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March 9, 2009

Linda S. Adams
Secretary for Environmental Protection
CalEPA
1001 "I" Street
Sacramento, CA 95812-2815

Re: Santa Susana Field Lab cleanup

Dear Secretary Adams:

First of all, we, the undersigned, want to thank you for the personal attention that you have given to this very challenging project, given the considerable demands on your time. It has made all the difference, including as we now look ahead to the details of the implementation of Senate Bill 990, signed by the Governor in 2007.

There are two matters which we would respectfully like to bring to your attention.

The EPA SSFL Workgroup

First, as you know, last December USEPA announced its intention to de-fund and end its oversight role and administrative functions for the quarterly SSFL Workgroup meetings which have been ongoing for almost 20 years. Some of us separately sent letters to EPA Administrator Lisa Jackson last month, urging her in the strongest possible terms to reverse this ill-advised order that came out of the prior Administration, and to continue the Workgroup meetings. Congressman Gallegly, at whose urging these Workgroups were formed in 1989, also made a strong plea to Ms. Jackson, and we understand that you had a personal conversation with her, for which we are very appreciative.

It was disappointing, to say the least, to receive the reply from Laura Yoshii, the Acting Regional Administrator at USEPA Region IX, a copy of which is attached for your reference. Nicole Moutoux, EPA Region IX, confirmed in an announcement at the February 26 Workgroup meeting that they are ending their administrative and oversight role, and will agree only to provide short-term interim funding until DTSC or some other undetermined agency takes on the oversight and administrative details.

Norm Riley was speaking to one of our staff representatives after the meeting, and gave very strong indications that he would like to see the Workgroup replaced with a new Community Advisory Council (CAG). We cannot see how an issue this technically, legally, and politically complex, and with such a long and tangled history, including the involvement of the Federal District Court, could possibly lend itself to a CAG.

Moreover, we see no reason to be starting all over again with a CAG, nor why DTSC would actually be encouraging anyone to petition for such a course of action instead of fighting to keep the well-established EPA Workgroup going. Clearly, it is the simplest and most credible course of action, and the only one that a once-burned, twice-shy community will accept.

With respect to the EPA and Ms. Jackson, who represents the promise of the Obama administration's new commitment to true environmental protection, we cannot overstate our level of concern about the full implications of the Region IX letter. They have summarily rejected our request. They have confirmed that they have shut down the Workgroup which is the only established and credible community outreach activity where all the relevant governmental entities are present and available to the public. And they have breached their commitment to Congressman Gallegly and a now even more distrustful community. In their closing statement at the February 26 meeting, the EPA said only that they would "attend" future meetings (with no future meetings being scheduled.)

Given that the cost to EPA has been roughly \$60,000/year, there is simply no justification for not continuing both oversight and funding if they acknowledge that their obligation is to protect the public and not to accede to the wishes of the Responsible Parties who want to avoid public scrutiny.

We will be making a second and more direct request to Administrator Jackson, but wanted you to be aware that the future of the Workgroup is very uncertain unless Ms. Jackson takes action to reverse the position that Region IX has now confirmed. We hope you may be able to assist.

Negotiation of a new Consent Decree

This brings us to our second concern, which is the ongoing negotiation of a new Consent Decree that could be finalized at any time. We understand that it was your expressed direction that Dan Hirsch, as the community's trusted advisor, be at the table for the negotiations. We applaud you for that important decision, which helped enormously with the needed credibility of the product in the community.

At the last Workgroup meeting, however, Dan reported that he has been "frozen out" of the negotiations, which he says are taking place "in secret." The NASA representative, who is a part of those meetings, apparently said that he did not feel it was appropriate for Dan to be present. Norm Riley told the audience that he believed that they would be pleased with the final Decree, but he did not dispute that Dan has not been allowed to be present or to participate for some time.

As you know, Dan was deeply involved in drafting the very specific and carefully-chosen language of SB 990. There are few people who know the bill as well as he, nor the import of

every word. Given that these are negotiations, which means some give-and-take between the state and the RPs, we believe that you were absolutely correct that Dan's participation is essential. He is uniquely qualified to be sure that no inadvertence on the part of the state, nor any tactic on the part of the RPs, creeps into the Consent Decree to enable them to do less than what is required for full compliance with SB 990. Although we understand that Norm Riley will sign the new Decree, we hope that at a minimum Dan will be given the opportunity and time to review it before it is signed and to request any changes he believes are needed. Clearly, it would be preferable if he is back at the table to influence decisions one by one as they are discussed.

Given how busy your schedule is, we have come back to you, yet again, only because it is so important that this cleanup stay on track, and because the pressures from the polluters on all fronts to avoid or circumvent SB 990 are non-stop.

Again, thank you for all that you have done. You are a hero to our constituents and to the residents surround the Santa Susana Field Lab. Your help means more than you know.

Sincerely,



JULIA BROWNLEY
Assemblywoman, 41st District



FRAN PAVLEY
State Senator, 23rd District



SHEILA JAMES KUEHL
Former State Senator, 23rd District



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