

From: [Christine Rowe](#)
To: [MSFC-SSFL-EIS](#)
Cc: [Elliott, Allen \(MSFC-AS01\)](#); [Fellows, Merrilee \(HO-LD000\)](#)
Subject: Fwd: NASA Santa Susana Field Laboratory
Date: Wednesday, September 25, 2013 8:47:43 AM
Attachments: [SSFL-P-2.pdf](#)

Dear Mr. Elliott,

Please include this letter in my public comment on the NASA DEIS.

Thank you.

Christine L. Rowe

Sent: 8/30/2013 4:06:04 A.M. Pacific Daylight Time
Subj: NASA Santa Susana Field Laboratory

Dear Administrator Bolden,

This week I attended two meetings on the NASA Draft Environmental Impact Statement which I find to be insufficient for the members of my community to make informed decisions related to the cleanup.

Yesterday, I participated as a NASA Section 106 consultant in a meeting at the NASA facilities at Santa Susana.

We learned in the NASA Draft Environmental Impact Statement that all of the Santa Susana Field Laboratory was declared Sacred Lands under an Executive Order.

In looking through the thousands of documents on my computer related to Santa Susana, I found a presentation given to members of DTSC's Public Participation Group - of which I was a member.

I have attached that Power Point given by DTSC employees.

Since I do not understand the NASA Chain of Command, I respectfully request that you direct the appropriate people to consider my following comments:

1. It is my understanding that the Federal Department of Justice consulted with the Federal Agencies - I assume with NASA. It is my interpretation of the DOJ's conclusion that the Administrative Orders on Consent (AOC) was not signed to comply with SB 990. As a technical stakeholder at many DTSC meetings on the 2009 Proposed Consent Order - I respectfully disagree with that interpretation. The 2010 AOCs were written, in my opinion, to comply with the 2007 Consent Order and SB 990. See page one of the Power Point.
2. If the 9th Circuit Court upholds the lower courts ruling on SB 990, then SB 990 should be null. NASA therefore should consider renegotiating the AOC for a number of reasons.
3. According to the Power Point by DTSC, CEQA review should have been started in 2011 - we are almost into 2014. (page 13 of the Power Point) We have not started a CEQA review.

4. With three Responsible Parties all cleaning the SSFL site at one time, it will be detrimental to my community and the environment to send so many trucks down one route over a very short period of time.
5. The AOC's will not bypass CEQA, the Endangered Species Act, and **Historic preservation**. - page 10
6. As a scientist, you are aware that the first thing that a scientist does is to define a term that they are going to use. The term: "Historic preservation" is not defined in this Power Point, therefore, it can refer to historic structures or archaeological sites (in my opinion) - see page 10
7. In the NASA AOC with DTSC, under possible exceptions, this line discusses the cultural aspects of the site: "Native American artifacts that are formally recognized as Cultural Resources ". This term **artifact** is not defined. (page 43 Adobe of the NASA AOC).
http://ssfl.msfc.nasa.gov/documents/governance/NASA_DTSC_Final_AOC_Dec_2010.pdf
8. In our Section 106 Consultation meeting, someone that is much more knowledgeable than me asked "Who did a NEPA and a Section 106 Review prior to NASA signing the AOC". That is my interpretation of that question. We were not given an answer.

In conclusion, I respectfully request that NASA renegotiate the agreements with DTSC. I respectfully request that NASA consider the NASA OIG's comments in terms of this not being a risk based clean up when almost every other comment that I heard at the NASA DEIS meetings were related to offsite risk and future risk.

- Please go back to the 2007 Consent Order and do a risk based clean up.
- I respectfully request that your NEPA / Section 106 Department review any other agreements with the State of California before they are signed.
- And I respectfully request that NASA review the new March 2013 NEPA CEQA Joint document from CEQ.
- Finally, I respectfully request that NASA continue its original EIS process that considered five alternatives - not just one. We now have much more to consider than just the clean up of the site.

We all want this site to be cleaned up. But at the Section 106 meeting yesterday, I believe the key words that I was hearing were **preservation** - preservation of historical resources and cultural resources. **Protection** - protection of the wildlife, the oak trees, and the Native Species.

If NASA can put a "Science Lab" on Mars, NASA can renegotiate a contract with DTSC that protects public health and safety, preserves historical and cultural assets, and protects both the local and global environment. Please help me to preserve and to protect.

Respectfully,

Christine L. Rowe

West Hills resident
NASA Section 106 consultant

Administrative Orders on Consent

**Presentation to the
DTSC Public Participation Group
May 25, 2011**

Administrative Orders on Consent: A Path Forward

- Represent a compromise
- Resolve disagreements over interpretations and implementation of SB 990 (Kuehl, 2007)
- Accelerate the process to more quickly get to cleanup
- Provide certainty and eliminate concerns about the unknown outcome of the cleanup process
- Take advantage of U.S. EPA's ongoing site survey and soil sampling work *and* U.S. EPA's expertise on radiological contamination

What are the Administrative Orders on Consent?

- The final agreements between DOE and DTSC and between NASA and DTSC
- Integrate the Agreements in Principle with cleanup and environmental review procedures
- Include key elements that govern the relationship between DOE and DTSC, and NASA and DTSC
- Establish the requirements as binding and enforceable

A Brief History

- 2007

Legislature passed and Governor signed SB 990

- Boeing Letter of Intent
- Cal/EPA Secretary Letter of Intent (with community)

- 2008

Discussed implementation details with RPs

- 2009

Negotiated new agreement with RPs

A Brief History (continued)

- November 2009
 - Public comment period on agreement
 - Boeing tolling agreement
 - DTSC draft of agreement (based on community comments)
 - Boeing lawsuit

A Brief History (continued)

- February 2010

High level conversations

- Cal/EPA Secretary Adams, DOE Secretary Chu, NASA Administrator Bolden
- Desire to resolve differences and find path forward

- March 2010

DOE offer to “clean to background”

A Brief History (continued)

- March 2010 – August 2010

Negotiate details of “clean to background”

- What, who, how
- Exceptions
- Enforceability

- September 2010

NASA agrees to use same approach

A Brief History (continued)

- September 2010
 - Public comment on Agreements in Principle
- October 2010 – November 2010
 - Public comment on draft Administrative Orders on Consent
- December 2010
 - Administrative Orders on Consent signed

What do the Administrative Orders on Consent do?

- Integrate the Agreements in Principle
- Clean up to Background Levels
 - No contaminated soils to be “left in place”
 - No contaminated soils to be buried or landfilled on-site
- Direct use of Detection Limits
 - For chemicals = reporting limit
 - For radionuclides = minimum detectable activity

What do the Administrative Orders on Consent NOT do?

- Do not bypass other requirements/laws
 - CEQA
 - Endangered Species Act
 - Historic preservation
- Do not include groundwater or soils being contaminated by groundwater

How will the groundwater be cleaned up?

- The 2007 Consent Agreement (including Boeing, DOE and NASA) is still in effect for groundwater
 - Boeing, DOE and NASA have been and will continue their groundwater investigation and cleanup responsibilities
 - Groundwater (and soils being re-contaminated by groundwater) will be taken care of with the groundwater cleanup

Public Participation

- Public will have an opportunity to review and comment on *all* draft plans and reports
- DTSC to host technical roundtable sessions on key activities and work phases
- PPG will be asked for its input at key decision points
 - DTSC approval of key documents (at a minimum)
 - Lookup Tables
 - Characterization Report
 - Remedial Action Implementation Plan
 - Completion Report

California Environmental Quality Act

- CEQA Scoping to begin in 2011
- CEQA analysis documents to be made available for public review and comment at the same time as the draft Soils Remedial Action Implementation Plan
- Analysis to take into account mitigation described in Plan

Funding

- Investigation and cleanup activities to be funded by DOE (or NASA)
- DTSC oversight (and USEPA activities) to be fully funded by DOE (or NASA)

Regulatory Oversight

- Characterization and cleanup (for both chemicals and radiologic contaminants) of both soils and groundwater are subject to DTSC approval
- U.S.EPA available in a vital technical consultative/advisory role

US EPA Role

- Continue with radiologic background study and survey of Area IV and Northern Buffer Zone
- Provide local background values and reporting limits for radionuclides
- Provide “split” samples to DTSC during its Area IV/Northern Buffer Zone soil sampling
- Conduct post cleanup radiation assessment to verify cleanup
- Verify that backfill/replacement soils do not exceed local background

Summary Judgment Order (Judge Conti Decision)

- DOE cannot transfer ownership or possession, or relinquish control over any portion of Area IV until it completes an EIS
- The Court retained jurisdiction until DOE has met its legal obligations
- DOE and DTSC to seek and obtain the support of the plaintiffs in applying for relief from the court's order to allow the AOC to be carried out

NASA Administrative Order on Consent

Primary Differences

NASA AOC v. DOE AOC

- Area II and portion of Area I
- NASA to focus primarily on chemical contaminants
 - If radiological contamination is discovered, sampling and disposal plans developed as needed
- No role for US EPA (no ongoing investigation or survey work)

Primary Differences

NASA AOC v. DOE AOC

- Investigation/chemical data
 - Continue with investigation activities underway
 - DTSC to identify data gaps and direct data gathering

Primary Differences

NASA AOC v. DOE AOC

- Confirmation sampling protocol to be developed (similar to DOE's)
- Investigation and cleanup activities to be funded by NASA
- DTSC oversight to be fully funded by NASA

Boeing Lawsuit

Recent Court Decision

- DTSC will continue to implement the Administrative Orders on Consent
- DTSC will appeal the court's decision
- DTSC will continue efforts to reach resolution with Boeing

Questions?