

From: [Christine Rowe](#)
To: [MSEC-SSFL-EIS](#)
Cc: [Elliot, Allen \(MSEC-ASO1\); ZORBA, PETER D. \(HQ-1-PD40\); Fellows, Merilee \(HQ-1-D000\)](#)
Subject: NASA DEIS Comment regarding NRDC, Committee to Bridge the Gap, and the City of Los Angeles v Department of Energy
Date: Saturday, September 07, 2013 10:22:29 PM
Attachments: [nrdc_cba_la_v_doe.pdf](#)

Dear Mr. Elliott,

It is my strongest opinion that it is irresponsible of NASA to consider this one cleanup alternative (the AOC) as the only possible alternative under NEPA despite all political pressures.

I am attaching the complaint by the National Resource Defense Council, Committee to Bridge the Gap, and the City of Los Angeles v the Department of Energy

This lawsuit is against the Department of Energy (DOE). Yet, NASA is under a similar NEPA process. It is my belief based on the requests of the parties of this lawsuit, that the parties wanted a full scope Environmental Impact Statement because the information on the Environmental Assessment was inadequate in their opinion.

While many parts of this lawsuit reference nuclear contamination which NASA does not have as a result of any NASA or Air Force activities to the best of my knowledge, they also reference various environmental laws that I believe NASA would also be obligated to comply with.

Furthermore, the City of Los Angeles references: *"The City seeks to protect the public health, safety, and welfare and the environment of its citizens and employees from the threats posed by radioactive and other contamination at and migrating from SSFL, including Area IV."* It is my opinion after reading the NASA DEIS that the risk of cleaning the U.S. Government portion of the Santa Susana Field Laboratory property to the Administrative Order on Consent level could potentially pose a greater public health, public safety, and risk to the environment - both local and global - than a more balanced approach to clean up.

It is possible, based upon my reading of the NASA Draft EIS, that there is a tremendous risk of impacting my community as the result of potential landslides if much of the vegetation is removed, and there will be a much greater risk of releasing naturally occurring contaminants above the NPDES permitting levels to the L.A. River system the more that the soil is removed and the closer we dig to bedrock. *"Migration of contamination, including contaminated groundwater and surface water, into City limits will also cause the City and its citizens financial and economic harm due to costs of remediation, devaluation of property values, loss of tax revenues, and physical harm to citizens."*

In fact, I believe the reverse is true - the longer that this cleanup is prolonged, the longer that the trucks are running through my community, the more trucks that enter my community, there is a greater risk of physical harm to the local residents within one mile of the traffic corridors; there is a potential for people along the route to be unable to sell their homes; and there is the potential for tremendous physical harm due to the routes that are major highways in the communities of West Hills, Canoga Park, Chatsworth, and Woodland Hills.

Why are we not being briefed by Fish and Wildlife representatives and other environmental agencies that understand the applicable laws, and the true risk of this cleanup under the Administrative Order on Consent (AOC) level to the environment?

While I would want NASA's attorneys to review this whole complaint, I would like to make specific reference to these sections:

"2. In deciding to proceed with this deficient cleanup of Area IV, DOE has failed to comply with the 1995 Joint Policy with EPA, as well as with the cleanup standards of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 ("CERCLA"), 42 U.S.C. §§ 9601, et seq.. DOE has done so, moreover, without preparing either an Environmental Impact Statement ("EIS") under the National Environmental Policy Act ("NEPA"), 42 U.S.C. § 4321, et seq., or complying with the CERCLA decision-making process. In addition, despite the fact that the cleanup may adversely impact federally protected endangered species within and near Area IV, DOE has failed to complete the mandatory federal consultation process with the U.S. Fish and Wildlife Service, in violation of the Endangered Species Act ("ESA"), 16 U.S.C. § 1531, et seq."

"8. NRDC's ability to participate effectively in the cleanup of the SSFL and Area IV, and to thereby protect the environment and its members near the site is injured by the federal defendants' failure to comply with NEPA, CERCLA, the ESA and the APA, because, by violating these statutory provisions defendants are denying NRDC information to which the organization is statutorily entitled."

"NRDC brings this action on its own institutional behalf and also on behalf of its members, who both reside near and regularly visit areas near the SSFL site. These NRDC members enjoy educational, recreational, and scientific activities in that portion of California where the SSFL is located, including observing and looking for Braunton's milkvetch and other plant and wildlife species in this area. These members' interests in living and recreating in a safe and healthy environment are injured by the federal defendants' failure to comply with NEPA, CERCLA, the ESA, and the APA, because, by violating these statutory provisions, and leaving massive quantities of radioactive and other contamination at the site, the defendants are threatening both the site and surrounding areas with permanent environmental damage."

"12. The ability of CBG to participate effectively in the cleanup of the SSFL site, and to thereby protect the environment and its members near the site is injured by the federal defendants' failure to comply with NEPA, CERCLA, the ESA and the APA, because, by violating these statutory provisions, defendants are denying CBG information to which the organization is statutorily entitled."

In addition, by leaving massive quantities of radioactive and other contamination at the site, the defendants are threatening both the site and surrounding areas with permanent environmental damage."

"These and other CBG members' interests in living and recreating in a safe and healthy environment are injured by the federal defendants' failure to comply with NEPA, CERCLA, the ESA, and the APA, because, by violating these statutory provisions, and leaving massive quantities of radioactive and other contamination at the site, the defendants are threatening both the site and surrounding areas with permanent environmental damage."

"14. Plaintiff City of Los Angeles ("City") is a municipal corporation organized and existing under the Constitution and laws of the State of California and the Charter of the City of Los Angeles. The City is located in Los Angeles County and its northwest boundary is near the SSFL."

The City seeks to protect the public health, safety, and welfare and the environment of its citizens and employees from the threats posed by radioactive and other contamination at and migrating from SSFL, including Area IV."

"15. The City's ability to participate effectively in the cleanup of the SSFL and Area IV, and to thereby protect the environment, City residents, and City employees near the site is injured by the federal defendants' failure to comply with NEPA, CERCLA, the ESA, and the APA, because, by violating these statutory provisions, defendants are denying the City information to which it is statutorily entitled. In addition, by leaving massive quantities of radioactive and other contamination at the site, the defendants are threatening both the site and surrounding areas, with permanent environmental damage. Migration of contamination, including contaminated groundwater and surface water, into City limits will also cause the City and its citizens financial and economic harm due to costs of remediation, devaluation of property values, loss of tax revenues, and physical harm to citizens."

"16. The City brings this action on its own behalf and on behalf of its citizens and employees, who reside near or regularly visit areas near the SSFL site. These citizens and employees enjoy educational, recreational, and scientific activities in that portion of California where the SSFL is located, including observing and looking for Braunton's milkvetch and other plant and wildlife species in this area. The City is concerned about the risks that the contamination at the SSFL, and Area IV, pose to the health, safety, and welfare of its citizens and employees, particularly in light of the discovery of tritium, perchlorate, and other contamination migrating off the site. These City interests in living and recreating in a safe and healthy environment are injured by the federal defendants' failure to comply with NEPA, CERCLA, the ESA, and the APA, because, by violating these statutory provisions and leaving massive quantities of radioactive and other contamination at the site, including groundwater contamination, the defendants are threatening both the site and surrounding areas with permanent environmental damage."

*STATUTORY FRAMEWORK

1. The National Environmental Policy Act

"20. NEPA is our "basic national charter for protection of the environment."

40 C.F.R. § 1500.1. NEPA requires all agencies of the federal government to prepare a "detailed statement" regarding all "major federal actions significantly affecting the quality of the human environment." 42 U.S.C. § 4332(C). This statement, known as an Environmental Impact Statement ("EIS"), must describe (1) the "environmental impact of the proposed action," (2) any "adverse environmental effects which cannot be avoided should the proposal be implemented," (3) alternatives to the proposed action, (4) "the relationship between local short-term uses of man's environment and the maintenance and enhancement of long-term productivity," and (5) any "irreversible or irretrievable commitment of resources which would be involved in the proposed action should it be implemented." 42 U.S.C. § 4332."

"22. Among the factors an agency must consider to determine whether a project may have "significant" impacts, and therefore whether an EIS is required, are the "context" and "intensity" of the action. 40 C.F.R. § 1508.27. Regarding context, the CEQ regulations provide that, for a "site-specific action," an agency must determine whether the "effects on the locale" are significant. Id. § 1508.27(a).

"23. As for intensity, the regulations provide that, among other relevant factors, the severity of the impact must be judged based on whether "the proposed action affects public health and safety"; "[t]he degree to which the effects on the quality of the human environment are likely to be highly controversial"; "the degree to which the possible effects on the human environment are highly uncertain or involve unique or unknown risks"; "[t]he degree to which the action may adversely affect an endangered species"; "[w]hether the action threatens a violation of Federal [law] imposed for the protection of the environment"; and "the degree to which the action is related to other actions with . . . cumulatively significant impacts." Id. § 1508.27(b). With regard to the last factor, such cumulative impacts include "the incremental impact of the action when added to other past, present and reasonably foreseeable future actions regardless of what agency (Federal or non-Federal) undertakes such other actions." Id. § 1508.7."

"26. Even after a NEPA process is completed, where an agency learns of "significant new circumstances" or new "information relevant to environmental concerns and bearing on the proposed action or its impacts," the agency must undertake further review under NEPA. Id. § 1502.9(c); 10 C.F.R. § 1021.314"

Please see the complete complaint including:

2. The Comprehensive Environmental Response, Compensation, and Liability Act

3. The Endangered Species Act

B. DOE's Broken Promises To Characterize And Cleanup Area IV

In conclusion, the full complaint by the parties against the DOE related to the AREA IV property at Santa Susana has significant relevance to what actions NASA should take regarding its Environmental Impact Statement. It is my opinion that NASA, in just supplying the options of the cleanup to the AOC level, or a No Further Action level, is depriving the community at risk from having the necessary information to make informed decisions regarding the standards of cleanup, the risk to the community from various cleanup alternatives, the risks from the trucks, and the potential hazards to the local environment (endangered species, native plants, protected trees, and wildlife).

Let me reiterate again: "It is my strongest opinion that it is irresponsible of NASA to consider this one cleanup alternative (the AOC) as the only possible alternative under NEPA despite all political pressures."

Thank you for this opportunity to comment on the NASA Draft Environmental Impact Statement.

Christine L. Rowe

West Hills resident of 35 years
NASA Section 106 consultant
September 7th, 2013