the L.A. River, with a potential of bringing toxins into the San Fernando Valley and beyond. With the SSFL as the headwaters to the Los Angeles River and with the recent decision from EPA regarding the true navigability of this waterway, a proper cleanup is crucial.

With Section 1.7. Agreement in Principle. That reads, On September 3, 2010, the Parties agreed to a Joint Settlement Framework in a document entitled "Final Agreement in Principle" (AIP), which is incorporated as Attachment B. The Parties agree that DOE's cleanup obligations with respect to soil contamination at the Site shall be conducted in accordance with and be governed by the AIP, as further defined in this Order, many of the public comments should be considered into this agreement.

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In Section 1.8.1. "Cleanup of soils" the wording that reads "nor does it include the cleanup of volatile organic contaminants that emanate from groundwater contaminated with volatile organic contaminants that migrate into and through the saturated and unsaturated soil and bedrock at the Site" This should not be used as a method for a lesser cleanup.

For 1.8.3.1. & 1.8.3.2. the description of background be entered into these sections?



In section 2.2. Investigation and Remediation Areas. States that as a result of previously conducted assessments performed under the authority of the Resource Conservation and Recovery Act (RCRA) and the State Hazardous Waste Control Law, the Site has been divided into areas separately and uniquely named. The activities being conducted under the provisions of this Order are being conducted under the requirements in Chapter 6.8 of the California Health and Safety Code. However, the names of those areas and the geographic descriptions and boundaries of those areas are to be retained for the sake of continuity. These are set to 4 RFI areas, yet it is of utmost importance that the Northwestern portion of Group 3 should be included as it covers a portion of AREA IV and the Northern Buffer Zone. This is very important as in this very area during EPA investigations some debris was found in this location and from what I am told the DTSC is also excavating this area as well. Could you please explain the prompting and findings of the DTSC investigation? Also, it needs to be made clear, the label of Northern Buffer Zone should be interpreted as both sections of the Northern Buffer Zone(s). We must not forget why the Northern Buffer Zones were created.

In section 2.3.1 before the 30 day period of receiving relief from the terms of the judgment in United States District Court for the Northern District of California - *NRDC, Inc., Committee to Bridge the Gap, and City of Los Angeles v. Department of Energy, et al.* ("NRDC v. DOE"), Case No. C-04-04448 SC the public should have a comment period on this decision as well as an ability to comment on the DOE EIS that should be released as a contingency.



2.3.2. DOE shall make every effort to gain The Boeing Company's cooperation and approval in removing the buildings at the Site that remain under the ownership and control of The Boeing Company. Is there any building they would object to? What are those buildings? Is thing going to mess with the Judge Conti Decsion?

In section 2.6. Treatability Studies. There needs to be a public comment period on all treatability testing to develop data for assessing treatment in place that could achieve the cleanup goals.

In section 2.8. Feasibility Study (FS). For purposes of this Order, DOE shall not be required to prepare or submit a Feasibility Study. In lieu of the FS we need another document to satisfy the concerns of the surrounding communities.

2.11. Modification to Soils Remedial Action Implementation Plan. As a result of its review, and as necessary in response to comments received pursuant to the public review and comment period described in Section 3.0, DTSC may require changes to be made to the draft Soils Remedial Action Implementation Plan. DOE shall modify the draft Soils Remedial Action Implementation Plan in accordance with DTSC's specifications and submit a final Soils Remedial Action Implementation Plan within 60 days of receipt of DTSC's specified changes. Please add the words with Public Comment input.

What is Section 7.16. [Reserved] Reserved for?

DTSC should follow both the state and federal superfund process. When we read SB 990 it says Requires cleanup standards for radioactive and chemical contaminants based on "rural residential" land use assumptions, Requires the use of EPA's radiologic Preliminary Remediation Goals as the "point of departure" - Clarifies that risks due to both radioactive and chemical contaminants must be added and Requires use of the State Superfund process. The nine balancing criteria are...

- 1. Overall protection of human health and the environment**
- 2. Compliance with Applicable, Relevant and Appropriate Requirements**
- 3. Long-term effectiveness and permanence**
- 4. Reduction of toxicity, mobility, or volume**
- 5. Short-term effectiveness**
- 6. Implementability**
- 7. Cost**
- 8. State acceptance**
- 9. Community acceptance**

Remember that number 9 is Community Acceptance of the remedial solution.

After cleanup, the site will be restored to the way it was before it was polluted this should include removal and remediation under all foundations and subsurface structures such a reactor vaults and rocket engine test stands with CEQA Compliance.

Please consider the Agreement-in-Principle (AIP) Comments from ACME and apply them to Attachment B. These comments can be found on the link below...

[http://www.acmela.org/images/ACME to DTSC Comments on the DOE NASA AIP October 1 of 2 010.pdf](http://www.acmela.org/images/ACME%20to%20DTSC%20Comments%20on%20the%20DOE%20NASA%20AIP%20October%201%20of%202%20010.pdf)

Thank you for taking the time to review and consider my comments for the AOC, any chance for the public to comment presented by DTSC is very much appreciated. If there are any questions please call...310-428-5085

Sincerely,

William Preston Bowling - ACME

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cc: Tom Gallecher & Kamara Sams - The Boeing Co., Stephanie Jennings & Bill Backous - DOE, Merrilee Fellows & Allen Elliott - NASA, Cal EPA Secretary Linda Adams, Maziar Movassaghi, Mark Malinowaski, Susan Callery, Rick Brausch & Doug Sheeks - DTSC, Billie Greer for Governor Arnold Schwarzenegger, Assemblymember Audra Strickland, Jarrod De Gonia for Assemblymember Cameron Smyth, Louise Rischhoff for Assemblymember Julia Brownley, Rebekah Rodriguez-Lynn for Senator Fran Pavley, Phyllis Winger for Los Angeles County Supervisor Greig Smith, Los Angeles County Supervisor Dennis Zine, Ventura County Supervisors Linda Parks and Peter Foy, Shelly Backlar - Friends of the Los Angeles River, Millie Jones for Los Angeles County Supervisor Michael Antonovich.

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