



Linda S. Adams
Secretary for
Environmental Protection



Department of Toxic Substances Control



Arnold Schwarzenegger
Governor

Maziar Movassaghi
Acting Director
1001 "I" Street
P.O. Box 806
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October 15, 2009

Ms. Christina Walsh, Co-Founder
ACME Aerospace Cancer Museum of Education
23350 Lake Manor Drive
Chatsworth, California 91311

Dear Ms. Walsh:

Thank you for your August 31, 2009 letter to Governor Schwarzenegger regarding the Department of Toxic Substances Control's (DTSC) recent actions pertaining to the Santa Susana Field Laboratory (SSFL) site. The Governor has asked me to reply on his behalf.

First allow me to express my appreciation to you and others in the community for your longstanding involvement and interest in the cleanup of the SSFL site. I have enjoyed the opportunity to get to know many in the community as I have learned of the history of this site, efforts related to its cleanup, and the community's significant and continued interest and involvement.

I understand and appreciate that significant progress has been achieved with *The Boeing Company* (Boeing), the Department of Energy (DOE) and the National Aeronautics and Space Administration (NASA), the three parties responsible for hazardous waste and hazardous substances releases at the site. Characterization of the site and accurate measurements of background levels of contaminants are foundational steps in understanding the conditions at the site and identifying cleanup alternatives.

Not unlike other priority and sensitive sites on which DTSC has worked, and because of the importance of the success of our negotiations with Boeing, DOE and NASA, after careful consideration I decided to move the management of this project and negotiations to the Executive Leadership in DTSC. I understood and anticipated that changes regarding the management of this project would be particularly difficult. This was especially the case in light of DTSC's project management history and its fragile

relationships with the community and stakeholders. I did not take these matters lightly when I made my decisions regarding project management.

What I can assure you in all of this is that DTSC's decisions and actions are and have always been intended to accomplish very specific goals regarding the SSFL site: to ensure that the site is comprehensively investigated and cleaned up to standards that are in strict compliance with SB 990; to accomplish the cleanup of the SSFL site as quickly as possible; and to be transparent with all interested community members and stakeholders in our efforts as we pursue these goals.

In your letter you also expressed concerns about DTSC's need to negotiate an enforceable agreement, and its efforts to successfully negotiate agreements with Boeing, DOE and NASA. It is important to understand that most statutes (and SB 990 is no exception) do not contain details of their implementation. This is especially true with SB 990, which references processes and procedures that need to be understood in the context of the SSFL site and its responsible parties. In this case instead of issuing a unilateral cleanup order, DTSC chose to attempt to work with Boeing, DOE and NASA to clearly identify how the specific requirements of SB 990 would be implemented in the cleanup of the SSFL site, rather than risk delays that would result from disagreements in the application and interpretation of SB 990, which could ultimately lead to litigation that could take years to resolve.

I appreciate your concerns about DTSC's efforts to negotiate an agreement that is not only legally enforceable but also acceptable to the community and stakeholders it is intended to protect. The communities and stakeholders that have been waiting patiently for resolution and cleanup have every right to expect government to protect their health and their environment. Government has no right to expect blind trust and must make every effort to afford the public the opportunity to review and provide input into these efforts for themselves. DTSC's ability to demonstrate the effectiveness of its efforts was severely limited by negotiations that it was obligated to keep confidential. It was for this very reason that a public comment process was negotiated for the draft order *with Boeing, DOE and NASA* to allow the public to see the order, understand its provisions and have the opportunity to comment on the provisions.

In the interest of transparency, DTSC decided to seize an opportunity afforded by DOE and NASA to share a draft of the order that was essentially the same (in its operative and most critical provisions) as the one being negotiated with all parties. DTSC could not, at that time, share an agreement that included Boeing because DTSC had not reached agreement on a particularly challenging provision of the order regarding reservation of rights/tolling. Although Boeing was not identified as a party in the order that was made available for public comment, DTSC is fully committed to ensuring that all of the parties responsible for the SSFL site – Boeing, DOE and NASA – fulfill their responsibilities to clean up the site consistent with state law, including the SB 990 standards.

Ms. Christina Walsh, et al.

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The public comment period for that draft order is now completed. DTSC will review the comments received with DOE, NASA and Boeing and determine DTSC's next steps. Our goal remains to ensure that agreements that are ultimately signed ensure strict compliance with the law. DTSC remains committed to transparency and intends to provide the public with opportunities to be involved through the remainder of this process. I hope you are able to continue to participate as we move forward.

Thank you again for your letter. If you have any questions or need additional information about our efforts regarding the cleanup of the SSFL site, please contact me at (916) 322-0504, or you may contact Rick Brausch at (916) 327-1186.

Sincerely,



Maziar Movassaghi
Acting Director

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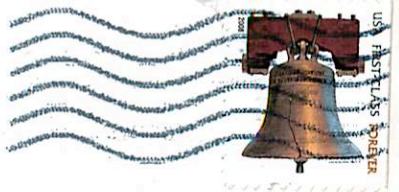
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