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Assembly California Legislature



CAMERON SMYTH
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REPUBLICAN CAUCUS CHAIR

COMMITTEES
BUSINESS AND PROFESSIONS
ENVIRONMENTAL SAFETY AND
TOXIC MATERIALS
UTILITIES AND COMMERCE

October 15, 2009

Maziar Movassagahi
Acting Director
California Department of Toxic Substances Control
P.O. Box 806
Sacramento, CA 95812-0806

Dear Director Movassagahi:

I am writing to support the most recent decision of the Department of Toxics Substances Control (DTSC) to enter into an interim tolling agreement with Boeing in order to continue negotiations on a final consent order for governing the cleanup of the Santa Susana Field Lab. I would like to take this opportunity to offer my input to DTSC as it considers public comment and prepares a Response Action Order in accordance with the terms and conditions of the tolling agreement. I would also like to share in the concerns of many in the community that such an order should include all three parties as the best way to establish clear and predictable guidelines to achieve a timely and comprehensive clean-up.

As the State Assemblymember for the 38th District, I have continued to represent and address the interests of my constituents in the City of Simi Valley and the San Fernando Valley which abut the Field Lab in unincorporated Ventura County. With that in consideration, in 2007 I voted in favor and continue to support the goals of Senate Bill 990 (SB990). SB 990 was signed into law with the understanding that the Santa Susana site shall not be transferred to an entity before the site is cleaned up. Today the successful negotiation of a Consent Order would allow that to happen by establishing a clear and predictable process for the responsible parties to follow in implementing SB990 and would ensure a comprehensive and timely cleanup that avoids litigation. Litigation means delays and further negative implications for those ultimately impacted by a non decision.

Last year I introduced Assembly Bill 102 (AB102) to ensure that the Santa Susana site would become protected open space/parkland following the cleanup of the property. The ultimate goal is and shall remain the restoration of the property to Open Space/Park Land in order to provide people the opportunity to explore and experience the sites historic and natural beauty.

Director Movassagahi

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AB102 is designed to establish the Santa Susana State Park Advisory Committee to assist the California Parks Department (CPD), in an advisory capacity, to plan for interim and permanent land uses and facilities through the general planning process for the Santa Susana Field Laboratory. Additionally the CPD would have been required to take specified actions in regards to the development of a state park at the Santa Susana site.

The first step in the process remains getting the site cleaned up. The current draft order, on which public comment recently closed, establishes a clear and reasonable substantive approach to address the provisions of SB990 in order to ensure continued progress and clean up of Santa Susana. I support this draft Order, under the condition that the following additional issues are addressed:

1. The Boeing Company, which owns the majority of the site, must be included with DOE and NASA in the final Consent Order. I believe that a final Consent Order that includes Boeing, NASA and DOE remains the best way to build on the existing progress to allow completion of the investigation and cleanup in a timely manner.
2. It is critical that Boeing, be allowed to maintain their basic legal rights. They are not asking for anything different than the State has granted to other parties in consent orders and similar situations. The tolling and reservation of rights language they are requesting is standard in California and does not impact the implementation of the Consent Order, nor their ability to meet SB990 cleanup standards. This notion that language preserving the federal party's rights might subvert the intent of SB 990 is not supported by my discussions with them. They have stated to me and many others in public meetings that they fully intend to comply with SB990. We also must not forget that the federal government cannot explicitly abdicate its authority to any State; therefore the language in a final Consent Order cannot state their explicit compliance with SB990.

I strongly believe that a final Consent Order must include Boeing, NASA and DOE. Agreement amongst all responsible parties remains the most effective path and builds on the existing progress we have made in allowing for the completion of the investigation and a thorough cleanup in the most appropriate and timely manner. As a leading member of the State Assembly Select Committee on the Clean Up of the SSFL, I will continue to represent and protect those residents in the surrounding communities who remain most affected by delays and non-decisions. My goal remains making this land Open Space/Park Land following the completion of a cleanup that is satisfactory to regulatory agencies and the local community.

Sincerely,



CAMERON M. SMYTH
Assemblyman, 38th District

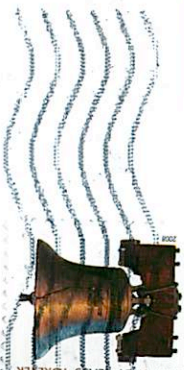
cc: Honorable Arnold Schwarzenegger, Governor, State of California
Honorable Diane Feinstein, United States Senator, California
Honorable Elton Gallegly, Member, United States House of Representatives, 24th District,
Honorable Fran Pavley, California State Senator, 20th District
Honorable Julia Brownley, California State Assembly Member, 41st District
Honorable Peter Foy, Ventura County Supervisor, 4th District
Honorable Michael Antonovich, Los Angeles County Supervisor, 5th District
Honorable Greig Smith, Los Angeles City Council Member, 12th District
Don Robinson, Office of the California State Attorney General
City of Simi Valley
ACME Museum
West Hills Neighborhood Council
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