
23350 Lake Manor Drive, Chatsworth, CA 91311

April 29, 2009

The Honorable Speaker Nancy Pelosi
Speaker of the House of Representatives
Office of the Speaker H-232, US Capitol
Washington DC 20570

Reference: NASA 4/10/09 Declaration
of Excess Real Estate Holdings, Santa
Susana Field Laboratory
Section 207 (42 U.S.C. 2476a)

Dear Madam Speaker,

We write to you to express our concerns about the recent Declaration of Excess Real Estate Holdings for the Santa Susana Field Laboratory, Declaration of Excess in accordance with provisions of Section 207 of the National Aeronautics Space Act of 1958, as amended (42 U.S.C. 2476a)¹. The included notification does not adequately describe review of potential impacts of the excess declaration needed as described in sections 302 (a) and (c) respectively. As a non-profit environmental advocacy organization, we, at ACMELA.ORG have been involved in the remediation process of this site for many years, and a year ago May 9th, we opened up a physical museum space to support our online presence with community education and outreach and actually bring the “data” to the people below aimed at educating the affected communities and achieving the most protective clean-up standard for this very contaminated site.

We must first acknowledge our sincere gratitude for NASA’s openness to us when we asked the difficult questions about the remaining contamination of the surficial soils as well as the contaminated groundwater below the test-stands from the decades of rocket testing. Their transparency has allowed us to learn so much more about the site and its significance in history, but we are extremely troubled by this declaration, moving key responsibility to the General Services Administration with very little mention of the massive contamination that remains to be resolved. We are extremely troubled by section 5. Historic Resources section of the declaration where it

¹ http://www.nasa.gov/offices/ogc/about/space_act1.html#DISPOSAL

DISPOSAL OF EXCESS LAND Sec. 207. Notwithstanding the provisions of this or any other law, the Administration may not report to a disposal agency as excess to the needs of the Administration any land having an estimated value in excess of \$50,000 which is owned by the United States and under the jurisdiction and control of the Administration, unless (A) a period of thirty days has passed after the receipt by the Speaker and the Committee on Science and Astronautics of the House of Representatives and the President and the Committee on Aeronautical and Space Sciences of the Senate of a report by the Administrator or his designee containing a full and complete statement of the action proposed to be taken and the facts and circumstances relied upon in support of such action, or (B) each such committee before the expiration of such period has transmitted to the Administrator written notice to the effect that such committee has no objection to the proposed action.

appears that they determined six test-stands and three associated control houses NRHP eligible. These test-stands, while significant to our race to space, are also the point-source of the contamination below. We must emphasize that while we appreciate history, it is equally important that we learn from history and not repeat the mistakes that led to the contamination issues we face today.

The rocket tests and research that went on at the lab brought us to the moon and inspired many important space programs such as the Space Shuttle Main Engine (SSME) and others. In addition to rocket-testing, the site was home to very important defense and nuclear research that helped to shape our nation's energy and national security programs during the challenges of the Cold War. These programs came with a cost, both to public health and to the environment, and those costs should not be ignored in favor of building ourselves a monument. It is inappropriate and would be an extreme dis-service to the men and women who lost their lives to cancer and other illnesses as a result.

The issue of how "the clean-up" will proceed, after decades of inaction by government agencies that include NASA, and despite promises made by previous administrations, should be the priority so actual clean-up and protection of public health can take place. Part of the impact on the surrounding communities is time. "Time in the environment" leads to mobilization of those impacts, increasing those impacts through new exposure pathways to people and surrounding wildlife.

We need REAL clean-up. The best science can offer, and to be as health protective as we can. That is what we need, and the process requires steadfast leadership and we cannot afford the distraction from our targeted clean-up date because of potential land-transfer policy changes, and priority changes due to new lead-oversight.

We therefore feel that it is inappropriate to consider any land-ownership transfer to any other entity at this time due to current pending actions that the polluter (including NASA) must comply with. Further, the NASA Act of 1958 states that the Administration may NOT report to a disposal agency as excess any land having an estimated value in excess of \$50,000. This land consists of 450 acres that MUST contain value in excess of \$50,000 even if it were found to be contaminated in its' entirety.

NASA owned portions of the property are currently identified as contributing areas to a current CDO (Cease and Desist Order) due to violations of storm-water quality, which has been a chronic problem for the surrounding communities. These NASA portions are subject to a current ISRA Interim Source Removal Action issued by the Regional Water Quality Control Board. These are necessary regulatory actions aimed at compelling the polluter to remove contamination that is currently leaving the site through storm-water runoff, entering local watersheds and contributing to the toxic burden on the surrounding residents.

Due to the nature of the regulatory process, we cannot afford to have changes in ownership, which may impact the priority in clean-up this site receives. Transfer of related functions are not

adequately described in the notice of declaration². We reference the letter written to the EPA Administrator by Secretary Linda Adams, CalEPA³ about the importance that the appropriate attention and funding be given to the site.

We would like to emphasize that we are at a truly pivotal time in the decision making process for the clean-up and how it will proceed, and respectfully ask for your full support in making sure that no land-transfer issues distract from what is important to the people below: A clean site, free from continued contaminants running down-stream to the people below and the promise of parkland to be kept.

The Santa Susana Field Laboratory is the headwaters to the LA river, which leads to other important questions with regard to public health impacts and much needed protection:

According to the reports issued by the Boeing Company, 90% of the discharges in the NPDES permit for the Santa Susana Field Laboratory leave the site toward the LA River.

Continued violations of storm-water runoff results in human health impacts, and inadequate attention has been given to these profoundly important issues for decades.

We, as a community have suffered the consequences of contamination coming off the site to the people below for many years, and July of this year will mark 50 years since the meltdown that occurred in the Area IV portion of the site⁴. When we think of the half-life of plutonium, we know that we cannot count that high, and we cannot turn these catastrophic problems over for the next generation to solve. We have followed the process for 9 years and were highly involved in the efforts to pass California State Senate Bill 990 (Kuehl/Brownley, 2007) into law. Through the leadership of Norman Riley, Project Director at DTSC, we have seen a long awaited change in direction. We have seen action, real improvement in communication and transparency with the public that simply did not exist before his involvement in the project.

² Transfer of related Functions – Sec. 302. (a) Subject to the provisions of this section, the President, for a period of four years after the date of enactment of this Act, may transfer to the Administration any functions (including powers, duties, activities, facilities, and parts of functions) of any other department or agency of the United States or of any officer or organizational entity thereof, which relate primarily to the functions, powers, and duties of the Administration as prescribed by section 203 of this Act. In connection with any such transfer, the President may, under this section or other applicable authority, provide for appropriate transfers of records, property, civilian personnel, and funds.

³ February 24, 2009 letter sent to EPA Administrator Lisa Jackson, from CalEPA Secretary Linda Adams.
http://www.dtsc-ssfl.com/files/lib_correspond/letters/3703_LetterfromLAdamstoLJackson.pdf

⁴ Sodium Reactor Experiment (SRE) partial meltdown that occurred in July of 1959 releasing radioactive material to the surrounding environment. 13 of 43 nuclear fuelrods suffered melting and/or cracking and the subsequent efforts to remove these fuel elements resulted in further contamination of the surrounding environment.
<http://www.etec.energy.gov/History/Major-Operations/SRE-Accident.html>

We struggle with public awareness as there is still a reluctance to disclose the true details of the many accidents and other releases that occurred at the site. “It’s Still Contaminated” is not a good headline, especially with the global financial crisis we all face, so we continue to struggle with making the Santa Susana Field Laboratory an issue worthy of action. Mr. Riley was able to secure a Consent Order, signed by all the Responsible Parties (NASA, The Boeing Company, and DOE), agreeing to a time-line toward clean-up, targeting 2017 for surficial soil completion based on the standard of prescribed in the law. This Order is currently being re-negotiated to reflect the more stringent standards, and requires the necessary knowledge and participation from NASA to fulfill the commitments to the surrounding communities that they have made.

The Boeing Company’s commitment to the community and to the State was that the land be donated for parkland, protecting the land from any future development since many believe that “complete clean-up” may not be entirely possible due to the massive and extreme nature of some of the impacts. The NASA owned portion of the site is located in the center of the site, with both sides of Area II (NASA) owned by the Boeing Company, who has committed to donating the land to parkland AFTER proper clean-up to the standards set forth in SB990. The NASA portion of the site is also the majority contributor to the groundwater contamination below the site from rocket-test activities, which have been underplayed in their disclosure to regulatory entities involved. A change in leadership from NASA to GSA may interfere with the currently pending Interim Source Removal Action (ISRA)⁵ by the Los Angeles Regional Water Quality Control Board (LARWQCB), where the responsible parties have had difficulty working cooperatively together, so much so, that it was included in the order itself and adding new key-players will simply further complicate those already difficult matters. The statements made the declaration for excess with regard to the Stormwater Permit makes very little mention of the massive contamination problems that NASA has yet to deal with – such as the Groundwater Contamination which DTSC has repeatedly stated that they have NOT adequately demonstrated that the massive plume of TCE contamination is not moving offsite when it has already crossed the property line to the north.

The interim measure (ISRA) and will not clean-up the site to the promised standards in SB990, and since a second Order had to be issued because of a continued failure to comply on the part or the polluter, it should be noted that compliance has been a continued problem for many years.

Through our research of the site, comparing what we saw with our eyes to the data in mountains of reports, and we found many problems with the process and the data itself. This included many violations of water-quality standards in storm-water runoff being discharged from the site, as well as with the characterization itself⁶, we remain concerned that all areas of contamination are not

⁵ ISRA Interim Source Removal Action:

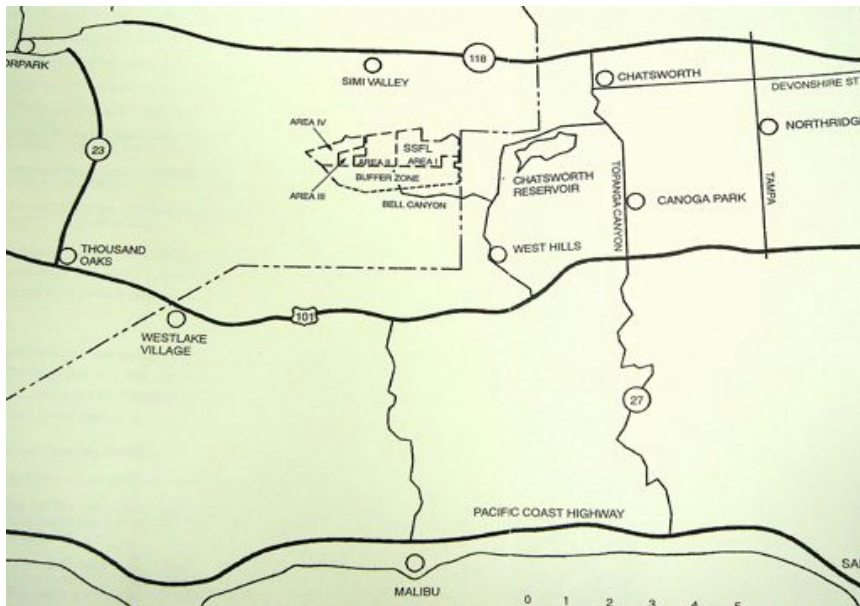
<http://cleanuprocketdyne.org/documents/ISRACommentsCURO.pdf> and response documents here:
<http://cleanuprocketdyne.org/documents/11111%20Comments%20on%20Preliminary%20ISRA%20Work%20Plan.pdf>

⁶ CDO (Cease and Desist Order) issued to the Boeing Company for violations in stormwater quality that resulted in 79 violations and a \$471,000 fine paid by the polluter (Responsible Party).

<http://cleanuprocketdyne.org/documents/NPDESCDOCommentsCURO.pdf>

adequately investigated with gaps in the supporting documentation that leave many unanswered questions about accidents and spills and former operational practices that included burning waste under the cover of nightfall.

We remain committed to the long-term comment process to insure proper characterization and remediation of the site. Our studies include thousands of photographs and documents related to the operational and regulatory history of the site, as well as personal interviews we have conducted with former workers both recent and from the 50s. This has improved our understanding of the issues that happened in 1959 as well as the many other incidents that occurred at the site and the risk of day-day operations in the ultra-hazardous activities that went on.



Santa Susana Field Laboratory depicted above.

We feel we must better understand the potential impact this Declaration of Excess will have on the current RCRA Facility Investigation process and transfer to the CERCLA process. We ask what options are being considered for future land-use of the NASA-owned portion of the site? Do any considerations include any additional or continued industrial activity? We ask for consideration by Congress in this decision-making process, as interested stakeholders in the results of that decision, and request that any reports submitted to Congress, as well as attachments be made available to the public for review, and that the promise of parkland/open-space be upheld. Too many promises have been broken on behalf of the Santa Susana Field Laboratory to the people below, and we look to this new Administration to set things right.

For the community, the Law in SB990 is not enough. We still struggle every day with trying to make sure the Responsible Parties also live up to that law by looking in all the right places so true

cleanuprocketdyne.org and acmela.org are in affiliation with International Humanities Center, a nonprofit public charitable organization exempt from federal income tax under Section 501(c)(3) of the Internal Revenue Code. Environmental advocacy through the arts, for proper clean up to the most protective standards for the Santa Susana Field Laboratory and other legacy aerospace and nuclear sites. ACMELA.ORG is made possible through a generous grant from the Annenberg Foundation.

www.annenbergfoundation.org

remediation of the impacts to the surrounding communities can finally be realized.⁷ Preserving our natural resources such as the precious groundwater aquifers below, which have been contaminated by millions of gallons of TCE and other contaminants, must become a top-priority and yet those issues are not adequately described in the Declaration.

We appreciate the importance of your continued leadership and dedicated work for our country, and respectfully look forward to special consideration on this very important matter.

Sincerely,

Christina Walsh
Cleanuprocketdyne.org, founder/director
ACME Aerospace Cancer Museum of Education

William Preston Bowling
ACME Aerospace Cancer Museum
of Education – Co-Founder

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<http://www.ihcenter.org>
<http://www.annenbergfoundation.org>

Cc: Norm Riley, Project Director DTSC; Secretary Linda Adams CalEPA; Christopher J. Scholese, NASA Acting Administrator; Merrilee Fellow, NASA; Allen Elliot, NASA; Governor Arnold Schwarzenegger; State Senator Fran Pavley; State Assembly Member Julia Brownley; Maziar Movassaghi, Acting DTSC Director; Tracy Egoscue, Executive Officer, LARWQCB; Louise Rishoff, Assembly Member Brownley's Office; Aron Miller, Senator Pavley's Office; Congressman Henry Waxman; Daniel Hirsch, Committee to Bridge the Gap;

⁷ Current comments on GROUP 5 of the RCRA clean-up and characterization process as it applies to the Santa Susana Field Laboratory.
<http://cleanuprocketdyne.org/documents/PreliminaryGroup5CommentsCURO.pdf>