



The Boeing Company
Santa Susana Field Laboratory
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Canoga Park, CA 91304-1148

Via FedEx

September 30, 2010
In reply refer to SHEA-110422

Mr. Richard Brausch
SSFL Project Director
Department of Toxic Substances Control
1001 "I" Street, 25th Floor
P. O. Box 806
Sacramento, CA 95812-0806

Subject: Comments to the "Agreements in Principle" between the State of California, DOE and NASA, Santa Susana Field Laboratory, Ventura, California

Dear Mr. Brausch:

The Boeing Company has reviewed the nonbinding Agreements in Principle (AIPs) announced by the State of California, setting out a proposed framework between the State, the Department of Energy (DOE), and the National Aeronautics and Space Administration (NASA) to address the cleanup of portions of the Santa Susana Field Laboratory. As the owner of a large portion of the site, Boeing is committed to actions which satisfy dual goals of cleaning up the site as necessary to protect public health and maximizing preservation of the fragile ecosystem, consistent with anticipated future use for open space parkland.

While we continue to support the goal of a comprehensive negotiated settlement between all of the parties to accelerate the cleanup process, we have a number of questions regarding the concepts set out in the AIPs. We will submit more detailed technical comments separately, but I wanted to focus on a few specific concerns in this letter, most of which we have previously raised with you and your staff.

- We are concerned that the AIPs do not follow the normal processes applied under California and federal laws (e.g. CERCLA, NEPA, CEQA) and the Federal Endangered Species Act to balance the impacts of the proposed excavation to background with preserving the unique ecosystem of the site and mitigating adverse impacts on the human and ecological community.

- A 5% cap on any exceptions to excavation is a wholly arbitrary means of mitigating the impact of such a stringent cleanup on biological and cultural resources, neighboring families, and the surrounding community
- Our calculations indicate that the background cleanup concept outlined in this framework could require the excavation of approximately three times more soil than would be required to meet residential standards applied at other sites in California, and four times more soil than would be required if the property were cleaned up based on its anticipated future use as "open space" recreational land.
- Extrapolating a cleanup to background approach over the entire site indicates that the volume of excavated soil would exceed 1.6 million cubic yards, which equates to 100,000 dump truck loads.
- A cleanup of 1.6 million cubic yards of soil would require extensive trucking, generating nearly 250,000,000 pounds of carbon dioxide, and consuming more than 10,000,000 gallons of fuel. Trucking will be necessary in any event, but minimization of greenhouse gas emissions and air pollution must be a priority.
- The excavation of this much soil could result in significant ecosystem damage not only to the former NASA and DOE operational areas but also to surrounding undeveloped areas, as well as to areas containing fragile ecological and cultural resources. Excavation to this magnitude could "moonscape vast portions of the site," as indicated by Norm Riley, the previous DTSC SSFL Project Director.
- We understand that you have promised the site can be restored to its original state. But our preliminary investigations have indicated it will be difficult to find imported soil that meets the "background" standard. The use of onsite soil for backfill and restoration of excavated areas will result in further ecosystem disturbance and damage to the site. Moreover, rare plants and animals live and thrive in this area and both state and federal laws recognize that avoidance of ecosystem destruction is the first priority because man's attempts to "restore" nature often fail.
- The targeted cleanup completion date will be delayed for years by the increased number of dump truck loads alone, as compared to a cleanup that utilized standard balancing criteria that are applied to other sites under California and federal law.

To summarize, the potential impact to site resources and the community as well as increased greenhouse gas emissions must be considered under CEQA, NEPA, and other environmental laws to determine if suitable alternatives would mitigate these impacts while still providing for a safe and protective cleanup.

We believe a protective cleanup can be achieved that also protects the biological, cultural and historic resources of the site and minimize disruption to the surrounding

community. We respectfully request that DTSC consider the following suggestions to achieve a protective and well balanced cleanup:

- Use a risk-based approach to limit excavation quantities. For instance, the background cleanup could be applied to near surface soils while alternative risk-based criteria or institutional controls are applied to deeper soils. Risk-based approaches are the standard used in many similar sites in accordance with state and federal guidance (e.g. McClellan Air Force Base near Sacramento, and LEHR near Davis, etc.)
- Apply risk-based criteria and institutional controls as needed to limit impacts in the undeveloped portions of the site and/or culturally or ecologically sensitive areas.
- Allow onsite bioremediation, soil vapor extraction and other in situ remedies consistent with sustainable environmental practices, as applied at other remediation sites.
- Follow standard processes to protect California and federal listed endangered and threatened species and habitat, with appropriate avoidance measures to limit disruption to ecosystems while still providing for a protective cleanup, as applied at other remediation sites.
- Use concentrations incremental to background when evaluating areas for cleanup and importing backfill soil, as applied at other remediation sites.
- Use statistically-based sampling protocols to demonstrate that cleanup has been achieved, as applied at other remediation sites.
- Solicit input from all stakeholders into potential impacts of the cleanup process on resources; e.g. California SHPO, Native Americans, State and National Parks in addition to other local community groups, as allowed at other remediation sites.
- Establish a soil volume quantity that would trigger the implementation of specific actions to mitigate further excavation, reduce truck traffic and air pollution, as allowed at other remediation sites.
- Instead of a 5% cap on any exceptions to excavation, establish a goal of 5% and use the standard State and Federal evaluation process (e.g. CEQA and NEPA) to limit further excavation and mitigate impacts.

Boeing will provide technical questions and comments in a separate submittal for your consideration. We look forward to your responses, which will enable members of the community to understand the clean up objectives and allow us to evaluate unintended environmental consequences of the AIP cleanup concepts. Upon receipt of your



responses, we respectfully request an opportunity to meet with you to discuss a clean up approach that is protective of human health and the environment and consistent with established state and federal clean up regulations.

Please contact me at (818) 466-8161 to discuss our comments.

Sincerely,

A handwritten signature in black ink that reads "Tom".

Thomas Gallacher
Director, Santa Susana Field Laboratory
Environment, Health and Safety

TDG:bjc

cc:

Mr. Mark Malinowski, Dept. of Toxic Substances Control
Mr. Gerard Abrams, Dept. of Toxic Substances Control
Ms. Laura Rainey, Dept. of Toxic Substances Control
Ms. Susan Callery, Dept. of Toxic Substances Control