



December 22, 2014

Mr. Mark Malinowski
California Department of Toxic Substances Control (DTSC)
 8800 Cal Center Drive,
 Sacramento, CA 95826

Re: Santa Susana Field Laboratory (SSFL)

Dear Mr. Malinowski:

The Woodland Hills-Warner Center Neighborhood Council (“WHWCNC”) would like to begin by thanking DTSC for sending your experts to our December 2013 WHWCNC Board meeting. At that meeting, we requested future meetings be held in our community. We appreciate your accommodating our request by holding the transportation meeting at El Camino Real Charter High School in Woodland Hills last August 2014.

On October 20, 2014, the WHWCNC and the Canoga Park Neighborhood Councils sponsored a Town Hall forum (“SSFL-101”) related to the clean-up of the Santa Susanna Field Labs. These two neighborhoods were inadvertently omitted from discussions in prior years pertaining to the cleanup and the potential impact to their communities. Therefore we felt it necessary to get them updated with this type of event. With your valued participation in this Town Hall, DTSC, The Boeing Company, NASA, Department of Energy (DOE), and the Los Angeles Regional Water Quality Control Board were given time to individually present the history, current conditions, clean-up and future plans for their portion of the SSFL site to a well-attended audience. Audience questions were read and answered at the end of the presentation. The purpose of the “SSFL-101” was to inform and educate our communities about the history and issues surrounding the Santa Susana Field Laboratory site.

It was also directed at the elected officials that created this conflict without first informing us, and protecting us, their constituents, as they are elected to do. It was a great beginning; now let’s follow through with the next steps.

Upon continued discussions, the Woodland Hills Warner Center Neighborhood Council urges your agency to revise the Administrative Orders on Consent (AOCs) that are governing the clean-up activities of the Department of Energy (DOE) and the National Aeronautics and Space Administration (NASA). The Boeing Corporation, a third party in the clean-up of the entire SSFL, is following a different standard than the AOCs that NASA and DOE are following. All three parties should be using this same standard which is based on reducing the risks and damage to the site and the adjacent neighborhoods.

On August 9, 2014, DTSC sponsored a community forum about the “Potential SSFL Truck and Conveyance Routes for Feasibility Analysis”. DTSC presented 10 separate truck routes and 2 conveyor routes to handle the removal of soil and debris from the SSFL site. Once this soil is removed from the SSFL site, it will now become a San Fernando Valley problem due to the proposed trucks coming through our communities. We came to the realistic conclusion that most of these other proposed routes are not

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accessible by large trucks due to safety concerns or just physical limitations of the road or trail in some cases.

According to the NASA Final Environmental Impact Statement, 60% of their trucks head south on Topanga Canyon Blvd. which is not even mentioned on the DTSC Transportation map. One proposed route sends trucks down Valley Circle Boulevard to Victory Blvd., thus directing more trucks through mostly residential West Hills and Woodland Hills, as well as Canoga Park and Chatsworth. We, the stakeholders of Los Angeles County should not be the only communities to bear the burden of the trucks, particularly since the site is in Ventura County.

Furthermore, the Victory Boulevard route traverses directly adjacent to our own Aerojet-Rocketdyne Facility which will be re-developed and will require its own substantial and similar remediation in the very near future. We will not accept two highly impactful remediation projects simultaneously disrupting the quiet enjoyment of the citizens of Canoga Park and Woodland Hills.

In light of the obvious conflict related to the different levels of cleanup, and to reduce the detrimental truck traffic, we request that the clean-up level for the NASA and D.O.E. portions be reduced to the risk-based residential level (suburban residential) of the 2007 Consent Order, and that the soil be treated on-site as much as possible. This will result in a fewer number of trucks being required. In addition, the Federal EPA mentioned a risk-based cleanup for chemicals in their written comments to NASA for NASA's Draft Environmental Impact Statement.

The rules for the SSFL clean-up were set forth in the 2007 Consent Order which was signed in August 2007. In October 2007, SB 990 was signed into law. For the next two years, DTSC tried to incorporate SB 990 into the current 2007 Consent Order. In the fall of 2009, when the statute of limitations ran out on SB 990, The Boeing Company sued DTSC regarding the constitutionality of this law. It was found to be unconstitutional in April 2011. DTSC filed an appeal, and in 2014, the 9th Circuit Court of Appeals upheld the lower court's ruling.

In the meantime, DOE and NASA were pressured by certain elected officials to sign agreements based upon SB 990. These agreements were the respective 2010 Administrative Orders on Consent between DTSC and the DOE, and DTSC and NASA. Because SB990 was overturned as being unconstitutional, The Boeing Company will clean up their areas of responsibility based upon the 2007 Consent Order which is a risk-based residential level standard of cleanup (suburban residential)". We believe that because the AOCs were written to comply with SB 990, that they too should be declared unconstitutional or moot.

NASA and DOE are adhering to the current 2010 AOC's which require a clean-up to "Background or Detect level". "Background or Detect level" does not allow for contaminants to be left in place. All soil remediation is to be completed by 2017, and all groundwater treatment systems are to be in place by 2017. The WHWCNC believes this deadline is unrealistic and unattainable, and that the 2007 Consent Order and the 2010 AOC will expire without the clean-up completed.

Therefore, the WHWCNC requests that the 2010 AOC's be revised to require NASA and DOE to clean-up to a risk-based residential level (suburban residential)" instead of background or detect level consistent with the Boeing cleanup – the 2007 Consent Order.

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This standard will:

- clean-up the site to a publicly safe level for its potential end-use as open space;
- not damage the ecosystem nearly as much as the more invasive cleanup;
- not ruin the wildlife corridor if CEQA and NEPA and other environmental laws are implemented;
- better safeguard the whole site as a sacred site under the Native American designation;
- greatly reduce the amount of backfill soil needed and therefore, reduce the introduction of non-native vegetation that would need to be remediated afterward;
- reduce the amount of potential truck traffic through our communities and therefore, reduce exposure of our communities to soil contaminants, traffic, safety issues and diesel emissions;
- reduce the risk of Valley Fever spores being spread by the trucks and winds in the area;
- facilitate the soil clean-up to be achieved on a reasonable time-line.

We believe that an objective evaluation of the AOC agreements is necessary to ensure a safe clean-up process. The WHWHNC supports: 1) a process that does not involve removing greater quantities of soil than necessary; 2) a process that protects public health and wildlife in the area; and 3) a process that protects the heritage of the site. And lastly, demand a process that will not inflict needless long term trauma from truck traffic on our communities.

Sincerely,

Woodland Hills-Warner Center Neighborhood Council



Scott Silverstein, Chair

cc: Senator Barbara Boxer
cc: Senator Diane Feinstein
cc: Congress member Brad Sherman
cc: Governor Jerry Brown
cc: Senator Fran Pavley
cc: Assembly member Matt Dababneh
cc: Councilmember Bob Blumenfield
cc: Councilmember Mitchell Englander
cc: Supervisor Sheila Kuehl
cc: Mayor Eric Garcetti
cc: City Attorney Mike Feuer
cc: Kevin James – President – City of Los Angeles Board of Public Works Commission
cc: Cassandra Owens – Los Angeles Regional Water Quality Control Board
cc: Dave Dassler – The Boeing Company
cc: Allen Elliott – National Aeronautics and Space Administration (NASA)
cc: John Jones – The Department of Energy (DOE)

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