



Santa Susana Mountain Park Association

Dedicated to the Preservation of the Simi Hills and Santa Susana Mountains

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October 9, 2014

California State Assembly Committee on Environmental Safety and Toxic Materials

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Comments of Santa Susana Mountain Park Association on Assembly Committee on Environmental Safety and Toxic Hearing regarding DTSC on September 25, 2014

SSMPA's commentary focuses on the cleanup of the **Santa Susana Field Laboratory (SSFL)**, and DTSC's leading role therein. SSMPA is not here commenting on other important issues such as cost recovery, environmental justice, or other toxic sites.

SUMMARY:

DTSC is late in supplying much still-missing information essential to the progress of the cleanup of Santa Susana Field Lab.

1. DTSC must provide an analysis of all practical levels of cleanup, in addition to the "cleanup to background or detect" alternative, to comply with CEQA.

DTSC's must provide a CEQA analysis that balances cleanup goals under various scenarios, including costs (both financial and environmental). Additionally, DTSC must define what soils are to be removed in culturally sensitive areas, and what cultural resources will remain after the cleanup, as DTSC has sole authority to make these decisions under the AOCs.

2. Responsible Parties (RPs) need guidance on situations and actions that depend on vague language in the 2010 Administrative Orders on Consent (AOCs) that govern the cleanup. DTSC must provide RPs with an authoritative and binding interpretation of the language of the AOCs.
3. DTSC must specify expected outcomes for cultural resources, both archeological and architectural.
4. DTSC must specify how to obtain replacement soil that will meet the requirements in the AOCs.
5. DTSC must clearly specify cumulative impacts of all related concurrent projects; viz., the NASA, DOE and Boeing cleanups.

ESSENTIAL POINT OF SSMPA's COMMENTARY:

DTSC must define, specify, and provide important information to all RPs. DTSC must provide to decision makers adequate, clear and specific information to make informed decisions on how an environmentally responsible cleanup should proceed.

SPECIFIC COMMENTS:

- A.** DTSC does not expect to deliver its Draft EIR until sometime in late 2015. The RPs need information from the PEIR to complete their own valid EISs that can be used as decision making guides. Does this schedule not call into question the feasibility of the AOC-mandated completion date of 2017 for the NASA and DOE managed cleanups? **Can the governing AOCs therefore any longer be considered 'binding'?**
- B.** The NASA Associate Administrator for Mission Support Directorate notes that NASA will be assisting DTSC in its CEQA analysis estimated to be complete by the end of 2015, but also notes that analysis will be restricted to the single AOC cleanup level.¹ To the best of our knowledge, both NEPA and CEQA set standards for environmental considerations that must be addressed in environmental documents, and contracts that are inconsistent with those laws do not trump NEPA and CEQA provisions. The NEPA and CEQA analyses must consider all options, not the single path set by the AOCs.
- C.** There are many environmental cleanup projects in the U.S. They "all" (as far as anyone knows) MUST operate according to federal and state EPA laws that were passed by legislators concerned with protecting the environment. Operating under EPA processes means any toxic cleanup MUST evaluate multiple reasonable alternatives. The NASA and DOE SSFL cleanups were forced to be uniquely different from other projects, because the AOCs were signed before any EIS-type document. Why the difference? How is the different treatment of these projects explained? We can fathom no reasonable explanation.
- SSMPA advocates a cleanup based on scientific results, testing and standards, not political pressures.
- D.** Exclusion of any possible cleanup alternatives, except the expected cleanup approach, would be a momentous detriment to the usefulness of DTSC's EIR, and likely invalidate it under CEQA. The EIR must not exclude from consideration reasonable alternatives supported by authorized standards of the State of California including cleanup to Suburban Residential, Commercial/Industrial, and Recreational levels, for any of the RP's.
- E.** DTSC's PEIR must include reasonable alternatives, presenting comparison of costs and all related effects on transportation, biological resources, cultural resources, soil, water, and air.
- F.** The combined impacts of all concurrently operating SSFL projects regarding traffic and transportation-related pollution must be made specific by DTSC. What transportation

routes will be used by all the RPs? Will they use the same or different haul routes? What will the transportation emissions be for all projects combined? What will be the total effect on all communities?

CONCLUSION AND CLOSING COMMENTS:

DTSC must conform to all applicable environmental laws including CEQA and NEPA. DTSC must deliver guidance to the RPs for virtually every decision affecting cultural resources and key soil removal approaches.

Additionally, it is dangerous to adhere to the 2017 completion date for cleanup that the AOCs arbitrarily mandate. A hurried cleanup will likely become an irrevocable mistake, due to significant negative impacts to soil and cultural resources that may occur.

The target date for completion of the cleanup must be extended. The current target date of 2017 has become unrealistic; DTSC has not yet provided an EIR, and DOE has not moved forward beyond initial scoping hearings. Cleanup needs to be performed after environmental documents are prepared, not before they are prepared. CEQA type information is critical to the analysis, and work should not be done before it is available (for costs, cumulative effects, alternative approaches, etc.), yet that is what DTSC has done.

A revised target date of 2020 will permit meaningful evaluation, compliant with CEQA processes, of multiple, reasonable cleanup alternatives and their impacts. An orderly and logical cleanup can then be executed responsibly, thereby avoiding unwarranted destruction of irreplaceable cultural and natural resources.

SSMPA primarily represents Chatsworth and West Hills, two areas that will be most affected by the tens of thousands of truckloads of materials that are required to be moved by the AOCs. In a manner similar to that voiced so clearly by the NASA Inspector General¹, we too, have great difficulty seeing that cleanup to special, pre-emptive AOC standards is of any tangible benefit to anyone. But we certainly see the detriment to communities local and remote, and we see the huge governmental costs all taxpayers will pay.

Please be assured that we resolutely support cleanup of SSFL to “reasonable” levels. We believe the **“Suburban Residential”** cleanup standard, set by the 2007 Consent Orders, is a very reasonable cleanup level, significantly exceeding requirements, if the land will become open space, as almost all who are familiar with the property desire.

Sincerely,

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About **Santa Susana Mountain Park Association:**

Santa Susana Mountain Park Association is a 42 year-old non-profit organization based in Chatsworth, Los Angeles, California.

We represent approximately 700 members and concerned citizens, and we partner with many organizations to promote ecological and recreational quality in Southern California.

SSMPA's mission is to preserve and protect the Simi Hills, Santa Susana Mountains, and surrounding open space.

SSMPA Board of Directors:

Teena Takata, John Luker, Vanessa Watters, Bob Dager, Carla Bollinger,
Warren Stone, Donna Nachtrab, Tom Nachtrab, Wendi Gladstone

References:

- 1 Audit Report: NASA's Environmental Remediation Efforts at the Santa Susana Field Laboratory, Report No. IG-13-007, Feb. 14, 2013, <http://oig.nasa.gov/audits/reports/FY13/IG-13-007.pdf> retrieved 10/09/2014