ATTACHMENT 1
RESPONSE TO COMMENTS

RUNKLE CANYON RESPONSE PLAN
SIMI VALLEY, CALIFORNIA

I. INTRODUCTION

The role of the Department of Toxic Substances Control (DTSC) is to oversee and evaluate site assessments and cleanups, to ensure that they are performed in compliance with state statutes and regulations, and in accordance with recognized standards. If environmental contamination from hazardous materials poses an unacceptable potential risk to human health or the environment, DTSC will require cleanup actions.

On April 8, 2008, Runkle Canyon, LLC, the developer for the Runkle Canyon Property (Site), signed an agreement with DTSC under the California Land Reuse and Revitalization Act of 2004 (CLRRA) Program. Under the agreement DTSC requested Runkle Canyon, LLC to submit a Response Plan that addressed the actions necessary to prevent or eliminate an unreasonable risk at the Site. Runkle Canyon, LLC submitted a Response Plan prepared by Dade Moeller & Associates on December 4, 2008.

DTSC made the Response Plan available for public comment from January 14, 2009 through February 13, 2009. The Response Plan includes three main components:

- Site summary, including a history of radionuclide sampling in Runkle Canyon, and a radiological health assessment
- Soil-Sampling Plan for Proposed Non-Residential Eastern and Southeastern Areas of Runkle Canyon (Appendix A)
- Plan for Removal of the Tar Material from the Drainage Areas of Runkle Canyon (Appendix B)

II. SITE BACKGROUND

The proposed Runkle Canyon residential development (Site) is located at the southern terminus of Sequoia Avenue adjacent to the Santa Susana Field Laboratory.

Several different efforts have been undertaken to assess the Site for environmental contamination, including radionuclides. The different sampling episodes are presented chronologically below, along with conclusions presented in the sampling report. Note that the conclusions listed below are those presented in the original sampling report and are not necessarily accepted by DTSC.

December 1998 - QST

- 4 samples collected at 3 locations
- ^{90}Sr (Strontium 90) readings ranged from 0.25 to 0.86 pCi/g
- MDC ranged from 0.19 to 0.22 pCi/g
- Report conclusion: “It would appear there may have been some impact of radionuclides to the Site from the SSFL facility. Consequently, a more extensive Site investigation appears to be necessary to determine the lateral and vertical impact of radionuclides in the soil.

June-July 1999 - Foster Wheeler

- 58 samples collected using MARSSIM process
- 9 additional discretionary sample
- 3 duplicates from MARSSIM locations
- ^{90}Sr readings ranged from 12.34 to -0.29 pCi/g
- MDC ranged from 0.56 to 0.99
- Report conclusion: The Site was “non-contaminated for the radionuclides detected.”
- Questions regarding the assessment methods and analytical detection capabilities cast doubt on how this conclusion was made.

September 2000 - Harding ESE

- 19 samples collected at 17 locations
- 2 blind duplicates
- ^{90}Sr readings ranged from 4.76 to -0.32
- MDC ranged from 0.47 to 0.79
- Sampling program goal was to “evaluate certain areas of the property with the highest probability of being impacted by run-off from the SSFL facility.”
- Report conclusion: “cannot make a definitive conclusion regarding the presence or absence of strontium-90 in the soil, without additional data.

March 2003 - Miller Brooks

- 46 samples collected across the Site
- Three offsite samples collected
- MDC was set higher than in previous sampling episodes - 2 to 2.8 pCi/g
- Only two of the 49 sample results were reported as quantitative results, all others were reported as “not detected at the reporting limit”
- Data not considered useful for determining the presence of ^{90}Sr so this data has not been used in risk assessments.

June 2005 - Dade Moeller/CA DPH

- 5 samples collected at the request of California Department of Public Health
- Sample splits of each sample analyzed by developers contract lab and CA State Laboratory
- ^{90}Sr readings ranged from 0.423 to -0.022 pCi/g
- MDC ranged from 0.244 to 0.439 pCi/g
- Samples collected at locations of previous highest test results
- Report conclusions: Results from the different laboratories were comparable, and much lower than original results.

October 2007 - Dade Moeller

- 63 samples collected in accordance with a MARSSIM based soil sampling plan
- City of Simi Valley collected and analyzed 10 sample splits
- ^{90}Sr was detected in 19 out of 63 samples
- ^{90}Sr was detected in 5 out of the 10 samples collected by the City
- ^{90}Sr readings ranged from -0.010 to 0.078 pCi/g
- MDC ranged from 0.008 to 0.033
- Report conclusion: Results from the 10 samples split sets were comparable, and the results are consistent with background levels when taking into account radioactive decay and uncertainty in the EPA background level.

In a letter to DTSC dated October 9, 2006, the City of Simi Valley requested DTSC "conduct an independent review of data and reports related to the potential or actual presence of ^{90}Sr in Runkle Canyon, and to advise whether the development of the Site poses a public health risk." DTSC's initial response dated November 6, 2006 noted that the City had made similar requests of USEPA and the Department of Health Services (DHS - now the Department of Public Health (DPH)), and suggested that the City work with those entities. The City's request to EPA sent via email on September 26, 2006 was identical to the request delivered to DTSC, and in an e-mail dated November 15, 2006, USEPA responded that none of "126 " ^{90}Sr sample results corresponding to a cancer risk greater than 1E-4.

In a letter dated November 8, 2006, DHS presented the City of Simi Valley with a DHS report concluding that the planned Runkle Canyon development activities do not pose the significant health and safety concern to nearby residents or to site workers from ^{90}Sr that has been reported to exist in the soil at the Site.

On April 23, 2007, the City of Simi Valley sent another letter DHS requesting "an objective review of environmental information related to Runkle Canyon and whether development of the Site would pose a public health risk." DHS pointed to its analysis provided to the City on April 10, 2007, which answered questions posed by community members and essentially stated that, based on DHS' review of the 58 aforementioned measurements, the risks associated with radionuclides in the area designated for residential development "fall well within the EPA protective cancer risk range of 1E-6 to 1E-4." DHS noted that one area scheduled for residential development (the northwest portion accessed from Watson Avenue and Comet Avenue) was not tested and concluded that "additional sampling may be desired in this area." This area was sampled in 2007 and documented

in the report: *Strontium-90 Soil Sampling in Runkle Canyon Simi Valley, California*, dated December 18, 2007.

On October 17, 2007, the City of Simi Valley again wrote to DTSC asking for technical (and legal) assistance. On November 8, 2007, DTSC responded, stating that additional information was needed to provide definitive answers. On the same day, DTSC wrote to KB Home recommending they work with DTSC to address questions and concerns regarding environmental conditions at the Site. This eventually led to the development of the CLRRA agreement between DTSC and Runkle Canyon, LLC.

On October 17, 2008, after review of 41 documents listed in the agreement, DTSC issued a comment letter to Runkle Canyon, LLC. The letter requested additional work for the Site evaluation and indicated that additional groundwater investigation was not required. Although the agreement called only for DTSC to review information contained in 41 investigative reports prepared without DTSC oversight, DTSC independently collected and analyzed environmental samples to provide additional data. In the course of its evaluation, as discussed in responses to comments below, DTSC collected samples of surface water and white crystalline material.

III. DTSC DETERMINATION ON THE RESPONSE PLAN

Tar Removal Area

DTSC intends to conditionally approve the Plan for Removal of the Tar Material (Appendix B), and allow the excavation, removal and proper disposal of approximately 30 cubic yards of tar like material from piles of mined aggregate (sand and gravel) within the "Fish Tail" of three drainages that converge within the property. Approval for removal of the tar material is conditional on Runkle Canyon, LLC conduct confirmation sampling since the existing plan does not include any confirmation sampling. In addition, Runkle Canyon, LLC must provide DTSC a copy of an encroachment permit from the Ventura County, Watershed Protection District.

Once the tar material is removed, confirmation samples will be collected from the side walls and bottom of the excavation to verify that benzo(a)anthracene concentrations in soil do not exceed the United States Environmental Protection Agency, Region 9, Preliminary Remediation Goal and site-specific clean-up goal of 0.015 milligrams/ kilogram. The results shall be provided in a completion report provided to DTSC within 90 days of completing the excavation work.

Additional Sampling

DTSC has determined that, in addition to the 14 samples proposed in the Response Plan, additional environmental sampling for is necessary in order to better understand the site conditions, assess and validate previously collected data, and allow DTSC to make a determination regarding potential risk to public health and safety or the environment.

DTSC carefully evaluated all of the data and information provided as part of the Response Plan. DTSC reviewed the available sampling plans that led to the data reports, the laboratory results themselves, including laboratory quality assurance and

quality control and data validation information. Based on DTSC's review, insufficient information was provided in regard to differences between radiological measurements taken from samples collected earlier, and those collected more recently. DTSC was not involved in any of the prior sampling and analysis efforts, so has no other information to draw on.

Because of differences between the data, proximity of the site to the Santa Susana Field Laboratory, and because of the sensitivity and immunities to be provided under the California Land Reuse and Revitalization Act (Chapter 6.82, Division 20, California Health and Safety Code, sections 25395.60 et. seq.), DTSC requires additional sampling to assess the environmental condition of the site. DTSC will provide additional requirements for collection and analysis of the soil samples.

The revised sampling approach will include 22 samples in addition to the 14 samples proposed in the Response Plan. DTSC will include the rationale for each of the 22 sample locations. The samples will be analyzed for strontium (^{90}Sr).

Samples will be collected in drainages and to confirm previously reported elevated results (^{90}Sr > 1.7 pCi/g). Specific sampling locations will be determined by DTSC during a site walk and DTSC staff will be present during sampling. DTSC intends to collect split samples and have them analyzed by a contract laboratory.

In addition, DTSC will collect and analyze soil samples for metals analysis in the vicinity of the drums previously found near wells 1 and 2.

IV. SUMMARY OF COMMENTS AND AGENCY RESPONSES TO COMMENTS

Numerous oral and written comments were received during the public comment period for the Response Plan. Some comments also addressed the documents that were prepared in compliance with the California Environmental Quality Act (CEQA). DTSC reviewed all of the comments and noted that many of the same (or substantively the same) comments were provided by different reviewers.

DTSC has summarized the comments (*in italics*) related to the Response Plan activities and its responses to those comments are provided beneath each summarized set of comments.

Characterization

1) *Several comments requested an evaluation by an independent reviewer that has no conflict of interest. The developer's consultants should not select the sampling locations and then provide splits to DTSC.*

RESPONSE:

The previous studies mentioned in the background section above were performed without independent DTSC oversight. DTSC has reviewed the reports and is requiring additional sampling to be performed under DTSC oversight.

The additional soil samples will be collected in accordance with ASTM Standard C 998-05 with the following modifications: one 1-m^2 area will be cleared and sampled rather than two 1-m^2 areas; samples will be collected from five locations within the 1-m^2 area and composited for a sample. Samples will be collected from 0 to 6 inches.

For the 14 samples proposed in the Response Plan, the sample locations listed in Table 2 were selected based on a systematic grid with a random starting location.

In addition to the 14 proposed samples, DTSC is requiring 22 additional sampling locations. Exact sample locations will be selected by DTSC based on criteria set forth in Section 7.2 – Site Selection of ASTM Standard C 998-05 and collected as stated above. DTSC staff will accompany the sampling team, direct the selection of sampling locations, and collect sample splits for analysis and document sampling locations.

2) *Costs of sampling and document reviews should not be paid by the taxpayer.*

RESPONSE:

Consistent with the "polluter pays principle", DTSC places the cost burden of investigation and regulatory oversight on the responsible party or developer rather than the taxpayer. The April 2008 CLRRA agreement provides an explanation of DTSC's ability to command investigative and cleanup actions at this Site.

It is true that the developer hired its own consultant, and that DTSC used the information developed by that consultant to make its decisions. This is common practice, consistent not only within DTSC, but also within other California environmental regulatory agencies, other states' environmental regulatory agencies, and even the primary federal environmental regulatory agency, the U.S. Environmental Protection Agency.

While it is common practice, what it does not mean is that all information that is presented is or would ever be accepted at face value. There are many checks and balances that exist throughout DTSC's review and oversight intended to ensure that our decisions are based on the best information available. For instance:

- All consultants are required to provide detailed plans of proposed activities that are reviewed prior to their implementation.
- All sampling plans must be accompanied by a detailed Data Quality Management Plan that describes methods to ensure the quality of the data, laboratory and field duplicate and blank samples, and verification methods to be followed.
- All quality assurance and quality control information must be submitted along with sample results so that it may be reviewed and independently verified.
- All analyses must be performed by laboratories that undergo rigorous audits and are certified by the California Department of Public Health.
- All plans and reports must be prepared by qualified professionals, whose resumes and qualifications must accompany their submittals.
- All plans and reports must be certified by appropriately licensed professionals, who must submit them under the terms of their licensure.
- All aspects of each plan and report undergo a thorough review by qualified staff in DTSC who possess the necessary expertise to evaluate the information (geologists, toxicologists, engineers, scientists).
- Field activities are supervised by DTSC personnel to assure that the approved plans are followed.
- DTSC may also collect and analyze split samples independent of the consultant to verify their results.
- These very same plans and reports are also made available to the public for their rigorous review and scrutiny.

3) *Radionuclide analyses conducted since 2000 have not included ^{137}Cs (Cesium 137). More ^{137}Cs analysis is necessary since the existing data are above the US EPA Preliminary Remediation Goals.*

RESPONSE:

Based on its review of the available data, the average of Cs-137 measurements made in 1998, 1999, and 2000 was 0.069 $\pm$ 0.079 pCi/g, and is comparable to the EPA-reported 1995 local background of 0.087 pCi/g. DTSC does not believe that additional ^{137}Cs analysis in areas already sampled is warranted.

4) *The use of ^{90}Sr (Strontium 90) and ^{137}Cs ratios is not appropriate for identifying the potential source of the radionuclides*.

RESPONSE:

DTSC agrees that ^{137}Cs to ^{90}Sr ratios may differ following releases. However, because cesium binds to the clay particles in soil, DTSC would have expected the ^{137}Cs ratio to be elevated in higher elevation soils close to SSFL, if radionuclide contamination had emanated from SSFL. ^{90}Sr, being more mobile, would be

expected to be found at relatively higher ratios in lower areas farther from SSFL, if contamination had emanated from SSFL.

5) *Several comments questioned the differences between initial sample results that showed elevated radionuclide readings and subsequent results that showed levels at or below background. The comments state that the differences are due to poor quality data control, quality assurance and vested interests of the consultants to not find problems.*

RESPONSE:

Based on its review of the previous data sets and related quality control/quality assurance methods, DTSC could not explain the differences in data sets. In an effort to address the data inconsistency issue, DTSC is requiring and overseeing the implementation of a sampling effort that addresses re-sampling of a number of points where historic elevated levels were observed, as well as in migration pathways where elevated levels, if present, would be likely to be observed. All sampling will be conducted and analyses performed using standard regulatory protocols.

6) *Many comments cited the need for additional sampling for characterization and that the Class III MARSSIM classification was not appropriate.*

RESPONSE:

The existing sample data set of over 160 quantitative results for ^{90}Sr mainly show low levels even when considering the early sample data with the higher results. Based on the existing data, a Class III designation - uncontaminated or minimally affected by contaminants- appears appropriate for the Site. Regardless of the Class III designation and whether or not it might be appropriate, DTSC is also requiring additional sampling following standard regulatory protocols, including evaluation and consideration of historical information in regard to sample placement.

7) *There was a comment on the laboratory method detection limits and inadequate description of sampling collection methods in the proposed sampling plan.*

RESPONSE:

Section 4.0 of the sampling workplan provides the generalized sampling approach that will be followed for the proposed samples and Section 5 identifies the minimum method detectable concentrations (MDC). Given the nature of the sampling conditions, DTSC believes the information is sufficient to conduct the sampling. Exact sampling locations will be based on field conditions.

The 14 original samples proposed in the Response Plan are based on statistical methods recommended by EPA and implemented using Visual Sample Plan software. A discussion of the statistical methodology and the assumptions are presented in Appendix A of the Response Plan. Assumptions regarding the

distribution of data that will be used to calculate the number of samples will be based on previous sampling data. After sampling has been completed the data generated will be assessed to verify that they meet these assumptions. If the data do not meet these assumptions additional sample collection may be required.

The rational and general locations for the additional 22 biased samples required by DTSC are provided in an attached Table and Figure. The rationale for the samples generally fall into one of two classifications; 1) Sampling at previously sampled locations that showed elevated ^{90}Sr levels, and 2) Sampling in drainage areas not previously sampled and adjacent to the SSFL property.

DTSC will be present in the field as samples are collected, and will independently analyze split samples using a contract laboratory.

8) *Some comments suggested that groundwater at the site again be sampled for trichloroethylene (TCE).*

RESPONSE:

Groundwater at Runkle Canyon has been analyzed several times for TCE. While TCE has been detected in some samples the detections have not been consistent. When detected, the TCE concentrations have not exceeded maximum contaminant levels and do not pose a threat to human health or the environment. DTSC, in October 2008, indicated that additional groundwater investigation was not required. DTSC still does not believe that additional groundwater investigation is warranted and will not require it.

9) *There were several comments regarding the need to review historical documents to in identifying potential source areas and aid in developing future sampling efforts.*

RESPONSE:

DTSC agrees that historical information is a valuable tool in understanding site conditions, developing conceptual site models, and designing field sampling efforts intended to identify where contamination may exist at a site. Where that information exists, it is required to be included in workplan development, and DTSC reviews it to assess the adequacy and appropriateness of a submitted workplan. In those instances where historical information doesn't exist, or only exists in part, DTSC must rely upon application of general scientific principles and understanding of the site, and collect site data to verify its assumptions.

DTSC will require a sampling workplan that adequately addresses sampling of the Site following standard regulatory protocols including evaluation and consideration of historical information in regard to sample placement. The purpose of the investigation is to evaluate existing Site conditions and assess potential risks to human health and the environment.

10) Comments suggested that arsenic concentrations far exceeded the California Human Health Screening Levels and were likely contaminants from Santa Susana Field Laboratory.

RESPONSE:

In Southern California natural arsenic concentrations almost always exceed the soil California Human Health Screening Level (CHHSL) for arsenic. In the immediate area, natural arsenic concentrations range from 2 to 10 mg/kg. DTSC has evaluated hundreds of sites in southern California, where arsenic is typically found between 1 and 20 mg/kg. DTSC has determined that arsenic levels up to 12 mg/kg would not pose a risk to human health. In addition DTSC has not required a clean-up action in cases where the highest arsenic concentrations were in the 12 mg/kg range. Consequently, while an arsenic concentration in soil may exceed the CHHSL, based on naturally occurring arsenic concentrations does not indicate a release or a need for cleanup.

11) Comments were made regarding the white crystalline material.

RESPONSE:

DTSC thoroughly investigated the white crystalline material, and determined its chemical and mineral make up through the use of analytical laboratories. The white crystalline material is an evaporite salt consisting of naturally occurring minerals and does not pose a threat to human health or the environment.

Risk Evaluation

12) Several comments indicated the inappropriate use of an annual (instead of lifetime) exposure scenario for estimating the ^{90}Sr and ^{137}Cs risk range. In addition there were questions on why the consultant did not apply US EPA Preliminary Remediation Goals for ^{90}Sr and ^{137}Cs, the exposure scenarios and Radiation Health Risk Assessment conclusions.

RESPONSE:

DTSC agrees that the reference to annual risk for ^{90}Sr and ^{137}Cs was incorrect and has directed the proponent to amend the incorrect reference.

Risk Evaluation

13) Several questions on why the consultant did not apply US EPA Preliminary Remediation Goals for ^{90}Sr and ^{137}Cs, the exposure scenarios and Radiation Health Risk Assessment conclusions.

RESPONSE:

While the PRG provides an indication of the possible risk posed at a site, it is developed using a number of assumptions. Those assumptions may or may not accurately describe the site specific conditions that may be present. The EPA

recommended approach for developing remediation goals is to first identify the relevant PRGs, and to modify the assumptions in the equations based upon site specific information. The EPA document Preliminary Remediation Goals for Radionuclides User's Guide (PRG User's Guide) states that information on the radionuclides present onsite, land use assumptions, and the exposure assumptions behind pathways of individual exposure is necessary to develop radionuclide-specific PRGs. EPA recommends use of site-specific information to estimate the actual risk to residents and will be used to evaluate the next round of sample results.

Results of the 2007 sampling indicate ^{90}Sr levels in the residential area that are much less than the default PRG. A large portion of the Runkle Canyon Property, about 90%, is intended to be left as open space. The residential scenario with homegrown produce would not apply to the open area as it will not have residences.

No decisions regarding any risk posed by chemical or radiological elements have yet been made, and none will be made until the investigation is complete. DTSC will evaluate the sample results to determine if radiological contaminants are present at concentrations that pose a risk to human health or the environment.

Cleanup Actions

14) Several comments questioned the source and extent of the tar material.

RESPONSE:

It is not possible to positively identify the source of the tar material encountered in Runkle Canyon. An assessment of the nature and extent of the tar material was performed and documented in a report prepared by Geocon dated September 9, 2005. Based on this investigation, the tar material is present in an approximately 20 foot long section of mining waste pile that also contains debris from the mining operation and the mining operation was permitted to mix asphalt. Based on the site history, site operations and visual inspection of the area and material, DTSC concluded that the material is a remnant of the tar used in asphalt production. Regardless of the tar's origin, it contains benzo(a)anthracene at concentrations exceeding the preliminary remediation goal, and DTSC has directed it be removed from the Site.

15) A comment was made by the Ventura County, Planning Division, Watershed Protection District, indicating that an encroachment permit would be required for activities related removal of the tar material.

RESPONSE:

DTSC has notified Runkle Canyon, LLC of the permit requirement and will ensure that excavation and removal of the tar material does not proceed until an encroachment permit from the District has been issued.

16) Comments were received regarding the California Environmental Quality Act (CEQA) determination related to the Response Plan Activities.

RESPONSE:

DTSC is required to make a CEQA determination on projects approved by DTSC. The scope of the project that DTSC is approving is limited to the excavation and removal of the tar material contaminated soils. DTSC will issue a Notice of Exemption to the State Clearinghouse with DTSC's approval of the final Response Plan for excavation of the tar material. As part of the draft Response Plan process, DTSC included the draft NOE during the Response Plan public notice.

The tar removal is exempt from CEQA noticing requirements due in part to the following reasons as stated in the notice of exemption:

1. The project is consistent with the definition of Minor Actions to Prevent or Eliminate the Release of Hazardous Waste or Hazardous Substances. The cost of the project is less than $1,000,000, and a small volume of soil, less than 60 cubic yards. The Site is not on the Hazardous Waste and Substances Sites List compiled pursuant to Government Code section 65692.5.

2. The project is a small removal action (RA) from areas that will avoid both sensitive biological habitat areas and cultural resource areas. The area has been previously disturbed by excavation and by the placement of the fill subject to removal. Based on a review of the Department of Fish and Games Rarefind Database in December 2008, there are no known sensitive species of concern in the project area. According to the City of Simi Valley Senior Planner, previous field work and resource studies in the area of the removal for the Runkle Canyon EIR[1] (April 2004) have not revealed any significant biological or cultural resources in the direct vicinity of this small removal action.

3. Staff from the California Department of Fish and Game have inspected the excavation area and have verified that the proposed scope of work is in compliance with the existing Streambed Alteration Agreement between Runkle Canyon, LLC and the California Department of Fish & Game.

   Excavation of the tar substance along the Runkle Canyon Drainage is within the grading area authorized in the U.S. Army Corp of Engineers Permit (file no. 2003-72-AJS) and does not require any additional Corps of Engineers permitting or approval.

Performing grading to gain access to the excavation site does not negate or change any of the above mentioned factors. The notice of exemption will be revised to state that the project will be done over a two day period rather than during single day to allow time for gaining access to the excavation site.

The area involved with the tar removal consists of a stockpile of processed sand and gravel from a historic mining operation. Because this location has been disturbed and a stockpile placed in this area biological resources are sparse and not significant. Nonetheless, "pre-action" biological surveys will be performed as required by the Department of Fish and Game and City of Simi Valley.

The removal of the tar material from Runkle Canyon does not involve the adoption of any rules or regulations and is being carried out under existing rules and regulations. Since no rules or regulations are being adopted as part of the project, the environmental analysis referenced in California Public Resources Code Sections 21159 is not applicable.

The notice of exemption does not supersede or exempt the project from the City General Plan or City Municipal Code. The Runkle Canyon project has been approved by the City of Simi Valley; therefore the project development is included under and covered by the General Plan and all other applicable City Ordinances and Codes. Based on a Site inspection with City Staff, the areas of this small removal action is within the limits of the project grading and the "tar material" would be removed during that grading if it were not removed as a part of the Response Plan. Based on discussions with City of Simi Valley Planning staff, the proposed tar removal project is in compliance with the City Municipal Code.

The Runkle Canyon project, including its grading limits and the removal or disturbance of vegetation was approved by the City of Simi Valley Planning commission and City Council. The Senior Planner was relying upon that approval and the authority of that and not exerting their own authority.

The project grading is covered by the project EIR for the property which is valid and was certified by the City of Simi Valley in April of 2004.

Public Participation

17) *One comment asked how the public will be kept informed and involved in the investigation and cleanup process.*

RESPONSE:

DTSC reviewed public comments regarding the Response Plan and prepared these responses to those comments. In addition, DTSC's Public participation process includes posting all available documents and information on DTSC's Envirostor website: https://www.envirostor.dtsc.ca.gov/public/profile_report.asp?global_id=60000899, making reports available for public review, and holding public meetings as necessary. If additional cleanup is required, a cleanup workplan will be required and be made available for public review and comment.

For questions or concerns regarding public participation, please contact

Ms. Susan Callery, DTSC Public Participation Specialist at (818) 717-6567 or by e-mail to SCallery@dtsc.ca.gov.

DTSC appreciates the efforts of those who took the time to review and provide comments on the Response Plan and believes the comments will improved the investigation efforts DTSC has approved the excavation of the tar material, pending submittal of a confirmation sampling plan.