



Save Open Space ✧ P. O. Box 1284 ✧ Agoura, CA 91376

October 4, 2009

Re: Save Open Space Comments on "Hacked Up" Consent Order

SOS requests that DTSC release the entire real consent order 2.0 submitted by Boeing, NASA, and DOE as a counterproposal to DTSC's real 1.9 consent order document. There were still significant problems with this real 2.0 that needed to be corrected by DTSC before it could be considered acceptable and before it could be released for public comment. Norm Riley detailed these problems/shortcomings in the margins. (Email, from N Riley to M Movassa, September 10, 2009). For completeness and to save time, SOS requests the real 2.0 be released after DTSC reviews it in its entirety and makes their changes.

For clarity's sake, SOS will call this September 9th Consent Order version the "Hacked Up" Consent Order. This September 9th Consent Order was unfortunately "Hacked Up" to remove Boeing who owns 84% of SSFL. It was then released to the public prematurely as an incomplete document. Hacked Up 2.0 was NOT what DOE and NASA were negotiating. (Per DOE/NASA letter September 8, 2009) Assemblywoman Julia Browley's e-newsletter and upcoming committee meeting purpose needs correction on this incorrect statement.

1.1

The principal Responsible Party is Boeing. Boeing owns 84% of SSFL. It is ridiculous to remove Boeing. It is ridiculous for the current Hacked Up Consent Order to leave out Area III and the majority of Areas IV and I. Boeing owns 9 of the 15 buildings in Area IV. Boeing owns the records of Atomics International. Please return to the original place of the negotiations, the real 2.0 and address the problems DTSC has with it. Then release a complete Consent Order document to the public. DTSC can easily return the process to its proper sequence.

1.3.1

All these Health & Safety Code sections (25187, 2535(5a)(1)(c), 25359.20, 58009, 58010 are boiler plate DTSC language in consent orders. These Code sections give DTSC the authorization and implementation for the hazardous removals. DTSC needs to go back to the real 2.0, address margin criticisms. Are all the H&S Codes quoted meant to be just boilerplate language? Do some H&S Codes conflict with the requirements of SB 990? If so, legal language can be inserted to make the requirements of SB 990 override any boilerplate H & S Code language as in Response Action Plans.

1.3.3

Add back the language shall cooperate with implementation of Sb990. Delete new language supply information.

2.4.5/2.9

The very inadequate scope for EPA's rad characterization needs to be broadened. The burn pits and meltdowns spewed radioactive contaminants all over the boundaries of the field lab. All SSFL areas should be tested for SSFL's specific radioisotopes including but not limited to the porous rock formations. All surrounding border areas must also be tested all the way to where the drainages move off the hill into the watersheds in the flat land areas. Alluvium from the creek beds and creek water during the rainy season needs to be analyzed for all specific SSFL radioisotopes in the following watersheds: Bell Creek needs to be analyzed all the way to Valley Circle. Las Virgenes Creek needs to be tested all the way to Las Virgenes Road. Meier needs to be tested all the way to the Arroyo Simi. Dayton and Runkle creeks need to be tested all the way to the bottom of the hilly topography.

2.3

If the characterization proceeds with the 2 Operating Units, there should be an explanation that the 2 Operating Units are not separate and distinct. Faults and the fractures in the SSFL geology have moved the SSFL contaminants down from the top of the "hill" into all the watersheds below.

3.2.3.1

Going by historical use is inadequate and a risk for public health and safety. In operation for years, the two burn pits spewed radioactive contamination everywhere. All four areas of SSFL have been contaminated by SSFL Radionuclides by these burns, nuclear accidents and meltdowns. The EPA team should come in and do a grid survey for specific SSFL Radionuclides of all four SSFL areas.

3.2.4

Eliminate the wording that the SRAM Rev 3 will look at the Open space scenario for "evaluation Purposes". This scenario should not be looked at –at all.

3.2.5.1; 3.5; 3.6.3

This section discusses a "Point of Departure" on Human Health Risk Range. The NCP is part of boilerplate statutory authority Response Action Plans Content and Action Plans. The National Contingency Plan has nine criteria to be employed when selecting among remedial actions identified in the feasibility study. Legal language just needs to be added that SB 990 language and law will take precedent over the NCP (as required by the state for DTSC action plans) language/action.

3.2.4.2

Background determinations shall not have values over the established state MCLs and or EPA PRGs (for 10 to the minus 6) for Radionuclides.

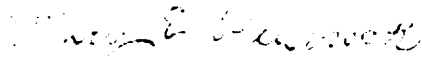
3.2.5.6

Delete inadequate analysis language that Groundwater should not be limited to less than 6 feet. Soil vapor contamination can occur at much deeper depths. Strike out using Open Space may be done in comparison. Open Space evaluation should not be done in comparison.

4.1

How can this document designate directors, but leave out Boeing who owns 84% of the field lab?

SOS will just be commenting on the first 50 pages. It was premature to release this "Hacked Up" document to the public. When Boeing is added back into this "Hacked Up" Consent Order to make it "Complete", then SOS will finish our comments.



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