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DOE EIS Scoping Comments

- I am Abe Weitzberg, resident of Woodland Hills, community stakeholder and former worker at SSFL and a member of the SSFL Community Advisory Group.
- Thank you for this opportunity to comment on the information provided for scoping the new DOE EIS and I am writing this letter on behalf of the SSFL Community Advisory Group.
- Judge Conti's 2007 court order states that DOE is in violation of NEPA and must complete an EIS prior to relinquishing control over Area IV. The 2010 AOC requires that DOE's actions must be in accordance with applicable local, State, and federal laws and regulations, which obviously includes NEPA.
- DOE's Recommendations for the Preparation of Environmental Assessments and Environmental Impact Statements (Green Book) contains guidance based on CEQ NEPA regulations. Specific requirements and recommendations regarding the range of reasonable alternatives include:
 - CEQ's regulations require agencies to use "the NEPA process to identify and assess the reasonable alternatives to proposed actions that will avoid or minimize adverse effects" (40 CFR 1500.2(e)).
 - Include alternatives that would respond to the underlying purpose and need under a variety of reasonably foreseeable circumstances. Alternatives should be defined broadly enough to allow small changes in the way DOE implements the selected alternative, but not so broadly to preclude meaningful analysis.
 - Analyze alternatives that seem impractical only because of current programmatic assumptions, but otherwise would be reasonable. Also, consider whether it is foreseeable that technical or economic factors might change such that an apparently infeasible but otherwise reasonable alternative would become feasible.

- Address reasonable alternatives that are outside DOE's jurisdiction, even if they conflict with lawfully established requirements (e.g., an alternative that could be reasonable if an existing law could be amended or if a regulatory agency granted a waiver).
- DOE is to be commended for proposing to consider the full range of alternatives identified by the community in the 2012 workshops. Only by including most, if not all, of the concepts and approaches identified in these alternatives can DOE comply with NEPA and provide the decisionmakers and the community the information needed to arrive at a supportable decision.
 - These alternatives are briefly characterized and summarized as:
 - Minimize Environmental Disturbance
 - Risk-Based Prioritization
 - Schedule- and Background- Driven Cleanup and
 - Green cleanup
 - Even the AOC driven cleanup alternative contains some constructive suggestions but, unfortunately, many of the AOC prescriptions force the removal of very large amounts of soil.
- The potential areas for analysis that were identified by DOE are adequate and all should be thoroughly analyzed.
- DOE should thoroughly evaluate the No-Action Alternative, which would address residual effects of no-action on surrounding off-site communities as well as identifying current on-site risks. Additionally this analysis should include the current groundwater extraction and treatment system and its effectiveness.
- DOE should provide rationale and evaluations for each alternative including those that are rejected from consideration.
- DOE should consider that the negative environmental impacts of the cleanup impact only a few adjacent communities and those on truck traffic routes and disposal site communities, while the claims for more severe cleanup come from more distant communities which are not likely at risk from the current levels of contamination at SSFL nor from the necessary truck traffic required to implement the more severe cleanup alternatives
- Very importantly, DOE should avoid weaknesses of the NASA DEIS as identified by EPA in their September 30, 2013 letter. The major EPA comment relative to the scoping of the DOE EIS was that the 500,000 cubic yards of soil to be dug and hauled by NASA's AOC cleanup was excessive, and would have negative health impacts while placing a burden on available disposal facilities. Since the current DOE soil estimates range from 1.1 to 1.7 million cubic yards, and they would add to both the NASA and Boeing soil removal and hauling amounts, the EPA suggestion of evaluating a health risk based alternative, such as Suburban Residential, with a greatly reduced soil removal, should be followed.
- DOE should be responsive to the archaeological history of the site, which was heavily used by Native Americans, and DOE should follow NASA's example of a Programmatic Agreement that includes a Native American Advisory group, surveys and monitors. The

outcome of such an arrangement would be the preservation of the evidence of the historical use and occupation of the site by Native Americans.

- The DOE soil estimates, although criticized by some, appear to be credible, based on the very low cleanup levels specified by the 2010 AOC and exacerbated by the very prescriptive procedures that differ substantially from the customary risk-based EPA procedures applied throughout the US.
- Other EPA recommendations that should help guide DOE include, but are not limited to:
 - Include an estimate of the cost for each element of the cleanup (i.e. demolition, soil remedial activities and groundwater remedial activities), as well as the options within each element (e.g. soil excavation and off-site disposal, soil excavation and ex-situ treatment, soil vapor extraction etc.
 - To the extent possible, coordinate with Boeing and NASA on their remediation projects (e.g. schedules, disposal facilities and changes in soil volumes), so that its EIS may contain as comprehensive a discussion of cumulative impacts as possible.
 - To avoid substantial uncertainty regarding the impacts of the proposed action, which should be avoided, the EIS should identify one preferred treatment option for contaminated soil.
 - The EIS should consider impacts to communities with environmental justice concerns near facilities receiving substantial quantities of waste from demolition and soil removal. The EIS should also commit to using on-road heavy duty diesel trucks that meet or exceed EPA's emissions standard for 2010.
 - The EIS should include a thorough discussion of the no action alternative that includes the current groundwater extraction and treatment system, its energy use and a discussion of its effectiveness.
 - Regarding Water Resources the EIS should contain a thorough description of source areas, a description of the interaction of groundwater and surface water, including the location of surface seeps, an estimate of air emissions associated with each water treatment technology, the goals or criteria that will be used in evaluating the vadose zone and groundwater cleanup technologies, a brief summary comparison of the advantages and disadvantages of each cleanup technology; and identification of DOE's preferred groundwater cleanup technology.
 - The EIS should discuss the timing of the cleanup for the DOE, Boeing and NASA properties, as well as measures to prevent cross-contamination.
 - Regarding Traffic, the EIS should evaluate the possible effects of landfill selection (or other receiving facility) on the truck route to ensure that all reasonably foreseeable traffic analyses are considered, update its traffic analysis to coordinate with Boeing and NASA, and consider childcare centers, preschools, parks and recreation centers as well as schools in the evaluation of truck traffic and potential exposure to children.

- The cost of a cleanup should play an important role in screening and selection of alternatives.

Sincerely,



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