

Community Advisory
Group
Comments For
NASA DEIS

SSFL Community Advisory Group

Allen Elliott, SSFL Program Director
Msfc-ssfl-eis@mail.nasa.gov

Thank you for the opportunity to comment on the Draft Environment Impact Statement (DEIS). The SSFLCAG members have been reviewing the DEIS for a number of weeks and have submitted their individual inputs including substantive detail to you and this overall response is on behalf of SSFLCAG organization.

The SSFLCAG has found that our communities are very disturbed by the DEIS and our comments reflect this widespread feeling.

The DEIS is deficient because it only presents two unacceptable extreme alternative for the cleanup. The proposed Soil Cleanup to Background would have significant environmental impacts and the No Action alternative would leave contamination in place that most would agree should be removed.

The Cleanup to Background will require a major amount of excavation that will overload the one mountain road coming from the SSFL and saturate the community roads leading from that site. Truck accidents are anticipated and the DEIS notes that the danger to nearby school children will be significant. The danger to the school children is unacceptable.

The soil removal will destroy the existing biota and will alter the topography yet the DEIS does not address a grading or drainage plan. The DEIS calls for only a third of the removed soil to be replaced and it is questionable that the plants and habitat will be reproduced.

The plan proposes that some of the removed soil be remediated and returned as backfill however the techniques for this remediation are unproven. It is questionable that sufficient offsite soil can be found that meets the stringent cleanliness standards of the selected alternate to be used as backfill.

The widespread soil removal will damage existing native sacred grounds ancient sites and artifacts. The DEIS does not provide for professional assistance to identify and develop protection for these critical areas the impact of the cleanup will generally have significant negative effects and in particular the Burro Flats site will be impacted. Non-excavation methods of remediation should be exhausted before performing excavation that could damage cultural sites.

Under the proposed action numerous historical buildings are to be removed and the rocket test stands are to be dismantled. These test stands were used for all of the space vehicles and they are a remembrance of our national space program. NASA should make a greater effort to preserve as much of this heritage as reasonably possible.

The core of the many problems with the DEIS is the amount of soil to be excavated and this is dictated by the AOC which calls for the Cleanup to Background. This AOC should be modified to allow a risk-based cleanup that would greatly reduce the amount of the soil to be excavated and thus mitigate many of the problems. The AOC allows for

agreement changes if accepted by both parties and with the inclusion of PRG's into the lookup tables would allow this alternate cleaning method to be evaluated and used. A Modification in Principle alternative is being proposed that would maintain the AOC and include this recommendation.

Finally, the DEIS as written using the Clean to Background method will have a major impact on the SSFL with the irretrievable loss of culture, history, environment, sensitive habitat and critical natural resources. The nearby communities and those along the transport route will also be affected. The DEIS as written needs to be rewritten as suggested including a risk based cleanup.

The SSFLCAG, while not endorsing every comment made individually by its members, supports the overwhelming essence of those comments which state that the DEIS as written is unsatisfactory and the AOC requirements that caused the proposed destructive cleanup must be changed.

Copies of the comments on the DEIS from various SSFLCAG members are attached.


Alec Uzemeck
Chair, Community Advisory Committee

SSFL Community Advisory Group Members

| | | |
|---------------------|------------------|---------------|
| Ross Berman | Richard Brandlin | Sam Cohen |
| Diana Dixon Davis | Sharon Ford | Paul Garret |
| Poly Georgilas | Linda Hays | David Karchem |
| Christian Kiillkkaa | Michael Kuhn | Frank Lopez |
| John Luker | Leigh Nixon | Barry Seibert |
| Thom Slosson | Brian Sujata | Alec Uzemeck |
| Christina Walsh | Katy Weiner | Abe Weitzberg |
| Mary Weisbrock | Ron Ziman | |

Ronald B. Ziman, MD, FACP, FAAN

Neurology

Dipl., Am. Bd. of Psychiatry & Neurology, Neurology
Dipl., Am. Bd. of Psychiatry & Neurology, Vascular Neurology
Dipl., Am. Bd. of Internal Medicine
Assoc. Clin Prof., Neurology, UCLA

Fellow, Am. Acad. of Neurology
Member, Stroke Council, AHA/ASA
Fellow, Am. College of Physicians
Member, UCLA Stroke Network

22110 Roscoe Blvd., Suite 304, West Hills, CA 91304

Phone: 818-943-9493 FAX: 818-999-4329

Brain Injury Spine and Spinal Cord Injury Pain Management Nerve and Muscle Diseases
Parkinson's/Movement Disorders Alzheimers/Dementia Stroke Epilepsy Sleep Disorders Multiple Sclerosis

EMG/Nerve Conduction EEG Evoked Potentials

AME QME IME

16 September, 2013

Mr. Allen Elliot - SSFL Project Director
NASA MSAFC ASO, Building 4494
Huntsville, AL 35812
msfc-ssfl-eis@mail.nasa.com

Dear Mr Elliott,

I am a physician and resident of Bell Canyon, CA Bell Canyon is to the immediate South of the SSFL, bordering the Southern Buffer Zone and in that regard, the nearest neighbor of the SSFL. Presently 90% of the watershed from the SSFL flows south into Bell Creek which winds its way throughout our neighborhood. The prevailing winds in this area are from North to South, sweeping over the SSFL land, sweeping up material and carrying it into our community. We are exposed from all pathways to substances arising from the SSFL and subject to whatever its effects may be. If there is any community that is in the line of fire and to be affected by the contamination of SSFL it would be Bell Canyon Our community is extremely grateful to DTSC, NASA, DOE and Boeing for all your cleanup efforts to date. Protection of the population is paramount. Without protection of the environment in which we all live, everyone becomes vulnerable.

Having read the Draft Environmental Impact Statement (DEIS) that NASA recently released, I am compelled to comment I am deeply disturbed by its rationale, structure and conclusions. This document is severely limited and flawed I recommend that it be rewritten and then resubmitted to the public for further comment. Among other things, your DEIS is in conflict with NEPA and CEQA. Further there are no alternatives besides "all or none," neither of which addresses the area appropriately and are definitely unsatisfactory to my community. How an EIS can actually recommend either placing the public and environment at serious health risk or have "no action" as the only other

alternative when a clean up is indicated and has been promised for years is beyond me. This appears to be bureaucracy at its worst.

The OIG report of 2/14/13 clearly stated that funding a \$200,000,000 clean up for SSFL may “not be feasible” and yet that is the very cleanup you are proposing. A less strict, acceptable risk based cleanup standard is estimated by the OIG in their same report to cost \$80,000, a sum much more likely to be funded. Based on that, I can only conclude that NASA is not serious about doing any cleanup given that “no action” is the only other possible alternative presented if your “all” proposal is not funded.

In your own NASA National Environmental Policy Act; Santa Susana Field Laboratory Status report, (Source: Marshall Space Flight Center) of 8/2/13, you indicate that alternatives will be considered,

“The DEIS will consider a range of alternative technologies that meet NASA’s objectives to clean up soil and groundwater contamination at the portion of the SSFL site administered by NASA. Implementation of this Proposed Action would occur by implementing one Demolition Alternative and one or more Cleanup Technologies, from the following: (1) Soil Cleanup Technologies: Excavation and Offsite Disposal, Soil Washing, Soil Vapor Extraction, Ex Situ Treatment Using Land Farming, Ex Situ Treatment Using oxidation, In Situ Chemical Oxidation, In Situ Anaerobic or Aerobic Biological Treatment; (2) Groundwater Treatment Technologies: Pump and Treat, Vacuum Extraction, Heat Driven Extraction, In situ Chemical Oxidation, In situ Enhanced Bioremediation, and Monitored Natural Attenuation.”

NEPA requires analysis of the “No Action” alternative which in this case means no environmental cleanup at the site and/or no demolition of test stands and ancillary structures on the NASA- administered property.”

Paradoxically you also state in the same report that,

“Based on comments from some members of the public, DTSC, Senator Boxer, and guidance from the White House’s Council on Environmental Quality, the DEIS now considers only the strictest “Cleanup to Background” and the least effective “No Action” alternatives. All other cleanup alternatives, consistent with both the Scoping Process and the potential future use of the land, were specifically removed from the DEIS.”

Nothing in the letter you received from the CEQ requires you to exclude other alternatives. It simply states alternatives need not be mandatorily included. I have to believe that Barbara Boxer, who has fought both for the environment and at the same time the “strictest cleanup ever” in the interest of public health, has been misled and is now working at odds with her own core environmental principles. Laying waste to 105 acres of earth is catastrophic and when of that magnitude will take decades, if not centuries, to heal. There will be multiple negative consequences, many likely unforeseen, to the public and the environment. These 2 incongruities, advocating for an overly strict and rigid clean up which will be harmful to all and at the same time representing oneself

as a defender of public health and the environment is irreconcilable. I will be contacting her about this very issue shortly

The last paragraph of the CEQ is critical to the process, yet it appears that NASA, while placing great weight on 1 sentence, completely ignored the last paragraph. To quote (emphasis added)

“As to assisting the State and NASA in moving forward cooperatively, is fully consistent with CEQ regulations for NASA and the State to coordinate their environmental reviews to the greatest extent possible. CEQ would recommend such coordination while allowing NASA to retain the integrity of its NEPA decision making authority. CEQ would propose that the State and NASA conduct face-to-face meetings with the goal of establishing an updated cleanup timetable. During the process of working on the timetable, the State and NASA will also be able to resolve other issues, including (1) what information, including any site characterization information, NASA and the State can provide each other to facilitate NASA’s NEPA process and the State’s California Environmental Quality Act (CEQA) work; (2) how the NEPA and CEQA processes will work together; (3) What the State’s timeline is for the CEQA process; and (4) whether an extension for completion of the cleanup could assist in facilitating coordination among the NASA and State efforts. CEQ would be pleased to assist NASA, the STATE and the Committee as appropriate in fostering this coordination.”

The reasons quoted in the report to exclude alternatives relate to what I assume to be political pressure associated with Senator Boxer’s and the CEQ’s letter. Yet the CEQ letter clearly states, as quoted above, that the timeline can and should be subject to negotiation. Senator Boxer’s letter doesn’t even mention the 2017 date or give a timeline by which the cleanup is completed. The Consent Order of 2010 indicates that the cleanup methods should be in place by 2017, but to expect cleanup to be complete by then is not realistic and yet appears to be driving the process. The apparent rationale to remove rather than treat soil directly relates to the “self imposed” 2017 deadline for clean up. There is no reason the cleanup must be completed by 2017 other than an agreement between NASA and DTSC (the AOC) that includes a mechanism for modification and is severable. Mutual agreement of the parties is the only requirement. Mutual agreement is conveniently ignored despite it being part of the CEQ letter to Senator Boxer. Similarly the emphasis of coordination between NASA and the State to optimize the CEQA and NEPA processes also included in the letter and quoted above are “forgotten.”

As outlined on the timeline the NASA DEIS, CEQA and NEPA are all uncoordinated and disconnected. This is the worst of all worlds, like ships passing in the night, never to see each other or be able to interact. While the land is destroyed, including its archeological resources, and the test stands are dismantled, erasing the space history that is so rich and comprehensive at the SSFL (from the Redstone and Atlas rockets to landing men on the moon and the space shuttle), the very laws and their associated report mechanisms designed to protect haven’t even been drafted or considered before destruction occurs. By the time there is a document addressing what to preserve, all will have been removed. What logic is there in that? Is that taking your charge and responsibility as stewards of

space and its history seriously and responsibly? It appears that the very processes that are intended to be coordinated have purposely been disconnected. There is no other explanation for your blatantly ignoring the law and the advice given in the CEQ's letter quoted above.

How can one know what to preserve if the end use of the land has not yet been determined. NASA has made no attempt to balance the financial costs, cultural costs and costs to the environment, all mandated by NEPA and CEQA. Though it may be expedient to tear everything out, including the ground itself, creating a Tabla Rasa, it would seem, given the rich resources that exist there, rather than a Tabla Rasa, NASA, California, and future generations would be better served to preserve the physical monuments to this history. How does anyone know what to preserve if there is no discussion about ultimate long term land use?

The Alpha, Bravo and Coca test stands should all be preserved. They each represent a unique part of the history of the cold war and later the space age where all are inextricably linked. Some of the test stands are considered to qualify for registration in the National Registry of Historic Sites, yet this is ignored. The Burro Flats Cave and its acknowledged remarkably rich and exquisitely preserved paintings, currently registered, is placed in jeopardy by the clean up. Other caves and known sites are similarly put in harms way for no reason. This wanton "scorched earth policy" is beyond any rationale. To me and my neighbors, it appears to be almost cruel and vindictive. Who are you hurting other than the environment, the people and future generations of Americans and foreign visitors who should be educated, see, learn and understand this amazing and diverse history? All these resources: the test stand and significant associated structures, Indian sacred sites, TCPs and archeological areas could and should be preserved within the AOCs. I am shocked at the apparent disrespect and irreverence of NASA and the US Government, ignoring all safeguards to protect tangible treasures of prior millennia. The ancient Chumash people gazed at the stars, recorded their observations and dreamed of visiting. Ironically, within steps of their past, what would have appeared to them to be fire-spitting "gods" were conceived that actually transport man to the heavens.

The cleanup of soil is astronomical (pun intended) with unfortunate and irreparable astronomical consequences. 80,000 truck trips to transport soil removed from 105 acres with the demolition debris of multiple structures added. Removal of this soil unavoidably removes all the plants and biota. Seeding with native plant species sounds all well and good, but no one knows if the natives will grow in soil with different biota and chemical characteristics that comes from another area. How inviting will this barren soil be for non-natives? Where is the soil coming from? That is not known at this time. Is there even enough soil to obtain that would replace 30% of what was removed? The 30% is a maximal amount. It could turn out to be less. What are the consequences to this? Where are they addressed in the DEIS?

Erosion from wind and rain will be substantial and unavoidable. Dust, not only from the trucks but from the prevailing north to south winds will carry infectious Valley Fever organisms (*Coccidioidomycosis*) and other pathogens into neighboring inhabited areas.

Outbreaks of Valley Fever increase even after an earthquake. Removing plants and soil, and then replacing only part of the soil while hoping that native rather than non invasive species will grow and take hold in time to avoid disease is wishful thinking at best. As a physician I have had the unfortunate experience of caring for those with Valley Fever. Once acquired it is present for life and can kill despite the most aggressive treatment. For those who develop involvement of the central nervous system it is not only incurable, but results in the need for continuous treatments with toxic medications that are painful to administer directly into the spinal fluid. This is no minor matter. I have not seen this discussed anywhere in the NASA DEIS despite the fact that coccidioidomycosis is endemic in the San Fernando Valley and I am sure in the SSFL soils as well. Has it even been looked for there?

There are other organisms of concern that are also not discussed. Stagnant pools related to improper drainage from the extensive soil excavation enhance breeding for mosquito transmitted viral diseases such as Avian Flu and West Nile Virus. This impact is similarly ignored. The risk of other illnesses, such as equine encephalitis, will likely rise, not only for horses, but also people. Flies breeding in the stagnant pools carry parasites and other diseases. None of this was addressed in the DEIS. Changes in topography and water related soil erosion will choke the streams and creeks that come off the SSFL mountain into neighboring areas. Multiple deleterious and unforeseen consequences related to alteration of the stream beds have not been considered.

The topography will be completely altered and with it the surface water flow and percolation needed to recharge ground water. The aquifers have not been adequately characterized and we are already seeing the "law of unintended consequences" related to the GWIM and pumping at the WS-09A well on NASA's property. The aquifer's water is being purposefully removed to lower the water table to dry the seeps and springs. Now Bell Creek, an historically perennial creek, is dry. Its well developed canopy with rich understory is not just in jeopardy, but dying. What will be its fate and state after erosion chokes the creek and the groundwater recharge is altered in unknown ways? How will these changes impact the character of the creek? Will it be better or will it destroy this fragile and beautiful habitat? What consequences will occur to the animals that use the creek and its water as part of their habitual migration? Has this really been investigated and adequately addressed in the DEIS? I not only think not, I know not, it has not.

The SSFL is a critical point within the migration pathways connecting the coastal range to the inland forests and other wilderness areas. How will the animals fare when the land has been denuded, the plants eliminated, the soil biota completely changed and surface water and groundwater hydrology altered in ways that are not predictable? Open moon-space does not sustain the animals. It is not habitable for them any more than it would have been for the Chumash ancestors. No good will come of this cleanup as far as the animals and plants are concerned -- so much for the environmental concerns that are central to the title and purpose of this report.

How can mitigation of impacts be addressed when alternatives are not even included for consideration? Titling this document an "Environmental Impact Report (EIS)" has never

been truer, but all the impacts are negative without considering any alternative mitigation that is normally included to protect the people and the environment. A supposed goal of government is to protect and preserve the environment for posterity. The proposed actions are going to do just the opposite.

What of the damage to our roads, the predicted fatalities along the routes, the potential for contamination from trucks, the diesel pollution from the trucks themselves and the multiple deleterious impacts they will have on the neighborhoods and its inhabitants as they go through? All negative health and property impacts directly related to the way the cleanup is proposed, the dimension of which is multiplied further because of the arbitrary 2017 goal of soil cleanup. Actually the soil is really not being cleaned. It is being moved to another location, contaminating and polluting along its travel route, exposing ever more people to hazardous materials and then ultimately contaminating another area. Where is the justice to the community or the environment from this action? Add to this the cumulative burdens from Boeing's and DOE's cleanup efforts. How do you spell disaster? Answer. NASA DEIS

The "decontaminated," scarred and damaged land left behind would clearly be subject to "recontamination" as a result of the less strict clean up standards being applied to the adjacent Boeing owned property. Contamination will obviously be transported by air and water to properties neighboring Boeing including the NASA owned area at the SSFL as well as neighborhoods surrounding the SSFL, Bell Canyon among them

To be applying 2 different cleanup standards within the same overall property makes no sense. This AOC defined NASA cleanup is to an impractical standard that has never been done anywhere else in the world – and probably never will be again. It is an arbitrary and impractical standard relative to public health and the environment. This cleanup standard is without justification. Simply put, it is irrational. In the name of clean up that has no rational basis you are destroying that which you are charged to protect and preserve. You are proposing to remove everything, destroying the environment and its unique history and irreplaceable archeology and, at the same time putting public health at risk. How can those who authored this document or those who have presented it maintain a straight face? What is needed is a rational, scientifically sound, risk based clean up.

If I were to grade my property I would need to file a grading plan and water drainage plan with Ventura County. Yet we are presented with a plan involving an area hundreds of times larger than my lot, to be "graded" in an indefinite way. There really is no grading plan or drainage plan. It is not known if soil meeting the impossibly strict cleanup standards can be located to replace a mere fraction of what is to be removed. Considering the severity of the consequences, how can this all simply be allowed to happen? Alternative methods must be considered to effect a practical level of clean up that is risk based, not based on an arbitrary and overly strict standard that is beyond any clean up done anywhere in the world.

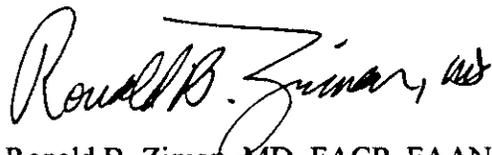
SB990 was struck down in part because of its arbitrary and unreasonably strict standards that are without peer. The AOCs are partly based on SB990. Applying the same

reasoning as was applied to SB990, the AOCs themselves are at risk to be invalidated on the same grounds. Rather than undoing all the years of work that have ultimately brought us to where we are, I propose that the AOCs be preserved -- unlike what the DEIS is proposing for the NASA portion of SSFL I propose that they be modified to incorporate risk based cleanup standards. The arbitrary 2017 completion date should be renegotiated as indicated by the CEQ, or at the least affirmed the 2010 Consent Order which requires that methods be in place by then. It is unrealistic to expect the completion of soil cleanup by 2017 and NASA should not be held to that. A realistic, achievable deadline should be renegotiated. Clean up can proceed over however many years with alternative sometimes serial in situ and ex situ techniques applied to the soil that would be far less destructive to the environmental, cultural and historical resources.

Inherent in NEPA and CEQA is the end use. That should define the risk based cleanup standard. Ultimate use is being completely ignored in this DEIS. Given the fact that NEPA and CEQA have not even been started, let alone completed, there is no way to consider those documents' recommendations in this plan. As I said in the beginning, the process has been perverted by disconnecting NEPA and CEQA from the DEIS and the elimination of all but the 2 most extreme options.

Preserving SSFL's cultural and historic resources creates the opportunity for the SSFL to become an open "space" park, allowing the wildlife corridor, the Chumash archeological sites, sacred sites and TCPs and our monuments to missile development and space exploration to be seen and admired. The preserved Chumash sacred sites serendipitously prophesize NASA's later use of the same land. Such an open "space" park gives further opportunity to showcase a living demonstration laboratory for innovative, experimental and proven decontamination strategies and techniques under the administration of the National Park Service. Academic institutions could become involved under a competitive system to apply their ingenuity to further the decontamination effort. Properly structured, financial resources could be identified and admission fees instituted to help sustain it. This plan illustrates responsible government leadership to protect both the environment and the people. This would be applauded as the Federal Government exhibiting demonstrable vision in its stewardship of this special land and preservation of its unique cultural, historical and environmental resources.

Sincerely,

A handwritten signature in black ink that reads "Ronald B. Ziman" with a stylized flourish at the end.

Ronald B Ziman, MD, FACP, FAAN
Associate Clinical Professor of Neurology,
David Geffen School of Medicine, UCLA
Vice President Bell Canyon HOA
Bell Canyon Representative to the SSFL

Abraham Weitzberg, Ph. D.
5711 Como Circle
Woodland Hills, CA 91367

August 26, 2013

Allen Elliott, SSFL Project Director,
NASA MSFC AS01, Building 4494,
Huntsville, AL 35812

msfc-ssfl-eis@mail.nasa.gov

Re: Comments on Draft Environmental Impact Statement for Proposed Demolition and Environmental Cleanup Activities at Santa Susana Field Laboratory, July 2013.

Dear Mr. Elliott,

I am pleased to submit these comments and express my deep concern over the contents of the DEIS and the negative impacts of both of the two alternatives that are evaluated.

The document and the process that created it are flawed by the political interference that caused the removal from consideration of alternatives intermediate between two unacceptable extremes. The Proposed Soil Cleanup to Background/Detect would have significant negative environmental impacts and the No Action would leave contamination in place that most would agree should be removed. Surprisingly, the No Action appears to have far fewer negative environmental impacts than the proposed action.

Additionally, because the re-evaluation of significant negative impacts 'After Implementation of Best Management Practices and Mitigation Measures' for two resource areas, Cultural Resources and Biological Resources, are dependent only on the results of future consultations, there is significant uncertainty in the ultimate evaluation of these impacts. The possibility of additional behind-closed-doors political influence/coercion affecting these consultations is real, based on the actions leading to the removal of the alternatives from this DEIS.

The DEIS itself is overly optimistic and minimizes the amount of soil to be removed by neglecting the likely impacts of the very low soil remediation trigger levels coupled with the extensive confirmation sampling that would be required. Note that DTSC has stated that when the chemical LUT values were applied to the background locations false positives in the range of 20-25 percent were observed. The minimization of soil removal is further compounded by the assumption that all Best Management Practices and Mitigation Measures would be 100% effective in eliminating the negative environmental impacts. As will be discussed in later comments this is highly unlikely.

Finally, the removal of two feet of soil, with all of its lifeforms, from large portions of the NASA areas together with deeper excavations down to bedrock, plus replacement of only one-third of the removed volume would significantly reconfigure the landscape and could be characterized as

'moonscaping.' The likely unavailability of replacement soil meeting the SSFL cleanup requirements is also ignored in the DEIS, as the soils listed in the document have not been tested and found to be acceptable.

The focus of the majority of my comments is on the excessive negative environmental effects of the soil removal and transport to meet the requirements of the 2010 Agreement on Consent Cleanup to Background or Detect. The DEIS does not address the cost or schedule implications of this approach with constraints imposed by realistic budget expectations. This would likely extend the short term negative impacts of the remediation until they become long term, as the DEIS optimism is replaced by reality. Additionally, it is possible that the cumulative impacts of the remediation to be performed by DOE and Boeing when added to the NASA actions significantly exceed the estimates included in this DEIS. This is further complicated by the fact that the much larger Boeing areas will be remediated to Suburban Residential soil standards, with levels higher than the very low AOC LUT values. After the passing of time, soils from the Boeing areas will migrate to the other areas by wind and water mechanisms, negating any positive effects of the AOC soil remediation.

Optimism in all resource areas unrealistically overestimates the long-term benefits of Best Management Practices and Mitigation Measures, and attributes unquantified and unjustified cumulative future benefits of remediation actions in the Biological Resources, Health and Safety, Water, and Hazardous and Nonhazardous Materials and Waste resource areas. In practice, because of the high levels of naturally occurring dioxin, arsenic, and radionuclides in SSFL soils, the removal of contaminants above background and detect levels, only in about one-fourth of the NASA project site area, will not significantly change the overall risk. The claims of long-term moderate or significant benefits are unjustified. It is not sufficient to simply state that the removal of non-treatable soils or unquantified possible reductions in groundwater contaminant concentrations would have a long term benefit by reducing the potential for contaminant exposure or bioaccumulation, *without first showing there is a present risk and it will be significantly reduced by the proposed action.*

The potential long-term benefits of the proposed soil remediation can be quantitatively shown to be truly negligible by noting that the 105 acres assumed to be remediated by NASA represents only about four percent of the total SSFL site area. Since the elevation of 'The Hill' varies between 700 and 1500 feet above the valley floor, we can assume a 1000 foot average and conservatively overestimate that NASA removes the top ten feet of soil which gives another factor of one percent. Thus 0.9996 of the background levels of radionuclides and chemicals would remain in place after remediation. We know from the background studies that the total agricultural cancer risk from radionuclides and chemicals is about 0.05 and that the remediation only addresses soil with contaminants above background or detect. Most of these local contaminants have risks in the 10^{-3} to 10^{-6} range, which are 50 to 50,000 times less than background risk. Removing these contaminants from the small fraction of soil leaves the total site risk essentially unchanged, and does nothing to lessen the potential for contaminant exposure or bioaccumulation in humans or wildlife.

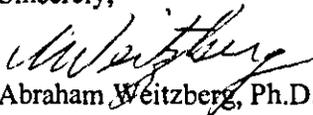
The DEIS correctly states that all groundwater cleanup activities would alter existing water quality conditions appreciably and negatively. However, the claims of moderate, beneficial,

regional, and long term impacts are unreasonable. Considering the very large amounts of contamination present in the fractured bedrock and the long time horizon for their removal, up to 50,000 years, one could more accurately say that no meaningful changes would occur in the foreseeable future. This assumes that pumping is continued to ensure that contaminant plumes do not move away from the site.

If, as the DEIS clearly states, the Proposed Action has unacceptable short-term environmental impacts and the No Action Alternative leaves SSFL with too much contamination, the DEIS does not present viable alternatives to either the public or the decisionmakers. It should therefore be revised to include at a minimum those alternatives that were removed, which should then be prudently applied consistent with the ultimate planned use of the site.

Specific comments following the content of the DEIS are included as an attachment to this letter.

Sincerely,


Abraham Weitzberg, Ph.D.

w/ Attachment

Attachment A

Detailed Comments on Draft Environmental Impact Statement for Proposed Demolition and Environmental Cleanup Activities at Santa Susana Field Laboratory, July 2013

The following comments are listed in the order of the information as presented in the DEIS. There may be duplication between comments made on the Executive Summary and on the body of the document.

Page ES-2,

The CEQ letter states "*CEQ encourages agencies to carry out robust alternatives analyses that consider all reasonable alternatives, including those that are not within agencies' authorities. The real focus, however, must always be on a meaningful consideration of alternatives.*"

and

In view of NASA's administrative cleanup resolution with the State of California, which turns upon NASA's commitment to clean the site to local background levels, CEQ's view is that – under this rule of reason – NASA is not compelled to consider less comprehensive cleanup measures as alternatives "

While NASA is not compelled to evaluate other alternatives, it is not forbidden from doing so. Without the intervention of Senator Boxer, as reported in the press, NASA would have evaluated robust alternatives without the negative impacts of both the proposed action and the no-action alternative. The AOC cleanup is infeasible and the No-Action, although undesirable, may be preferable.

For the record, the AOC soil requirement is cleanup to background or detect, without any consideration of risk, not simply 'cleanup to background.'

Page ES-4, Section ES-3. 1.2

NASA correctly states: "*Currently, excavation and offsite disposal is the only proven remedial technology to meet 2010 AOC standards..... even if one in the class is not able to be treated, then the class is considered non-treatable.....In the vast majority of contaminated areas on NASA-administered land at SSFL, the top 2 feet (ft) of soil contain non-treatable chemicals and cannot be remediated using any of the technologies. The only way to get the non-treatable chemicals to background levels (2010 AOC requirements) is by excavating and disposing the soil offsite and offsite disposal—an estimated 320,000 cubic yards (yd³).*"

The capability of any treatment technology to meet the very low AOC requirements in any reasonable time period is not credible. The estimated 500,000 cubic yards should be used as a minimum value of soil to be removed, because the full impact of the AOC requirements plus the confirmation sampling is unknown at this time.

Page ES-5, Table ES-2

Beneficial Impacts on Biology and Hazardous Waste, as claimed in the Table, are nowhere discussed in detail and justified in the body of the report. Similarly, the acknowledged significant negative impacts are assumed to be uniformly reduced to moderate, minor, or negligible by use of Best Management Practices or Mitigation Measures which are assumed to be 100% successful. Such an assumption is unreasonable and unwarranted. As discussed in the cover letter, because of the high naturally occurring background concentrations of dioxin, arsenic and radionuclides in the soil, little net benefit from the remediation can be anticipated. The next two feet of soil will have almost the same or perhaps greater risk than the soil that is removed.

Section ES-5.1

Significant negative impacts are presented in detail.

Page ES-8, Section ES-5.2

Moderate negative impacts are presented in detail.

Page ES-9, Section ES-5.2.4

Moderate beneficial impacts are gratuitously inserted into the paragraph without any examples or substantiation. Such an apparent assumption is not warranted. Note there are no regional benefits claimed, although this is what motivates the long-time community activists.

Page ES-10, Section 5.3.3

Long-term beneficial impacts are assumed because the waste is removed from the site, but no information is presenting demonstrating that it now poses a risk on-site. In fact, the AOCs have been interpreted to preclude any risk assessment without language so stating. Without risk assessment, how can NASA claim that risks will be reduced?

Page ES-11, Table ES-4

This table is worthless and provides mis-information to the public and the decisionmakers. Without substantiation, most negative impacts are reduced as a result of Best Management Practices and Mitigation Measures based on an assumption, and all of the beneficial impacts are restated without justification.

Page ES-15, Table ES-5

For Biological Resources it seems strange to claim moderate, beneficial cumulative impact from removing contamination, when you have killed/removed all of the biological resources.

For Water Resources, it seems very questionable that possible small improvements in water quality in an area that is not anticipated to have residents that would subsist on the ground water could have significant beneficial impacts.

For Hazardous and Nonhazardous Materials and Waste, how is a significant, beneficial impact justified, when the waste may not now pose a significant risk. This would be particularly true for any waste that is currently buried on-site.

Page ES-16, Section ES-8.0

NASA states: "***The analysis assumes that the technologies considered are feasible, implementable, and effective.....***" If it is likely that, for the very low AOC cleanup levels, the technologies are infeasible, non-implementable, and ineffective, why is this not reflected in the DEIS?

Page ES-17, Section ES-12.0

NASA states: "***... cleanup of soils to Look-Up Table values, would provide a beneficial long-term impact for the overall reduction of contaminants across the site and reducing exposing risk to wildlife and humans.***" There has been no case made that these contaminants now pose a risk to wildlife and humans, particularly in light of the high natural background of some of these contaminants. If NASA does not establish the current risk, how can they claim a future reduction from their proposed actions?

Page 2-19, Section 2.2.2.3

Document does not declare that the referenced replacement soils have been tested and found to meet the AOC requirements. Based on the failure of other candidate soils to meet the requirements, it must be assumed that these may not be found to be suitable.

Table 2.2-5

Why is the replacement of only one-third of the removed soil acceptable? What are the impacts of so altering the landscape and drainage?

Page 2-33, Section 2.4

Why did NASA eliminate the broad range of alternatives, as viable alternatives? It is clear that they have substantially less negative environmental impacts and meet cleanup criteria that are generally accepted throughout the United States.

Page 2-36, Section 2.4.1.4

When translating soil volumes into trucks, the analysis does not appear to take into account the fact that since there are far fewer trucks bringing replacement soil than are needed to remove excavated soil, the number of trucks to be considered in traffic studies must include the empty trucks that also will drive to and up Woolsey Canyon Road.

Page 4-27, Table 4.3-1

The impact on Cultural Resources is significant and negative. Mitigation measures would not eliminate negative impacts and one must assume that consultation will not alter the situation, unless there is political interference.

Page 4-36 and Page 4-49, Table 4.4-1

The assessment of impact on Wildlife from removal of non-treatable soils as moderate, beneficial, regional, and long-term by reducing the potential for contaminant exposure or bioaccumulation is a gratuitous fabrication, unless there is some evidence that such effects are or have been observed.

Since the vast majority of the impacts listed are negative, how can the whole be listed a beneficial? The analysis borders on fraud.

Page 4-54

Project Trip Generation –

Construction workers carpooling is a non-conservative estimate. By personal observation, they usually drive individually in pickup trucks rather than carpooling.

Woolsey Canyon should not be considered rolling terrain. It is a steep winding grade.

There seems to be no realistic account of the need for empty trucks to drive up to the site to receive their loads. In practice, with far less replacement soil than removed soil, and loaded trucks driven to a variety of destinations at different distances, this would come close to doubling the number of trips up and down Woolsey Canyon Road.

Trucks would not necessarily come from the dumps to which they would eventually deliver their loads and drivers would have to drive there to pick up their trucks if they did.

Page 4-63

Truck speeds and stopping distances are interesting, but do not seem relevant to the critical route up and down Woolsey Canyon Road.

Page 4-64, Table 4.5-1

Table assumption states that trucks arrive and depart between 7 am and 7 pm, which on average would be consistent with the stated practice of only working during daylight hours. However, in practice, the Los Angeles daylight varies considerably with about 16 hours at the summer solstice and slightly under ten hours at the winter solstice. Are the numbers of workers based on the assumption of two shifts with double traffic loads at shift change during the summer and single shifts with overtime during the winter?

Page 4-65, Table 4.5-3 and Page 4-69, Table 4.5-5

Analysis of traffic on Arterial Roadways and Safety of Truck Trips appears to be limited to numbers of trips, concluding that Levels of Service are not raised above LOS threshold and the safety is not significantly affected. This does not account for the fact that the trucks on Woolsey Canyon Road and Valley Circle will travel at greatly reduced speeds compared with passenger vehicles and the abilities of passenger vehicles to safely enter these roads from side streets will be significantly impacted and the risks of accidents increased. There is no runaway truck escape ramp on Woolsey Canyon Road and the steep grade poses an added risk from trucks.

Page 4-68, last sentence

It is difficult to understand how the addition of a significant number of trucks to the existing traffic load would not add to the number of truck accidents, even if the rate expressed as number of accidents per mile traveled per truck does not change.

Page 4-74, Table 4.5-6

Another example of a significant negative impact arbitrarily changed to minor negative impact, with no real changes made in the actual traffic load as part of the mitigation. The only real way to significantly mitigate the impacts of traffic is to decrease the number of trucks.

Page 4-79, Page 4-80

Groundwater Quality – Claims that in the long term groundwater and soil cleanup to LUT values would likely reduce groundwater contamination sources are overstated. The residual natural background arsenic and radionuclides over the entire site throughout its depth far outweigh the relatively small amounts of contamination that may be removed. Moreover, in the long term there is high probability that these contaminants will migrate from the Boeing areas which are being cleaned to Suburban Residential levels. The sentence beginning the third paragraph seems to state that groundwater is being cleaned up to LUT values. The LUTs apply only to soil.

Page 4-81, Section 4.6.3

The risk of harmful exposure is not estimated. Therefore lengthening it may or may not be consequential.

Page 4-84, Table 4.6-1

All Impacts with the exception of Water-6B are negative and local and some are long term. How can this translate into an Overall Impact that is beneficial, regional, and long term? There is no case made that any local actions regarding the water resource will have regional effects. These purported benefits are arbitrary and unsubstantiated. The very large amount of contamination contained in the fractured sandstone bedrock coupled with the slow rate of migration out of the

bedrock ensures that groundwater quality will remain essentially the same for centuries to come. Estimates up to 50,000 years have been made. While pumping should continue for the foreseeable future to ensure that contaminant plumes do not move away from the site, no credit should be taken for hypothetical future improvements in water quality.

Page 4-129, Table 4.9-1

How can any short-term benefits affecting worker health and safety have any long term benefits to the workers who are no longer working at the site? It has not been shown that the current levels of contamination pose a risk and after the workers leave the site they cannot be affected by on-site contamination.

Page 4-152, Table 4.12-2

All impacts shown are negative, yet the overall impact is claimed to be significant, beneficial, local and long term. Where are the benefits described and justified, or are they just assumed? How can all of the negatives be combined into a beneficial?

Page 4-167, Table 4.13-2

All impacts shown are negligible or minor, mostly negative, yet the overall impact is claimed to be significant, beneficial, and long term. How can this mixture of impacts be summarized as significant, beneficial?

Page 4-169, Section 4.14.3

It is unrealistic and not conservative to assume that the technologies are feasible and effective. The assumption can be made, but it is wrong to claim conservatism.

Page 4-154, Table 4.12-2

Where are the benefits described, or are they just assumed? How can all of the negatives be combined into a beneficial?

Santa Susana Field Laboratory affected communities represented by individuals signed herein:

Prepared by: Christina Walsh, with collaborative contributions from individuals listed

8463 Melba Avenue, West Hills, CA 91304 8189225123

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Substantive Comments on Draft EIS submitted to

**Mr. Allen Elliott
Program Director, NASA
Marshall Space Flight Center
MSFC AS01, Building 4494,
Huntsville, AL 35812**

And via email to: mssc-ssfl-eis@mail.nasa.gov

Related to:

NASA Portion of the Santa Susana Field Laboratory

Potential cleanup impacts based on current mandate according to guiding AOC
[Administrative Order on Consent for Corrective Action 2010]

Presented to: SSFL CAG September 18th, 2013
Community Advisory Group
as appointed by State through H&S Chapter 6.8

Dear Mr. Elliott,

Please find my comments related to the DEIS describing the proposed actions:

Primary concerns regarding presentation of DEIS document:

We want a real cleanup, not a paper solution that never happens...

1. DEIS Provides too narrow of a range of alternatives, allowing for only an "all or nothing" approach that is certain to either devastate the environment we are supposed to be protecting, or fails to complete a cleanup of any kind. Neither of these approaches are acceptable to the surrounding affected public or to the surrounding natural environment according to CEQA. Why are these decisions being made now, ***before*** CEQA review is done by the State?
2. **NASA proposing destruction of an entire habitat** and state they will potentially impact the Sacred Cave Paintings site and other existing artifacts, as well as the test stands that represent a significant part of our National Space History.

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- a. This is unnecessary and goes far beyond the requirement by law to protect human health and the environment. In fact, it further threatens to impact human health and the environment by proposing to move unnecessary volumes of soil that go far beyond EPA health risk requirements. It is also likely to be difficult to find replacement soils that will qualify under the currently written specifications of "local background."
3. NASA fails to employ all parts of the AOC by failing to acknowledge the exception clauses designed to protect and address these issues specifically which qualify under the stated exceptions.
 - a. By choosing to ignore one directive of the AOC while also oversimplifying others, demonstrates a need for limited modification to the AOC agreement so that a workable, implementable cleanup may be achieved that is measurable. People want to be protected from added risk.
 - b. AOC Severability and Modification clauses provide for a limited modification to allow for a responsible cleanup that maintains human health protection as defined by US EPA Suburban Residential PRGs and existing health-risk data being completed for a health-risk assessment on the same deadline ('07 Consent Order for Corrective Action).
4. We thank NASA for showing what "Background Bright-line Cleanup" really looks like:
 - a. This is NOT what surrounding affected-residents want as this solution causes unnecessary impacts to the surrounding communities, the ecology and puts the archeological and historic sacred assets at risk without benefit of a measurable improvement to public health. This is not what we can afford to consider when responsible health protective solutions that don't add these unnecessary impacts are available and should be considered.
 - i. An approach that does not consider health-risk, fails to consider the impact of removing/disturbing soils that do not present a health risk.
 - ii. Why fill landfills with soils that do not present a health risk?
 - iii. What is the impact of that disturbance in the way of trucks, traffic, dust, and unnecessary impacts on these sacred sites?
 - iv. Why is mitigation of these potential impacts not being more closely evaluated and presented?
 - v. How can these considerations be made if health-risk is not considered in the process?
 - b. As pointed out by Dr. Ronald Ziman's comments, "there is nothing in the letter you received from CEQ requires you to exclude other

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8463 Melba Avenue, West Hills, CA 91304 8189225123

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alternatives. It simply states alternatives need not be mandatorily included. I have to believe that [Senator] Barbara Boxer, who has fought both for the environment and at the same time, the “strictest cleanup ever” in the interest of public health, has been misled and is not working at odds with her own core environmental principles.”¹

Primary concerns regarding communication of NASA decisions affecting the cleanup process and impact on historical and archeo-astronomy related and cultural sacred sites:

We don't want to destroy the natural environment and ecology and sacred archeological sites we are trying to save...

The purpose of CEQA and NEPA are to prevent the solution from being worse than the problem it proposes to solve. There are ways to do this right, responsibly, and protective of human health and the environment without destroying the site. Using traditional risk-based parameters to weigh and compare with LUT values will provide for removing only what presents a risk, and thereby reducing the soil excavation burden significantly and being compliant with the law.

1. This **“all or nothing”** proposal goes far beyond protection of human health and the environment and therefore cannot be considered an adequate analysis of reasonable and implementable alternatives.
2. We can see that modification of these specific parameters [outlined in MIP] is needed.
3. Adding PRG comparison and risk assessment standards of suburban residential remediation goals used throughout the regulatory world, will adequately protect human and ecological health, and will provide a solution that is consistent with an existing programmatic agreement in place (for the Record of Decision to follow), which is proven.
 - a. Using AOC without modification insists on a process that is not consistent with any programmatic agreement ever used to address a site of this magnitude and is inconsistent with the way these assessments are done by the experts regulating the process.
 - b. Adding a comparison matrix to soil environmental condition (undisturbed pristine natural environment would score higher

¹ Dr. Ronald Ziman, DEIS Comment letter from Bell Canyon Association, p. 2

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than a debris pile within a former building footprint) so that undisturbed stays as such, wherever feasible based on risk assessment analysis by State Toxicologists to consider those inputs.

4. The AOC provides for limited modification based on change in referenced law² **The Modification In Principle [MIP]**³ articulating the limited proposed changes is provided as "Attachment-A" of this document.
5. **The AOC explicitly defines severability** so that portions can be modified by mutual agreement of the parties without causing the agreement in its entirety to be null and void. In fact, the agreement is severable and can therefore be modified to provide for these additional analysis comparisons to inform the LUT [look up table] decision-tree process for better-informed decisions that consider health-protection as well as ecological protection of existing habitats.
6. **AIP specifically directs** the use of alternative in situ treatments to reduce soil movement impacts, yet the DEIS fails to address any alternatives that utilize this directed, proven, and more sustainable method of action.
7. **DEIS should provide multiple alternatives** that describe specific efforts to minimize those impacts instead of this devastate-all approach.

Important Context not adequately presented in the DEIS or to the public in general:

The Federal Declaration of Excess that took place in 2009 did not require a Section 106 process because they "didn't know" at that time, what future use would entail and set that as a future decision to be made. They just put it up for bid to other federal agencies and pushed that question aside.

² SB990 was declared unconstitutional by a Federal District Court, and is the law referenced as the basis for the agreed deal in the Agreement in Principle, which the AOC is based.

³ MIP Modification in Principle provides for examples of the basis of which changes can occur, and examples of limited modifications on a severable basis that provide for a workable solution that is health protective, as well as protective of the natural environment including all the ancient sacred native American sites, as well as the test stands that mark man's early travels to another world.

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- Now: **they are not looking at future use**, but deciding on up to 100% demolition of all structures for the purpose of a clean site for future disposition, even though they don't know the purpose OR if it will stay within, or leave federal jurisdiction. Yet, these decisions propose to remove all valuable assets ***before*** future-use is determined.
- They claim that GSA wasn't required to consider future use when declaring the site excess and now they state that those considerations needed to be commented on in the prior process [Excess Declaration] essentially leaving all public consideration without mechanism to be heard or considered.
- **This NEPA and Section 106 process must slow down for CEQA considerations, otherwise the process fails it's purpose entirely.**
- This process as proposed, ***removes the assets before evaluating the potential*** value of those assets, and then later, when DTSC does their "Soils" EIR, there won't be anything to consider because the test stands will already be gone. NASA and DTSC have stated publicly that their CEQA process will not consider demolition. This is possibly why they are choosing to have the CEQA process follow this process instead of working in tandem as recommended by CEQ [White House Council for Environmental Quality].
- This inappropriate failure to consider future use potential, which is part of the "*purpose and need*" as defined by the DEIS results in an all or nothing approach that threatens the future use that has been defined by the surrounding public as being most appropriate and beneficial to past, present and future generations.

With this kind of backwards thinking, how on earth did NASA ever get to the moon or inter-stellar space?

GSA and NASA defend this decision because it allows for NO ONE to take responsibility. It just happens, and everyone throws up their arms in dismay and points to someone else. This is the ultimate failure in analysis of the actions and solutions proposed. **This is unacceptable.**

The future disposition is in the "*Purpose and Need*" of the DEIS yet NASA chooses to consider that process separately. WHY? Because then, they never really consider it; It just happens.

- 100% demolition of the Test Stands Structures is **NOT** required by the AOC as they are located in un-weathered bedrock and therefore do not require cleanup below the test stands structures. **Any decision to remove the Test Stands, is strictly a NASA decision, not an AOC decision.**

The fact that they separated the process between the NEPA [federal] and CEQA [state] process makes it possible to lose the assets in Demolition phase and then

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later, **having nothing to evaluate because nothing is left** by the time the “soils” evaluation comes up for review.

We cannot allow this “cart before the horse” process to destroy human space history which are considered valuable on many levels in the way of future education as well as honoring our past.⁴

As stated by many experts about the proposed actions outlined in the DEIS:

“I believe important and irreplaceable monuments of America’s heritage in technology and space exploration are going to be lost .. and we need to know about this imminent threat to these relics of the watershed event in the planet’s history, the travel of men from earth to another world.”

~Dr. E.C. Krupp

Director

Griffith Observatory

Author, “Echoes of Ancient Civilizations”

DEIS Comments from Senator Fran Pavley

It is greatly appreciated that Senator Pavley, who has been a long involved voice for cleanup and protection of human health and the environment has emphasized the importance of protecting the communities surrounding SSFL. The impacts described in the DEIS include the concerns described in the DEIS about ***“soil disturbance, changes in surface and groundwater hydrology, displacement of migratory birds and wildlife, and air emissions and fugitive dust, as well as traffic impacts to surrounding communities as contaminated materials are moved off the site to approved landfills.”*** She further emphasizes as we are requesting that protection of human health and safety of the residents who have lived in close proximity to the site, many for decades, while activities were taking place with little or no information about contaminants being disbursed into the air, soil and water from the activities being conducted. I am also concerned about minimizing impacts to other residents during the cleanup of the site.”

⁴ Dr. Ronald Ziman [co-signer of this letter] statement on Section 106 Consulting Party meeting held September 18, 2013

*Santa Susana Field Laboratory affected communities represented by individuals signed herein:
Prepared by: Christina Walsh, with collaborative contributions from individuals listed
8463 Melba Avenue, West Hills, CA 91304 8189225123*

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**Senator Fran Pavley, September 11, 2013
eNews Bulletin**

We need to consider the impact on the existing environment/habitat as well as the current residents who will be exposed to potential impacts of the proposed action. It is crucial that the State's EIR consider these issues and do so in concurrence with NASA's investigation so that important considerations are not missed along the way.

**Following is the SSFL CAG's press release related to their
concerns about the proposed actions outlined in the DEIS:**

**SANTA SUSANA FIELD LABORATORY
COMMUNITY ADVISORY GROUP REJECTS NASA'S
DRAFT ENVIRONMENTAL IMPACT STATEMENT
[DEIS].**

**RECOMMENDS NASA AND CAL EPA'S DEPARTMENT OF TOXIC
SUBSTANCES CONTROL [DTSC] MODIFY CLEANUP AGREEMENT TO A LESS
DESTRUCTIVE, MORE HEALTH-PROTECTIVE SOLUTION.**

BELL CANYON, CALIFORNIA - SSFL Community Advisory Group [CAG] voted Wednesday night to reject Draft EIS (Environmental Impact Statement) by NASA, which proposes to limit actions to either an "all or nothing" action that either destroys the environment, or fails to clean up the site. The SSFL CAG further agreed to send a cover letter that includes substantive comments from its members who represent many perspectives from the surrounding communities, but agreed here, that the DEIS proposal went far beyond what is needed to protect human health, and proposes to destroy the existing environment and even potentially impacting the sacred Burro Flats Cave area and historic districts. The CAG had consensus that a modification is needed to the agreement outlining the cleanup requirements,

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and are proposing a "Modification in Principle" [MIP] as one example of how limited modifications can allow for a protective cleanup that considers health-risk, so that soil is not needlessly disturbed that does not present a risk to humans OR the environment, and further prevents potential impacts to the sacred cultural sites as well as honoring our nations history of Space Exploration.

Deadline for comments is October 1st to NASA at:

**Mr. Allen Elliott
Program Director, NASA
Marshall Space Flight Center
MSFC AS01, Building 4494,
Huntsville, AL 35812
or via email to: [MSFC-SSFL-
e1s@mail.nasa.gov](mailto:MSFC-SSFL-
e1s@mail.nasa.gov)**

###

SSFL CAG and many surrounding community members ask that the responsible parties [NASA] and DTSC consider meeting and consult on these topics and potentially include toxicological expertise from within the agency to determine of the proposed changes to the AOC might provide for more reasonable solutions that are implementable to protect the surrounding public health and existing environment?

ES-5.2.2 Air Quality and Greenhouse Gas Emissions

Question not addressed in document:

How many trucks of the estimated number described as 142 truck trips per day will carry steel from test stands for recycling? [please provide these details as the numbers provided in Section 106 process are acknowledged to include all demolition and do not specify the costs/revenues associated with the test stands and control houses (of highest historic value)]

These truck trips are not based on an AOC requirement, but rather on NASA financial decisions that also unnecessarily burden surrounding communities with the dust, traffic, noise, and hazard impacts that are not for the

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**purpose of health protection or the natural environment.
...Just a Business Decision.**

The estimate of truck-trips per day will likely triple and will occur simultaneously as all three Responsible Parties are conducting their soil removal at the same time to accommodate the same deadline. The number when tripled and calculated over the course of daylight hours equates to more than one truck per minute for all daylight hours over the course of several years. This is not only unacceptable, but also impossible when considering the loading and staging requirements that will be needed.

If the steel is not necessary to remove, why add that burden to these already impossible traffic and operational challenges as currently proposed in the Action? This agreement must be revisited to consider these short-comings that make implementation so difficult.

This reminds us of the decision made by DOE to fail the originally proposed Area IV cleanup action by declaring a potential of 1.4 fatality traffic accidents which is the reason for the community rising up and proposing a law that would require cleanup to an "EPA level cleanup" [SB990].

- **Please consider modifying the AOC agreement to allow that in situ remedies be considered, and allow the deadline to be described as "completion of construction" as was the case, in all prior versions of the agreement so that the time required to achieve cleanup goals allows for treatment time.**
- **By using health-risk to guide in determining remediation requirement, the alternative in situ treatment methods become achievable and protective of human health. This will reduce truck trips, traffic, and dust impacts significantly as "removal" won't be necessary. It further eases the pressure on landfills that need to focus on soil that DOES present a health risk and therefore requires removal because alternative treatment methods are not possible or achievable.**
- **A "treat first" approach will significantly minimize the impacts that require mitigation, and that cause damage to the current environment.**

We wanted the responsible parties to be accountable to cleanup the site as required to protect human health and the environment. Not different from what we are asking for now. That was reasonable then. Instead we got nothing.

It was the State and Responsible parties who decided to take health risk out of the equation, and by this long and endless block of each

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action, the equation of time is part of that process and these communities have waited long enough.

time v concentration of COC v pathway to receptor

Without considering these scientific facts, the State and Responsible Parties fail to protect human health and the environment as promised by these agreements.

We must not make the solution worse than the problem it proposes to address. Let's allow risk assessment parameters being prepared under the same deadline, to inform this process so that we don't remove soil that does not present a risk to human health or the environment. Let's be the stewards of the site we always wanted and make these decisions now, before it's too late.

We can make more informed and responsible decisions by evaluating risk so that soil that does not present a risk, is not unnecessarily removed, excavated, and burdening another community.

The State has Toxicologists on staff studying this site, who can assist in making informed risk-based recommendations on how to best protect human health and the environment within this cleanup objective if it can be modified to consider traditional risk-based decision-making.

Recommended steps to mitigate impacts, avoid unnecessary impacts and provide a sustainable solution moving forward:

Limited Modification in Principle [MiP] of the signed AOC (2010) by mutual agreement of existing parties for the purpose of making the AOC signed, workable, achievable, protective of human health and the environment, and implementable as long promised to the surrounding

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communities. Time is part of the equation to risk for the surrounding residents and ecological environment. We have waited long enough.⁵

How will we be protected if nothing ever happens?

How will we be protected from unnecessary impacts of trucks, traffic, fugitive dust pulmonary impacts to surrounding residents where the body burden is already very high.

How will we be protected from unnecessary impacts to this unique ecological habitat when such drastic soil excavation (the top two feet of everything is essentially all living things) when these actions are not required to protect human health based on risk assessments currently understood?

How will irreversible impacts and possible destruction of our nation's Space History as well as irreplaceable ancient sacred Native archeological sites that can never be replaced be addressed? **How will NASA explain this decision after fifty years of keeping these treasures behind locked fences?**

We cannot believe that this is the current attitude after so many years of a long involved community clearly communicating otherwise.

We ask NASA and DTSC to please reconsider these decisions and contemplate this minor modification to provide toxicological parameters for the purpose of informed decision-making and best protecting human health and the environment.

How is it possible that NASA is not more proud of these beginnings as we are? This is truly a travesty failing to seriously consider implementable solutions that are health protective and protective of the environment we are trying to save and protect.

Santa Ynez Band of Chumash Indians has requested a "treat first" to avoid impacts where possible, approach. We support this methodology and echo the need for this approach and effort.⁶ There needs to be a real effort here as the AOC mandates this

⁵ MiP Modification in Principle as described in [Attachment-A]

⁶ Santa Ynez Band of Chumash Indians letter September 30, 2013, page 12, para. 12 "Exhaustion of non-excavation methods of remediation..."

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approach according to page 11, paragraph 5. If the AOC is an enforceable document, then **all portions of the AOC must be adhered to.**

ES-5.2 Water Resources

This section describes a moderate negative, local and long-term impact based on water resources where demolition would remove impervious surfaces (which would also allow for percolation and recharge of groundwater). Additionally, current impacts to groundwater pump and diversion actions as required to prevent discharge is having a negative long-term impact on the receiving mesic riparian habitat (1.4 miles of riparian habitat is now bone dry and being ignored by these same reviews)

***Background:** Current measures to pump down groundwater levels to prevent seeps from emerging are **not analyzed or recognized** for these impacts despite continued requirement to manage these emergencies due to existing VOC contamination. This is an action that is being required by DTSC, and is resulting in a long-term loss of ecological water resources, and has already been described to have dried a perennial stream that feeds Bell Creek⁷ according to many residents, a mesic-riparian habitat, and is a primary water resource for the wildlife corridor, migratory species and has been severely impacted as a result for two years now. Why are these current impacts not being analyzed when they have been observed to already be happening by hundreds of residents?*

Why does this environmental analysis only occur to benefit the polluter?

Why is the responsible party not accountable for these current impacts that have been communicated for more than a year by residents?

⁷ Bell Creek impacts include 1.4 miles of riparian perennial habitat described as “rare, high-quality, pristine habitat” which is now dry.

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Prepared by: Christina Walsh, with collaborative contributions from individuals listed

8463 Melba Avenue, West Hills, CA 91304 8189225123

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Key comments provided and concerns highlighted during Section 106 process
(including recent consulting members call on 9/11/13:

- SHPO asked for clarification that Demolition of the test stands is to prepare the site for cleanup, and then a separate action is to prepare the site for excess to another agency. Is it true that transferring of the site is not being considered in this DEIS. We aren't considering what we are going to do with the site.
- Allen Elliott, NASA confirmed that the costs presented are for everything, not just for the test stands. "it is my opinion that you can clean up around them to meet the AOC. That may not be true of the control houses (alfa specifically).
- Transfer out of federal government, IF that happens and we don't know of that is happening. If they do transfer it out of the federal government, GSA would have to do another 106 at that point. This means that efforts to save anything will not be heard when considering demolition separately.
- "So, where is consideration of saving the test stands part of the evaluation?"

[GSA] Biederman: The issue of excess is long past and they did a NEPA analysis for that action and now they are doing this action.

- So **NO ONE** considers what to do with the property for this decision to be an informed decision, and this means that
- NASA says that it's in the purpose and need, so how can it be a separate action?
- This is truly piece-mealing and artificially segmenting the process to essentially avoid any proper analysis or "decision" being made by anybody.

Native cultural considerations of the Coca area as being appropriate for demolition and any historic preservation of test stands or portions thereof for museum preservation, should be focused on assets from Alfa and Bravo districts.

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- As stated by Santa Ynez Band of Chumash Indians, “official recognition in the DEIS need to be made of the areas surrounding Burro Flats” according to according to EO 13007⁸

Key points understood from the call based on the comments by many:

NASA stated that they *could* go around the test stands, and this certainly emphasizes the need to modify the look-up table section of the AOC to accommodate for risk considerations which seem to be what everyone wants: protective of human health and the environment.

NASA also stated the AOC as reasoning when we have shown that the AOCs are not the reasoning (blame assigned to deflect from NASA as a decision).

Now they are stating cost, but in the costs they present, are the costs of remediating the drainages as well – which is NOT what we are trying to prevent or save. Encapsulation should be necessary in either action of they are claiming it to be a mandate for the purpose of liability issues. Those issues exist whether you choose either alternative since the Test Stands are not required to be demolished in order to comply with the agreement. Those issues need to be clearly understood and presented by the responsible parties and regulatory reports presented to the public.

ES-2.1 Public Involvement:

- While comments included an effort to politically limit the range of alternatives, the letter from US Senator Barbara Boxer that NASA uses to justify this decision, provides only one alternative (... or nothing) and does not provide for a reasonable cleanup, or a rational basis to destroy such a large eco-system that includes removing soils that do not present a risk to human health or to the environment according to US EPA Public Remediation Goals.
- During the course of the two years of meetings, multiple options were presented as a mechanism for defining “how to achieve project

⁸ Letter from Santa Ynez Band of Chumash Indians dated September 30, 2013 page 10, para. 9. Entire southern half of Area II District needs to be protected. Sec. 3.3.3.4, p. 3-17.

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objectives” meaning to provide for meaningful alternative in situ methods to reduce soil volumes and in fact, goes so far as to direct the process to use alternative in situ methods **“to the maximum extent possible”⁹** within the AOC agreement, yet the DEIS flatly dismisses this entirely and provides ZERO effort to comply with this directive while simultaneously claiming to comply “to the letter of the AOC.”

- The surrounding affected public attended dozens of meetings to discuss alternative options, to educate themselves on these technologies and weigh in, because of the importance to protect the environment, and NASA has dismissed all of these methods leading the public to wonder if the entire process is really sincere.
- The 756 comments referenced in this section ask to preserve the valuable natural, historical, and cultural resources at the SSFL yet the DEIS says plainly that all of these valuable resources will be impacted and potentially destroyed.
- CEQ comments as presented “CEQ encourages agencies to carry out robust alternatives analysis that consider all reasonable alternatives including those that are not within the agencies authorities. The real focus, however, must always be on a meaningful consideration of alternatives. In this particular situation, where NASA has signed the Agreement and committed to a cleanup standard to “background,” nothing under NEPA or CEQ regulations constrains NASA from looking beyond cleanup to background, even though some may consider the analysis unnecessary and inconsistent with the agreement NASA signed with the State...”
 - Yet the DEIS presented for comment directly ignores CEQs directive and the comments by the public, and only considers two scenarios: all or nothing (no action alternative) providing no potential for a responsible cleanup.
 - All effort to minimize soil movement through alternative in situ treatment are ignored despite this directive being contained within the AOC signed by NASA and the State.
- Based on CEQ analysis of these letters submitted, it states that NASA is not compelled to consider less comprehensive cleanup measures...
- But nothing **prevents** NASA from doing so. NASA is **choosing** not to.
- **Follow the AOC to the letter, but ignore page 11?** How is this reconciled or justified?

⁹ using alternative in situ treatment methods “to the maximum extent possible” (page 11, section 5 of AOC final agreement)

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8463 Melba Avenue, West Hills, CA 91304 8189225123*

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ES-2 The statement that NASA will analyze only the alternatives of (a) cleanup to background and (b) the no-action alternative fails to protect the areas specifically directed by CEQ and the AOC itself.

Multiple comment letters were also received that question this decision and ask that NASA reconsider its decision to limit the alternatives including a legal memorandum prepared for the Santa Ynez Band of Chumash Indians that questions the legality of limiting the scope of an EIS to only a Proposed Action and a No Action Alternative. Further, the Chumash legal memorandum and other comments specifically state that every effort should be made to reduce soil impacts, and ground disturbance where possible (consistent with the AOC) by employing alternative in situ methods yet NASA dismisses these directives entirely. Making claims of strict compliance is disingenuous at best.

Statements made by NASA that "DTSC will only review soils impacts" during their review which will occur a year after the decisions of demolition may remove any/all structures prior to an evaluation to save them. This makes the entire process **invalid and indeed illegal** as it fails the purpose and intent of the California Environmental Quality Act as well as the National Environmental Policy Act.

CONCLUSION of Alternatives Evaluated:

- Following the AOC so stringently, while dismissing specific segments of the signed agreement that provide for this protection fails to follow a Programmatic Agreement [PA] without justification and instead chooses to follow a process that is NOT consistent with existing programs such as RCRA and Superfund and this bright-line AOC approach is unproven and not consistent with any existing programmatic agreement for a site of this size and complexity according to US EPA staff involved in this process throughout Radiological Survey that was recently completed.
- The National Historic Preservation Act requires that Section 106 consultation process [under NHPA regulations 36 CFR 800] be followed, but in this process, the same limitations by presenting too narrow a range of alternatives, prevents the process from being followed effectively for the purpose of historic preservation.
- Separating the NEPA and CEQA processes instead of proceeding in tandem, provides for deadlines to be missed and unnecessarily dismisses primary directive of "how" to achieve the objective from the process.
- It is inappropriate to assign a single ROD Record of Decision to apply to the entire site without additional considerations such as the range of exceptions designed to protect sacred and historical sites, and without providing a graded range of "soil environmental condition" so that undisturbed areas that have had no operational impacts are preserved instead of destroyed.

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- All mechanisms and tools available to reduce soil excavation and disposal quantities should be employed so that all impacts to the aforementioned categories (traffic, noise, fugitive dust impacts on pulmonary receptors, greenhouse gas emissions, and most importantly, the complete destruction of 105 acre habitat), as well as, burden on existing landfills.
- Instead, we are seeing complete dismissal of all mechanisms to reduce impacts as promised over the course of years of meetings and presentations to the public.
- These alternative mechanisms (including soil sorting for impacted excavation areas to reduce removal and disposal volumes on a significant basis) are dismissed by blaming the very document that directs these actions to be considered "to the maximum extent possible".

ES-3.0 Alternatives Evaluated

Demolition and soil cleanup to background levels are separated in evaluation process, yet cost estimates provided to the public and consulting parties includes cost of both demolition and soil cleanup (unfairly presenting an inflated apparent cost for saving "test stands"

- The public has asked for specific costs associated with saving only test stands and control buildings and should therefore exclude the cost requirements associated with soil cleanup, and demolition of structures, piping, utility poles, water tanks and drainage ways (the most impacted should not be included in test stand cost)
- With NASA's long history of being the protective stewards of the Native Chumash sacred sites, it is truly unconscionable to fail to protect them now.
- We request specific cost recovery mechanisms to be detailed publicly including the cost/benefit of the potential steel recycling revenues that may counter the other costs. These are important for the public to understand clearly.
- Given the legal memorandum submitted by Santa Ynez Band of Chumash Indians, a stewardship solution that provides sustainability mechanisms through museum preservation, open air tours and education of cultural resources and national space history monuments could easily provide the required revenues to fund maintenance and should be considered here, prior to a short sighted decision to gut our history.

We want the forward thinking that did get NASA to the moon beyond, and now into inter-stellar space which all began at this site.

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Alternatives evaluated as presented in DEIS states that “up to all structures will be demolished including test stands” even though the test stands are located in weathered and un-weathered bedrock and therefore are not part of the AOC requirement. **It must be made perfectly clear that the decision to demolish history is a NASA decision that may be based on financial and liability decisions, but should not be stated as having an AOC basis.**

This idea that we are supposed to interpret All or Nothing to equate to mean a range from ***nothing => anything*** fails the purpose of this analysis, which is to consider logical and rational responsible solutions and find the best one so that we don't make the solution worse than the problem.

We have outlined here, a method to inject reason and health protection providing the basis for a green, sustainable, long lasting and health protective solution that honors the past and recognizes the existing wildlife habitat and provides for a sound future and minimize negative impacts of the actions proposed. Please consider.

ES-3.1.2 Proposed Soil Cleanup Activities

All non-treatable soils should use “soil sorting” for the purpose of identifying the particle sizes associated with the COCs driving the soil excavation so that a portion sent for disposal and burden on other communities can be reduced. Native Cultural Monitor for all such process should be required.

Limited modification to AOC to utilize risk-based limits so that alternative methods are achievable (Suburban residential health risk standard as prescribed by USEPA) making the action protective of human and ecological health, and also provides for many alternative in situ programs to be employed to drastically reduce the impact to the current environment.

The designation of “treatable” also fails to be employed on the basis of a change to the deadline from all prior agreements upon which the 2017 deadline is based. All versions of this agreement including the 07 Consent Order for Corrective Action, and all versions of the AOC through 1.9 include the requirement of all in situ treatment to be “constructed by 2017” not completed, as it is understood that these methods that require time for degradation processes to occur, cannot be completed by 2017. This modification of the AOC is necessary to make for a workable sustainable solution that the AOC itself directs.

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The AIP which the AOC is written from specifically states that the “2017 deadline shall remain the same” which demonstrates the fact that this deadline is driven from the prior agreements and therefore cannot be made shorter, while also making the requirement (background) larger.

This AOC path forward [unchanged] is designed to fail and therefore must be modified.

The alternative soil treatment technologies as outlined in ES-3.1.2.2 are all dismissed based on an internally defined conjured deadline and therefore fails to follow the AOC it of which it claims to be based.

In the definition of “treatable” it states that excavation is the only “proven” method despite a decade of proven technology data available. These are not new and emerging technologies, but rather existing and already proven effective at residential standards and therefore should not be flatly dismissed here.

ES-3.2 No Action Alternative -- Unacceptable

This analysis fails to protect human health or the natural environment. This analysis proposes that no demolition of test-stands would occur and does not require an encapsulation as described by NASA when pushed to answer the questions about the test stands.

Why are liability requirements used to justify demolition not required under the no action alternative?

This appears to show that this is a false claim with no real basis according to the AOC, but rather a decision by NASA.

Evaluation Criteria for Analyzing Environmental Impacts and Region of Influence are incorrectly characterized and described. These categories fail to address the underlying issues we request to be addressed further.

Why doesn't 'leave in place' solution under the “no action alternative” also impose maintenance costs for encapsulation and annual maintenance an paint fees when these requirements are being imposed to respond to an effort to save the test stands. Further, why are the costs provided and presented to the community also including the encapsulation of the “entire district” which includes contaminant

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impacted drainages. **We aren't trying to save the contamination, but the history.**

This can be done as it is acknowledged that the problem is in the drainage, not in the rock below the test stands. Please provide these numbers separately by district structure for Alfa, Bravo and Coca and provide costs by structure, so that test stands can be differentiated from the cost of remediating the soils, concrete, and support structures that do not represent historic value.

ES-5.1 Significant Impacts

This describes erosion impacts to be short term despite the proposed action only includes a 30% replacement of excavated soils. Considering the existing steep topography, it is unclear how this impact will be temporary since these topographic changes will be long term by definition. The soil won't grow back. Most importantly, the living biota, flora and fauna will all be destroyed to which there is no legitimate or adequate mitigation presented.

The proposed action calls unnecessarily for the demolition of historic structures on NASA administered land at SSFL having significant negative local and long-term impacts, yet the AOC does not require this. **Why is NASA not making any effort whatsoever to save the national history that it is capable of saving through the more accurate and protective interpretation of the AOC.** These historic structures are not located in soils but in rock and therefore do not require removal. NASA staff has acknowledged that these can be worked around, so why is there no acknowledgement provided with in the ROD process that is intended to protect the site by evaluating the solution to be sure it isn't worse than the problem. **The AOC MUST be modified on a limited basis to account for these very real details that can provide for a responsible cleanup that honors both the past and the future.**

1. Soil prior disturbance is NOT dispositive:
2. Disturbed sites are not valuable is not necessarily correct.
3. Disturbed sites may still contain valuable information.
4. Disturbed sites may still have spiritual significance.
5. Disturbance may only be on the surface. Some excavation will be much deeper.
6. Need to analyze for cumulative impacts to cultural resources.

As described by the Chumash letter, deferral of mitigation until Record of Decision [ROD] is problematic as it prevents meaningful comment, and fails to consider

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impacts of demolition that are within the “purpose and need” as described in the DEIS. How can this be artificially segmented?

ES-5.1.2 Cultural Resources

This section fails to acknowledge the specific exceptions written in the AOC. These exceptions are designed and written for the purpose of protecting the Burro Flats Cave Sacred Site as well as other smaller sites. NASA fails to acknowledge that the word “artifact” includes sacred cave paintings, which are considered among the most well-preserved in North America and estimated to be 1,000 years old. This failure demonstrates an unwillingness to use the portions of the AOC intended to protect the past, to do so. This is of great disappointment and is indeed inexcusable. NASA must acknowledge the purpose and intent behind each and every point within the *Agreement In Principle* [AiP] which the AOC was based upon, to include the specific sections written by and agreed to for the specific purpose of protecting these important sites.

This kind of finger-pointing and refusal to take responsibility is a violation of the AOC principals signed and agreed to. The idea was “to stop trading paper and get to work.” Not trade paper forever. Proper mitigation for the cultural impacts proposed by the action:

1. NEW MITIGATION: Cultural Interpretive Center.¹⁰
2. NEW MITIGATION: Native American monitoring during any ground disturbing activities.
3. NEW MITIGATION: First Native Chumash National Park¹¹

It is inappropriate for NASA to choose to define “artifact” now as something limited to exclude this ancient sacred site that indeed inspired the need for this clause in the *agreement in principle*¹² which the AOC is based.

¹⁰ as proposed by Native Chumash comments from Santa Ynez Band of Chumash Indians [September 30 letter] as well as other local tribe representatives and native cultural organizations.

¹¹ As proposed by many Native Chumash as consideration as best stewards of this land.

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For example, the National Register defines a “site” as “the location of a significant event, a prehistoric or historic occupation or activity, or a building or structure, whether standing, ruined, or vanished, where the location itself possesses historic, cultural, or archeological value regardless of the value of any existing structure.” Further, a culturally significant landscape may be classified as a site, as may be the specific location where significant traditional events, activities, or cultural observances have taken place. There are many books written that reference this culturally significant site for this reason and must be acknowledged here that clearly define this site as significant within our human history. ¹³

- Significance should also include that of religious history; scholarly secular recognition as defined by the National Registry.
- The fact that a property may have gone unused for a lengthy period of time, with use only beginning again only recently, does not make the property ineligible for the Register, especially since non-use is associated here with lack of access provided.

This section describes the burro flats site as being 0.65 acres and certainly any proposed soil removals would be under the “5% exception clause” since 5% of the proposed soil removal of 500,000 cubic yards is 25000 yards and it is clearly known that the soil in this area (even if you were to remove all of the top two feet of soil in the 0.65 acres would not exceed this limit, so it is confusing to see NASA threaten this impact when it can clearly be handled within the agreement as currently written. This points to an underlying political pressure being exerted and really driving these decisions making promised transparency somewhat of a charade.¹⁴

In addition to the sites listed in the report, there are other native sites both in Area IV and to the north and south of the NASA owned area, which indicate a strong likelihood of additional sites to be located within the boundaries of the proposed action. This demonstrates a need to take the utmost care in making these decisions and political strategy that puts these sacred areas in potential harms way should not be allowed.

¹² Agreement in Principle is a supplemental attachment to the final signed AOC and lists the principles, which were agreed to that allowed for, and provided the decisions made by the AOC.

¹³ Dr. E.C. Krupp, Echoes of Ancient Civilizations, Dr. Al Knight Archeological study incl. other studies: Clive Ruggles; Dan Larsson,

¹⁴ Letter from US Senator Barbara Boxer mandating that this “all or nothing” approach be pursued without a range of more reasonable health protective alternatives that also protect the environment be made available for discussion and debate.

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SSFL has been formally identified by the Santa Ynez Band of Chumash Indians as an Indian Sacred Site under Executive Order 13007 and the proposed action seems to dismiss this Executive Order and the importance of this consideration by the limited range of alternatives that are artificially imposed on the surrounding affected public.

ES-5.3.3 Hazardous and Nonhazardous Materials and Waste

Demolishing the test stands is acknowledged to be a long-term negative impact, and is not required by the AOC and therefore should be mitigated by acknowledging their historic preservation value and eliminating this impact. A large majority of the 3000+ truck trips for demolition, can be eliminated by saving these historic sites as is being requested by nearly the entire surrounding affected communities.

ES-5.4 Summary of Impacts, Best Management Practices, and Mitigation Measures

It is strongly recommended that the summary of cumulative impacts be addressed to consider the obvious mitigations so that a reasonable solution can be attained. This emphasizes the need to revisit the negotiating process to modify the AOC in a limited manner so a workable and reasonable, and health protective solution can be achieved.¹⁵

- DEIS fails to consider cumulative impacts of other remedial activities ongoing at the site by the other responsible parties all working based on the same deadline and will be engaging in these activities concurrently.

Section 4.2 Soils, landslide potential, topography, and paleontological resources:

Significant, negative, long-term for action, and negligible, negative, local, and short term are how no action alternative is described. This incorrectly assumes that a total lack of cleanup of contaminated soils that represent health risks potentially for centuries moving forward will carry a negligible impact? This fails to analyze and evaluate the no action alternative as a viable possibility when it is indeed the only alternative provided, other than total destruction of the site.

¹⁵ Specific exclusions addressed within the AiP which the Administrative Order on Consent for Corrective Action was based. These include a 5% soil volume to allow for protection of the 0.65 acre Burro Flats Cave site. Ignoring these exceptions provides for an unrealistic message and in fact potentially unnecessarily puts these areas at risk.

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Section 4.3 Cultural Resources

This table summary describes the impacts as significant despite the fact that no sampling data proposes that these soils require removal. Pending Consultation, significant mitigation will be required to address this unnecessary destruction of native history and culture.

What sort of mitigation could possibly come even close to comparison to the damage to irreplaceable sites this action proposes to destroy?

Section 4.4 Biological Resources

Moderate regional long-term impacts from failing to address the contamination impacts that present a health risk to either the environment or human health of the surrounding communities which will never be resolved if no actions to protect human health are taken. The purpose of CEQA is to protect the site from a solution that is worse than the problem itself. NEPA is also supposed to evaluate alternatives to avoid such impacts for the same reason. In this case, the processes are separated so that cumulative impacts are not evaluated and therefore missed. The damage to the environment will be devastating and for no measurable increase in protection of public health. **Then for what purpose are these extreme and unnecessary actions really being considered?**

Political??

Section 4.5 Traffic and Transportation

Significant impacts as described are also likely to be impossible considering the proposal that puts hundreds of trucks in the same place at the same time. During daylight hours this would likely equate to mean one truck leaving every single minute for years at a time. This proposal is with out merit in the real world.

Section 4.6 Water Resources

No action on the impacts to water resources will continue to present a health risk to the surrounding environment and public health as well as degradation to the California resource, which requires protection according to California's non degradation policy for groundwater resources.

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Section 4.7 Air quality and Greenhouse Gas Emissions

Mitigation to these impacts can be partially achieved by using in situ alternative treatment methods to the maximum extent possible to avoid and reduce required truck trips and traffic emissions.

Section 4.9 Health and Safety

Impacts to a no action have significant long term impacts on the local environment and therefore emphasizes the requirement for health risk to human health and ecological health risk be considered.

Section 4.10 Site Infrastructure and Utilities

It is advised to maintain water storage resources to maximize opportunities for sustainable solutions to address soil treatment and needed groundwater treatment plans that protect local habitats during treatment cycles. Why build it if it already exists?

Section 4.12 Hazardous and nonhazardous Materials and Waste

In addition to this moderate negative long-term impact by failing to act and protect the surrounding public, the answers and uncertainties will never be addressed making any potential for a real future for the site to be negligible at best.

Section 2.10 of the AOC as described in the MIP should be modified to reflect current waste disposal classifications and directives to prevent problems with disposal needs required by the implementation of the proposed action. Enhance this section by specifying that alternative methods of in situ treatment to reduce and minimize burden on landfills, truck trips, etc. will be employed "to the maximum extent possible" as prescribed in the AOC¹⁶

¹⁶ AOC Administrative Order on Consent for Corrective Action signed December, 2010, Page 11, paragraph 5.

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Table ES-5 Summary of Cumulative Impacts without Mitigation or Best Management Practices

ES-5 presents the cumulative impact on cultural resources as significant and negative and specifically references the "cave site" as being impacted long-term when there is no specific sampling data that supports this claim. Further given the size of the specific "cave site" referenced, the exceptions defined, would appropriately be able to protect this area to the maximum extent possible. The summary is in fact inaccurate, and unfairly presents a picture of certain destruction and "nothing" as the only possibilities.

This is inappropriate and irresponsible to put these areas at risk in this way when it is not necessary to meet health-risk requirements by law, and there is no existing programmatic agreement used to guide such cleanups that DOES NOT consider risk as the primary means to measure needed remedial actions and mitigation.

ES-7.0 Summary of proposed mitigations:

No adequate mitigations are proposed in this action where **complete-destruction** or **no-action** are the only alternatives.

Most of the analysis of impacts presented in the aforementioned table [Table ES-5 Summary], do not consider more reasonable and health protective as well as legally compliant methods of considering risk inputs [as prescribed in examples shown in Attachment-A (MiP)] which would prevent these areas from being put at such risk. In this proposal of action, 62 acres of open-space is proposed to be devastated, "...requiring complete removal of all existing vegetation such as shrubs, plants, and trees. Additionally, removing large volume of soil would change soil profiles creating soil instability, decreased vegetative biodiversity and increased spread of invasive weeds"¹⁷

Reasonable alternatives that are protective of human health and the environment need to be presented, and for that to be measurable, risk comparisons need to be made. Please consider a modification to the AOC that allows for this risk information at Suburban Residential, using state toxicology expertise to weigh with current lookup tables and provide alternative methods to be used to achieve these similar objectives (based on health-risk).

¹⁷ Shown in ES-11.0 "Unavoidable Impacts" are unnecessary to comply with law, or to measure protection of public health and the environment.

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Consideration of current environmental soil condition is necessary to employ best management practices in protecting that which is undisturbed open-space wherever possible.

Proposed mitigation should include ceremonial areas for use by local Tribes to encourage outreach and education about their traditions for the future. According to [40CFR 1508.20, replacing or providing substitute resources or environments" by "compensating for an impact" is where the first alternative proposed should be to prevent impact to these resources, and because these resources have not been available for scholarly secular research or religious or ceremonial purposes to allow for that education within the local community to exist, every effort should be made here to provide ceremonial areas in addition to and nearby cultural resources so that presentation of these cultural traditions can be made for the future.

ES-8.0 Incomplete and Unavailable Information

"Should substantial new information become available that conflicts with the EIS and indicates significant increases in potential environmental impacts from the proposed action, the environmental impact analysis would be updated as needed."

NASA has demonstrated that the actions proposed are unacceptable as are the alternatives presented and therefore, the environmental impact analysis should be updated upon modification of the Look up Table [LUT] requirements so that a feasible, implementable, and effective alternative can be presented for analysis with multiple technologies acknowledged to be feasible, presented as alternative methods to achieve the objective to a health protective and environmentally sound cleanup goal.

- New sites have been discovered throughout the SSFL site including in Area IV through the RAD survey, as well as in other areas in the undeveloped areas. This indicates that there is much that is not known and great care must be taken when considering disturbance of these soils. A proposal to devastate the top two feet of everything living on 105 acres cannot be justified and must be reconsidered.

ES-9.0 Required Permits, License and Approvals

Completion of CEQA evaluation prior to Record of Decision is necessary BEFORE any demolition decisions are made on historic or sacred areas. It is inappropriate to move forward without CEQA full evaluation, which should be happening in tandem

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Prepared by: Christina Walsh, with collaborative contributions from individuals listed

8463 Melba Avenue, West Hills, CA 91304 8189225123

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so that NEPA and CEQA processes can best inform one another to ensure that protection of the existing environment is maintained.

Since the Section 106 process referenced here separates the review of demolition of assets from review of soils (during the later CEQA phase) the purpose of these requirements is NOT met, therefore failing CEQA, and NEPA and providing an inappropriate record of decision [ROD] that allows for only one solution that fails the purpose, or no action at all. These permit requirements must be coordinated so that CEQA and NEPA are done and considered during the same review time-period.

ES-10.0 Agency Consultations

We ask that NASA consult with DTSC decision-makers and to consult using mediator if useful, to attempt to see if these limited modifications (or similar ideas of limited modification) to utilize the existing work and provide a better, more traditionally measured, risk-based solution path forward, that allows for an environmentally sound cleanup plan that meets health-risk standards and is compliant of the law. Using health-risk standards as a measurable tool to determine level of safety provided to the surrounding communities, and is in keeping with the regulatory decision processes utilized by the regulatory agencies to be most effective at achieving water and soil quality standards.

Please also consult with US Senator Barbara Boxer's office to see if these efforts to protect the existing environment, the sacred sites and our nation's history can be attained by considering risk so that measurable, and better-informed remedy decisions can be made.

Please consult with the Santa Ynez Band of Chumash Indians to see if they would be willing to steward this process to see if a future use consideration can include an open space open air cultural and historical museum park. Many experts have spoken about these valuable assets being protected and we ask that those discussions be given real consideration.

Please consult with other local tribe cultural representatives [both federally recognized as well as non-recognized native cultural groups] as several tribes are expected to have history with the site.

Please consult with Department of Wildlife and consider their long-term concerns and we ask that their staff be given a full presentation and review of the impacts as proposed.

Please consult with Ventura County to consider the Oak Tree ordinance and how it will be navigated considering the proposed action seeks the removal of all trees

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and vegetation in a 105 acre area that includes steep drainages where erosion considerations and streambed modification must be considered.

Please consult with Los Angeles Regional Water Quality Control Board about their interim measures, long term effects of the actions proposed as well as the impact on the discharge permit [NPDES]¹⁸ held by the responsible parties.

ES-11.0 Unavoidable Adverse Impacts

- “Implementing the proposed action to meet 2010 AOC would result in the excavation of non-treatable soils to the depth of 2ft (and in some places 20ft) from approximately 105 acres” yet they are claiming this mandates impacts of the native burro flats site, (where no samples have been taken to support this claim) and the 5% exception clause could easily accommodate this and all other sites (0.65 acres) but NASA chooses to put them in harms way despite the **fact that the AOC DOES NOT REQUIRE IT**
- This is a NASA decision and it is dishonest to blame the AOC for this very irresponsible decision that in fact betrays the long involved communities.
- This is truly the worst idea ever. There is no legitimate reason to consider this level of destruction that does not protect human health any more, and destroys an entire eco system and creates serious adverse impacts to the surrounding communities. This must be re-thought to consider passive treatment systems, sustainable treatment systems that consider long range solutions and not just the short term compliance of a law that has already fallen.
- A proposal to devastate the top two feet of everything living on 105 acres cannot be justified and must be reconsidered.

ES-12.0 Relationship between Local Short-term Use of the Environment and Long-term Productivity.

- If NEPA requires this analysis, why has NASA failed to present this analysis within the DEIS material and why is NASA not providing for a range of alternatives to provide opportunity to save these historic structures and sense of place sacred areas in Burro Flats and other designated areas.

¹⁸ NPDES: National Pollutant Discharge Elimination System Permit as held by The Boeing Company and NASA and DOE as the dischargers of storm and surface water.

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- It is inappropriate for NASA to claim that cleanup of soils to LUT values reduces risk when risk is not considered. In order to make such a claim, RISK ***must*** be considered on a prominent basis.

ES-13.0 Maintenance and Enhancement of Irreversible and Irretrievable Commitments of Resources

Based on the statements made in the Section 106 consultation, it seems that no effort to protect these resources is being made because the process is being split where demolition is not examined and future use is not considered. This is a complete betrayal of the process we have all committed to follow.

We request that this information be made available and clearly define the costs that relate to disposal of materials, versus recycling revenues associated with steel from the test stands and concrete from the drainages, roads, and building footprints. The goal is to save what is most feasible, most presentable and is able to help tell the story of our Nations Race to Space.

Section 1 – Purpose and Need

Since future use is described as being part of the defined “purpose and need”, why does the DEIS fail to analyze for these potential decisions within the process. By artificially segmenting this decision-making process, the DEIS fails to inform it’s primary purpose: **to protect the site solution from being worse than the problem it proposes to address.**

1.4 Decision to be Made

Modification of AOC to provide for reasonable alternatives for an updated DEIS to present and analyze, is necessary.

Record of Decision should be examined for each of the regions of influence (ROI) and should evaluate multiple methods of reaching a health protective legally compliant cleanup that protects the current natural, cultural and historical features and assets currently present within the site boundaries as well as within the bordering areas of the Santa Susana Field Laboratory. These decisions need to be responsible for addressing the complexities that arise by the differences in land ownership and requirement for action.

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ROD needs to be done in detail, by area using alternative non-excavations methods first (within the Decision-tree process).

Non treatable areas should employ soil sorting for the purpose of reducing soil movement and disposal (burden on landfills) and long term phyto sequestration solutions for the groundwater challenges that will span many generations.

All treatable soils should be considered for alternative in situ methods so that truck traffic, burden to landfills, greenhouse gas emissions and fugitive dust impacts can be minimized to the maximum extent possible. Limited modification of AOC to allow for completion of construction so that these technologies may be prominently considered based on human and ecological health-risk levels.

Test Stands are not in soils and therefore should not be part of the "requirement" but rather, to be discussed and debated so that reasonable and rational and sustainable decisions can be made to protect our national history.

Sacred Cultural Areas should not be part of this decision, as nothing based on science (sampling or otherwise) requires this potential harm to take place. It is clear that these areas should be declared protected from impact by this record of decision and all related decisions in this complex process moving forward.

2.2.1 Groundwater

GETS system must be modified to discharge treated water in a balanced manner so that the drainages that have historically been riparian, remain so. Current impacts as a result of this effort by NASA and Boeing has resulted in adverse impacts to 1.4 miles of Bell Creek from the water diversion to outfall 19. Please consider moving this discharge to outfall 2, and to balance with pumping that may occur to the north where similar mitigative measures will be necessary to protect those watersheds and habitat.

Deeply concerned that demolition seems to include these long term treatment systems that are acknowledged to be needed for decades and possibly centuries. How can we be pulling them offline now? Especially

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given that the biggest challenge to be addressed is the groundwater impacts and how that will affect surface water impacts in the future.

The groundwater responsibility by the parties, **MUST** be acknowledged by NASA and Boeing as we will not accept any more "wait and see." As previous promises have not been kept.

Comprehensive groundwater solutions are primary to achieving the objectives presented in the cleanup agreements and they must be modified to be workable and implementable. A site-wide seep and stream study to best understand all potential migration pathways of **existing** contaminants must be more clearly understood and presented to the surrounding affected public.

2.2.1.2 Pre-demolition Activities

Standard Operating Procedures must include a **sample per bin** (not multiple bins) policy to ensure that adequate health protection is achieved. This is especially important given the impacts in many of these areas are of multiple COCs that co-exist within the **same** soil profile requiring action.

Table 2-2-1 NASA Administered Structures proposed for Demolition and their NRHP and Biological Considerations:

1. 2727 Alfa 1 Test Stand is individually NRHP eligible and also has potential as bird nesting and bat roosting area. Contributes strongly to America's space history.
2. 2729 Alfa 3 Test Stand is individually NRHP eligible and also has potential as bird nesting and bat roosting area. Contributes strongly to America's space history.
3. 2729a Alfa 3 control station shack is individually NRHP eligible and also has potential as bird nesting and bat roosting area. Contributes strongly to America's space history.
4. 2739 Stand talker Shack contributes strongly to the story of America's space history.
5. Road to test facility should be maintained for access and infrastructure purposes. This otherwise adds unnecessarily to the negative impacts felt by neighboring communities that serves no real purpose.
6. 2730 Bravo 1 Test Stand is individually NRHP eligible and also has potential as bird nesting and bat roosting area. Contributes strongly to America's space history.

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7. 2214 Bravo Terminal House is individually NRHP eligible. Contributes strongly to America's space history.
8. 2731 Bravo II Test Stand is individually NRHP eligible and also has potential as bird nesting and bat roosting area. Contributes strongly to America's space history.
9. 22 Bravo Observation Structure (pill box) is individually NRHP eligible. Contributes strongly to America's space history.
10. 2733 Coca 1 Test Stand is individually NRHP eligible and contributes strongly to America's space history.
 - a. Perhaps the "dance floor" can be disassembled and moved to NASM or other facility designed to honor our national space history.
11. ELV should be re-used to provide mitigation for Chumash Interpretive Center to provide for additional ceremonial areas for Chumash assembly and presentation and continued education centering around the ethnography and presentation of historically rooted beliefs, customs and practices allowing for local native groups to present their history and culture to the interested surrounding public.
12. Skyline Area should be considered for re-use for water storage capacity for the purpose of supplying irrigation and groundwater recharge for alternative soil treatability programs employed at the site. Why build it if it's already built?

Proposed liability reduction actions and potential presentation, preservation and cultural opportunities that can ensure a sustainable future that regards the accomplishments achieved at Santa Susana. A Chumash National Park that honors the history of the site. Other examples of preservation and education of history referenced for research in this process:

- Griffith Observatory
- Smithsonian Institute, Washington, DC
- Reagan Museum, Simi Valley
- National Aeronautic Space History Museum, Smithsonian Institute
- The Boeing Company
- Volvo, Gothenburg Museum, Sweden "the history of safety" and the corporate thinking.
- NASA Space Flight Center, Huntsville
- JPL
- VASA Museum, Stockholm, Sweden – and erected ship and archaeological findings presented from many view points.
- Ale Stones, Sweden – a ship shaped "stone henge" like monument estimated to be from the bronze age and available for visitors to see up close and be a part of history.

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- Stads Huset Torn, Stockholm Sweden. Daily tours of climbing the stairs of the tower provide for maintenance revenue.

Opportunities as listed above provide examples of successful revenue funding from tours, parking, and gift-shop marketing opportunities, which would enhance Human Space History as well as Human History regarding Indigenous Peoples.

Table 2-2.2 Proposed Demolition Hauling

Hundreds of truck trips can be avoided by considering creative re-use onsite programs to avoid unnecessary damage to the environment and unnecessary impacts to the surrounding communities due to the traffic, noise, dust associated with these activities. Treat first approach should be used to the maximum extent possible as prescribed by the Agreement in Principle and AOC (page 11)

Demolition truck schedule should include hiatus between 7 and 8am and 3-4pm to avoid school hours.

2.2.2.1 Cleanup of Soil to Background

Modification in Principle to modify this requirement to consider risk based objectives as outlined in MiP¹⁹ to ensure that surrounding residential human and ecological health is protected, and unnecessarily removing soils that do not present a health risk can therefore be avoided.

2.2.2.2 Preliminary Remediation Areas

In addition to Table 2.2-3 screening values, Suburban Residential PRG and risk based recommendations from Staff Toxicologists as well as soil zone grading system to avoid disturbing undisturbed areas and protecting what needs protecting including natural habitat, sacred sites, sensitive species, migratory species pathways, and water resources for surrounding ecology.

2.2.2.3 Soil Cleanup Technologies

All technologies that were dismissed based on deadline issues related to achieving objectives by 2017 should be revisited. This can be accommodated

¹⁹ MIP Modification in Principle, Attachment A

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by adding back in the requirement that alternative methods construction must be completed, and that the final objective of cleanup goal would have additional time to become effective as presented in all previous versions of this agreement including the signed '07 Order agreed to by all parties.

Ex situ Treatment Technologies using Land Farming have proven successful on the site in the past (including Happy Valley treatment of Perchlorate onsite) and should be considered here as a viable potential alternative that is very effective.

Sustainability presentations stewarded by local Universities including Grant projects should be considered as alternative opportunities that provide a consistent message that supports the sites place in technological history advances.

In Situ Anaerobic or Aerobic Biological Treatment methods should also be seriously considered as detailed above.

Pump and Treat is most effective for specific targeted areas, and needs to have more attention to long-term negative impacts so that effective treatment can be attained without the negative impacts as observed at Bell Creek. We therefore recommend that groundwater that is treated be redistributed to the location closest feasible to where it was extracted from the site.

In situ Chemical Oxidation is currently being tested and it is hopeful that it will prove very effective at the site and certainly should be considered here.

Pump and treat should also be considered from mid-plume so that unintended drawing toward communities does not occur further.

Enhanced Bioremediation and vapor extraction to prevent additional impacts to groundwater resources should be seriously considered and implemented wherever feasible throughout the site, especially at high-VOC impacted areas.

Monitored Natural Attenuation occurs today, but is not adequate as a solution and must only be considered in tandem with other working solutions to protect future generations and seep impacts that potentially bring those impacts to ecological receptors as well as surrounding communities.

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2.4.1.1 Alternative 1-Demolition, Soil Cleanup to Suburban Residential Cleanup
Goals and Groundwater Cleanup as described by limited modification is supported by an overwhelming portion of the surrounded affected communities and should be considered here as proposed throughout this and accompanying documents [MiP]

Table 2.4-2 Alternative Comparison of Offsite Waste Type

This comparison illustrates clearly the need for limited modification so that continued efforts of injunction by the very people insisting on the impossible cleanup will cease. We need a workable solution that uses current regulatory standards for waste classification in a protective and responsible way. Limited modification of AOC in Section 2.10 related to waste classification is necessary as proposed in MiP.

2.4.2 Remedial Technologies Eliminated

Phyto Remediation can achieve long-term health protective objectives in a less damaging matter and can also provide longevity to the solution (especially when considering the challenges related to the groundwater impacts at depth and those migration pathways) With limited modification these solutions can prove very effective in the drainages.

Table 3-2-1 Summary of Existing Utilities and Infrastructure at SSFL by area:

Concrete removal where infrastructure roads are concerned should be minimized to keep access feasible and prevent unnecessary hauling of concrete.

Water conveyance and storage infrastructure should be maintained and enhanced to suit the water needs related to alternative treatment methods.

3.3 Cultural Resources

Listed in the criteria articulated that is used under NHPA to evaluate properties for NRHP eligibility include to “embody the distinctive characteristics of a type, period, or method of construction, or represent the work of a master, possess high artistic values, or represents a significant and distinguishable entity whose components might lack individual distinction (criterion C)” where the burro flats cave site is estimated to be ancient in its’ origin and depicts religious and spiritual significance

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in portraying the Chumash Rainbow Bridge creation story that has been handed down for centuries as astronomical events, are depicted in layers of artwork exhibited in the burro flats cave site that may span decades or even centuries between the layers. By experts, who have studied this particular solstice site for decades, it is described as being among the most well preserved representation of Chumash Ancient Sacred Rock Art in North America.

Traditional Culture Landscapes must also be included in the 106 Consultations yet here, the process puts these sacred areas in harms way on the basis of a very limited view of how "artifact" is defined in this context. No single defining feature or set of features that comprise a traditional cultural landscape. Such places could be comprised of natural features such as mountains, caves, plateaus, and outcroppings; water courses and bodies such as rivers, streams, lakes and bays and inlets; views and view sheds from them, including the overlook or similar locations, vegetation that contributes to its significance [soap lily, native cucumber used for paint, etc], and manmade features including archaeological sites; buildings and structures; circulation features such as trails, land use patterns, evidence of cultural traditions, such as petroglyphs and evidence of burial practices; and markers or monuments such as calms, sleeping circles and geoglyphs"²⁰ **Record of Decision must consider all reasonable alternatives.**²¹

Deferral of mitigation DOES NOT comply with NEPA.²²

At the very minimum, all effort to use the exceptions provided to absolutely protect the areas we know about, and every effort must also be made to proceed with extreme caution so that currently unknown sites that may be located within the region must be considered as likely and therefore cultural monitoring of this process should be mandatory every step of the way, with an immediate "stop work" for any potential finding and assessment of said finding by local cultural monitors and stewards of the site.

The tribe has already designated all of the NASA administered property as a sacred site under E.O. 13007.

Echoing the concerns detailed in the comments from the tribe, we believe that NASA must complete the eligibility process for protection in the National Register.

²⁰ <http://www.ahcp.gov/natl-ga.pdf>

²¹ Record of Decision [ROD] must mitigate any impacts and identify all alternatives considered and identify alternatives that are environmentally preferable.

²² Santa Ynez Band of Chumash Indians letter September 30, 2013 points out that Deferral of mitigation does not comply with NEPA [<http://www.npi.org/NEPA/impact>]

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UN Declaration on the Rights of Indigenous Peoples must now be followed after December 2010

In December of 2010, the United States announced support for the United Nations Declaration on the Rights of Indigenous Peoples [UNDRIP] in announcing this support, President Obama stated: "The aspirations it affirms – including the respect for the institutions and rich cultures of Native peoples—are one we must always seek to fulfill...[W]hat matters far more than any resolution or declaration – are actions to match those words." The UNDRIP addresses indigenous peoples' rights to maintain culture and traditions (Article 11); and religious traditions, customs, and ceremonies (Article 12); to participate in decision making in matters which would affect their rights (Article 18); and to maintain spiritual connections to traditionally owned lands (Article 25).

The ACHP will now incorporate UNDRIP in the **Section 106 review process**:

While the Advisory Council on Historic Preservations (ACHP) work already largely supports the United Nations Declaration on the **Rights** of Indigenous Peoples, additional deliberate actions will be taken to more overtly support the Declaration. The Section 106 review process provides Indian tribes and Native Hawaiian organizations (NHOs) with a very important opportunity to influence federal decision making when properties of religious and cultural significance may be threatened by proposed federal actions" ²³

Executive Order 13007

On December 10, 2012, the Santa Ynez Band of Chumash Indians, a federally recognized tribe ("Tribe"), hereby designates the NASA portion of the SSFL as an Indian sacred site pursuant to Executive Order 13007. This Indian sacred site also includes the former Rocketdyne and now Boeing portion of SSFL and the Tribe is open to discussing the exact boundaries at a later date.

EO 13007 requires Federal land managing agencies to accommodate access to and ceremonial use of Indian sacred sites by Indian religious practitioners and to avoid adversely affecting the physical integrity of such sacred sites. It also requires agencies to develop procedures for reasonable notification of proposed action or land management policies that may restrict access to, or ceremonial use of, or adversely affect sacred sites."

²³ <http://www.achp.gov/docs/UN%20Declaration%20Plan%203-21-13>

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Sacred sites are defined in the executive order as “any specific discrete narrowly delineated location on Federal land that is identified by an Indian tribe, or Indian religion, as sacred by virtue of its established religious significance to, or ceremonial use by, an Indian religion; provided that the tribe or appropriately authoritative representative of an Indian religion has informed the agency of the existence of such a site.” There is no review of such determinations by a Federal agency.²⁴

Deferral of boundary research as to VEN-1072 and VEN-1803 is inappropriate and not allowed. Additional boundary research is needed to conclude that any avoidance of excavation within the boundaries of burro flats (CA-VEN-1072) and CA-VEN-1803 to diminish or eliminate adverse effects to known archaeological sites

3.3.3 Cultural Resources identified

While several studies have occurred over recent years, the entire site has not been adequately studied due to limited access for such scholarly and field research opportunities. Additional sites have been identified in nearby locations and indicate the potential for additional sites being present and yet to be discovered is extremely high.^{25,26}

3.3.3.1 Sacred Sites

Executive Order (EO) 13007 (1996) states that, for land designated as sacred sites, agencies managing federal lands shall: “Accommodate access to and ceremonial use of Indian Sacred Sites by Indian religious practitioners and avoid adversely affecting the physical integrity of such sacred sites. Where appropriate, agencies shall maintain the confidentiality of sacred sites.” This certainly should be interpreted to mean that the proposed action of removal of the top two feet of soil and all living species should be strictly avoided.

²⁴ <http://www.achp.gov/eo13007-106.html>

²⁵ Interview and photographic review recently submitted for expert analysis by draft author of this technical comment proposal document.

²⁶ 56-1072/CA-VEN-1072, Burro Flats Painted Cave; 56-1800/CA-VEN-1800 Rock Shelter; 56-1803/CA-VEN-1803 Lithic Scatter; Alfa Test Area, Historic District; Bravo Test Area, Historic District; Coca Test Area, Historic District, Undesignated to date sites in Area IV and Bufferzone area(s),

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3.3.3.4 Architectural Resources

The DEIS fails to provide adequate proposal for mitigation of architectural resources. Assembly pieces from Alfa, Bravo and Coca should be considered for preservation under the stewardship of Smithsonian Institute NASM and/or other scholarly institutions for the preservation of American history.

3.4 Biological Resources

Table 3.4-2 Sensitive Plant Species potentially located within SSFL

According to the DEIS, page 3-24 it states that the California red-legged frog (*Rana draytonii*) is federally listed as threatened and known to occur in the vicinity of SSFL, and that no evidence of California red-legged frog occurrence was found during the 2010 or 2011 surveys (NASA, 2011b; 2011d). and that limited potential suitable frog habitat for this species primarily around R-2 Ponds and the Coca Skim Pond. It should be noted that this species was found in and around Bell Canyon Creek, but due to impacts from previous groundwater pumping, those area (as with the R-2 and Coca skim ponds) are completely dry now, and therefore no longer suitable habitat due to these actions being take to "control discharge." These actions were taken without CEQA or NEPA review and makes clear the need for such a review so that these sensitive species are protected before decisions make it too late (as we are seeing here, if limited modification to the decisions moving forward are not considered).

With such a severe proposal of soil replacement, it is likely that different vegetative species will grow from different soil, thereby further impacting the wildlife currently supported by the habitat.

Activities not considered in DEIS

Pumping occurring at WS9a in the recent two years has exacerbated the current drought conditions and has limited the potential habitat significantly as 1.4 miles of riparian habitat now has no water source.

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All of the plant species listed on Table 3.4.2 should be considered further threatened with recharge water source conditions continue to be changed as a result of unmitigated water diversion that has occurred since 2010 for this purpose.

Additionally the Humboldt Lily (*Lilium humboldtii*) has been found both within the sacred cultural resource district, as well as to the immediate south of the property boundary.²⁷

Figure 3.4-2 Wildlife Migration Corridor depicted on page 3-25 is inaccurate in that it does not adequately acknowledge the use by wildlife to transverse the property following water resources. Cattle, horses, mule deer, and even mountain lions have been spotted in Area IV during our site visits guided by Responsible Parties so it is truly ridiculous to ignore those occurrences here, when we've viewed these species migrating and feeding across the entirety of the site, including the southern bufferzone, northern bufferzone, and areas 1, 2 and 3 (including the NASA owned LOX area where horses have been photographed drinking from the pond and feeding on the grasses there. The currently existing use of this corridor (which clearly includes Area 2 and other NASA owned portions) must be considered as an impact, especially given that the plan presented states that the top two feet of all living vegetation will be removed.

The very idea that such extreme actions (to devastate all living things in an open space area of more 50 acres) is being considered while presenting a map on Figure 3.4-2 that doesn't even include the NASA owned portions as being part of that corridor is UNACCEPTABLE. This must be corrected as you will be advised of such by every expert writing in as well.

What will be the mitigation for all the oak trees removed? The report says "up to 100% of all vegetation" and includes trees in that category.

1. How many oak trees will be replanted to mitigate this?

²⁷ *Lilium Humboldtii* *Lilium humboldtii* There are two species:

Lilium humboldtii subsp. *humboldtii* (syn. *Lilium puberulum*)

Lilium humboldtii subsp. *ocellatum*

Both are on the California Native Plant Society Inventory of Rare and Endangered Plants and described as "fairly endangered in California".

http://en.wikipedia.org/wiki/Lilium_humboldtii

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2. And how will the Ventura County Oak Tree Ordinance be considered in such a plan that needlessly devastates the environment, or fails it entirely?
3. What will be done to mitigate the damage done to the habitat that supports several hundred diverse species?

Figure 3.4-4 Sensitive Wildlife Species

Why is the mountain lion not included here since they are all tagged and have such a large roaming need? The corridor presented can only mean that the "safest crossing" allows only for a narrow corridor, making that even more important to protect.

Listed is the Two-striped garter snake which I have personally photographed in the endangered area of Bell Creek where the habitat is being damaged, and reduced as a result of actions related to the groundwater proposed action and should be considered here.

The ring-tailed cag (*Bassariscus astutus*) as also been cited by comment author in the riparian drainage immediately to the south of NASAs Area II (Figure 3.4-4).

Table 3.4-4 Biological Species of Native American Concern

Included in this list, are both milkweed species (*Asclepias eriocarpa*, and *asclepias fascicularis*), Wild Cucumber which have been further identified and photographed throughout the riparian drainage receiving the potential impacts of this action (Bell Canyon Creek).²⁸ As well as the *salvia columbariae*. This area is also contains several culturally recognized significant sites.

Section 4 Environmental Consequences

The most disturbing part of this proposed action is the limited alternatives of only providing for total biological destruction of the site, or no action at all. We ask that the DEIS be modified to include reasonable alternatives that are protective of human health and the environment and that the necessary changes to the AOC signed, as agreed mutually by the parties, so that traditional health risk assessment can properly inform this process to avoid the unnecessary removal of so much soil, habitat destruction and destruction of cultural and historic assets.

We have learned from this evaluation, what a non-risk-based cleanup looks like and many proponents of cleanup (myself included) did not believe that it would result in such extensive soil disturbance. Especially given the directive in the AOC that states that alternative methods should be used to the "maximum extent possible"

²⁸ Photographs of Humboldt lily, wild cucumber, two striped garter snake and ring-tailed cat will be provided separately as color attachments to submission.

Santa Susana Field Laboratory affected communities represented by individuals signed herein:

Prepared by: Christina Walsh, with collaborative contributions from individuals listed

8463 Melba Avenue, West Hills, CA 91304 8189225123

This letter is digitally signed by the distribution of individuals listed on the signature pages 44-46 where contact information is available upon request for verification purposes, but omitted here from public copy for privacy purposes that this is part of a public document process.

We can now see the startling consequences of an action using the AOC proposed "background" as the objective when no such [PA] exists that does not consider health risk. We ask that NASA and DTSC revisit this decision and work with their toxicological resources within the department to establish sound health-risk based parameters to bring this back to a reasonable solution.

I do not agree with the idea that we "must abide by the AOC" while ignoring the primary directive stated on page 11 of the AOC that says alternative in situ methods should be used. I think that a strict adherence of the agreement needs to include all 46 pages, and not exclude such a primary tool to reduction efforts made and intended to minimize all the consequences outlined throughout this document.

The response from both NASA and DTSC is that the final signed version does not include the language that "construction shall be completed" for alternative in situ methods as it was always understood that such methods would require more time for completion. The removal of that line in the final document can only mean a purposeful intent to make strict adherence of this portions of the AOC impossible and therefore requires modification.

Was the AOC intended to not be possible? Because as proposed action that does not follow any existing programmatic agreement as requirement for the federal government to follow, it therefore creates it's own programmatic agreement that we can see here cannot be fulfilled by the very limitations it also provides. This is additional basis that makes clear the necessity of modification of the AOC agreement in order to make it feasible, possible, and something beyond the paper it is written. If protection of the surrounding communities is the intent, then TIME must be part of that consideration and creating fictional programs that do not have a reasonable basis to be implemented cannot be used as an excuse to fail those communities now.

Section 5 Agencies, Organization and Individuals Consulted

This section proposes that the meetings used to present alternative in situ methods to reduce soil volumes were legitimate. I would argue that there was never any intent (based on this DEIS where any such consideration fails at the first deadline), and instead, these meetings were used to fill in this portion of the report though no real or sincere consideration of any alternatives was ever made.

Santa Susana Field Laboratory affected communities represented by individuals signed herein:

Prepared by: Christina Walsh, with collaborative contributions from individuals listed

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During Section 106 call that occurred last week, it was stated that exceedingly false data has been provided in the media on a substantial political level in an effort to sell the idea that nothing short of full destruction of the site would be protective. This was acknowledged to be untrue, yet no effort to counter those very real messages in the media, has been made. We ask that added media coverage that includes the realities of these issues be done.

5.4.1 Consultation Process for National Historic Preservation Act (Section 106 Consultation) indicated that the review of demolition activities would not be done by CEQA in that those processes will not occur until after demolition has already occurred. This fails the purpose of the "historic preservation" objective, and therefore ask that this proposed action/evaluation be halted until full CEQA review of all activities including those that potentially impact historic structures, districts, and sacred sites receive complete review and consideration.

Artificial segmenting of the process (Piecemeal) should not be allowed.

We recommend that limited modification occur to make a workable feasible and effective cleanup solution that is health protective and measurable and ask that DTSC and NASA re-visit these issues and attempt to find solutions that can make this possible.

Thank you for your consideration and appreciate the opportunity to provide substantive comment to the process of formulating these decisions moving forward.

Sincerely,

Christina Walsh
Cleanuprocketdyne.org
SSFL CAG Member, Communications Committee Co-chair
West Hills, CA 91304

Additional signatures following:

Santa Susana Field Laboratory affected communities represented by individuals signed herein:

Prepared by: Christina Walsh, with collaborative contributions from individuals listed

8463 Melba Avenue, West Hills, CA 91304 8189225123

This letter is digitally signed by the distribution of individuals listed on the signature pages 44-46 where contact information is available upon request for verification purposes, but omitted here from public copy for privacy purposes that this is part of a public document process.

Christian Kiillkkaa

California Native Plant Society Boardmember

SSFL CAG Member, Communications Committee Co-chair

West Hills, CA 91307

SSFL CAG Member

Brit and Russell Burton

Thousand Oaks, CA 91320

Mary Weisbrock

Save Open Space, Oak Park, CA 91320

SSFL CAG Member

Anee Churchill

Futurity Farms/Bell Canyon Equestrian Center Equine Trainer

Chatsworth CA 91311

Cris De Graf

Bell Canyon Equestrian Center Manager

Bell Canyon CA 91307

Andrea De Tourney

Bell Canyon, CA 91307

Ms. Virginia Kiillkkaa (former Staff West Hills/Canoga Park Chamber of Commerce)

West Hills, CA 91307

Mr. Allan Kiillkkaa

Retired Senior Industrial Engineer, Rocketdyne Canoga Park

West Hills, CA 91307

Santa Susana Field Laboratory affected communities represented by individuals signed herein:

Prepared by: Christina Walsh, with collaborative contributions from individuals listed

8463 Melba Avenue, West Hills, CA 91304 8189225123

This letter is digitally signed by the distribution of individuals listed on the signature pages 44-46 where contact information is available upon request for verification purposes, but omitted here from public copy for privacy purposes that this is part of a public document process.

Cheryl Dorsey

Equine Trainer/Body work – Bell Canyon Equestrian Center

Bell Canyon, CA 91307

Lisa Pincus

West Hills, CA 91304

Dr. Ronald Ziman, MD, FACP, FAAN,

Associate Clinical Professor of Neurology

David Geffen School of Medicine, UCLA

Vice President Bell Canyon HOA

Bell Canyon CA 91307

SSFL CAG Member

Date: September 18, 2013

Administrative Order on Consent for Remedial Action [AOC]

In the matter of Santa Susana Field Laboratory
Simi Hills, Ventura County, California
CA1800090010 (NASA)

And

United States National Aeronautics and Space Administration

Draft Environmental Impact Statement [DEIS]

Health and Safety Code Sections
25355.5(a)(1)(B), 58009 and 58010
Docket No. HAS-CO 10/11 -038

Modification in Principle [MIP]

Modifications needed to create an agreement that is implementable, and that addresses the concerns and needs of the surrounding affected public are as follows:

Basis:

1. Draft EIS submitted by NASA fails to provide legitimate solutions by framing alternatives be either: devastating to the natural ecosystem and sensitive habitats, the sacred Native American sites, as well as failing to conserve American History by suggesting demolishing historic rocket test stands and indicating that the mandating mechanism for these actions is aforementioned AOC.
2. The AOC driving the project goes beyond EPA recommended requirements for human health and safety.
3. SB990 (Kuehl2007) was later struck down by Federal District Court decision, of which the AOC was originally based. A health protective cleanup is what the communities have always wanted.
4. Section 5.26 Severability of AOC Order [2010] provides that "...should a court determine that any federal or State law or regulation incorporated into, referenced in, or authorizing this order is invalid or unenforceable in

whole or in part, NASA shall comply with each and every remaining part.”¹

5. **6.0 Modification** This Order may be modified by the mutual agreement of the parties. Any agreed modifications shall be in writing, shall be signed by both parties, shall have as their effective date the date on which they are signed by DTSC, and shall be deemed incorporated into this Order.²
6. **Agreement in Principle** (attached) which AOC is based, indicates that “scheduled completion of soils cleanup *remains* as 2017” yet original specifies that alternative method in situ treatments shall only require completion of construction (not of remedial soil completion) by 2017 and by omitting “construction” language, the responsible parties do not have adequate time to comply with Order as written, despite directive to use said alternative methods “to the maximum extent possible”³
7. **2.8 Soils Remedial Action Implementation Plan** does follow clear directive to use alternative in situ methods “to the maximum extent possible” as the DEIS proposes zero alternative solutions on the basis that adequate time to achieve objective is not provided.
 - a. The purpose of this directive is to minimize the potential impact on sensitive habitat, eco systems, flora and fauna, migratory species protection that use this sensitive corridor, protect historic structures and sacred Native American cultural sites, yet the DEIS describes a solution that in its declaration states all of the above will be potentially impacted by the large magnitudes soil removal being mandated.
8. **1.6 Agreement in Principle** is defined the guiding document that shall govern the AOC process and lists specific exceptions that include the Native American cultural resources, yet the DEIS continues to ignore this primary promise as it is found in the secondary document. NASA has to follow the Agreement in Principle, which clearly stipulates a 5% volume exception, which could assist in prioritizing and the protection of sacred areas currently known. Due to the likelihood of additional sites being discovered, it is recommended that these boundaries be drawn wide and use of native monitors throughout excavation and alternative method efforts be present.

Modifications needed:

- 1 1.7.2.1 “cleanup to background levels” shall be modified to include a risk-based PRG table of suburban residential risk levels which shall be compared to background “LUT” table for purpose of establishing a risk

¹ 5.26. Severability (page 38 AOC)

² 6.0 Modification (page 38, 39 AOC)

³ 2.8 Soils Remedial Action Implementation Plan Section 5 (page 11 AOC)

quotient for the purpose of avoiding removing near-background soils which do not present a risk to human health or the environment. Remediation decisions should be based on EPA protocols.

- 2 1.7.2.2 “Cleanup background levels” does not include land-filling alternatives, but in situ treatments to achieve PRG standards shall not be defined as land-filling, but as *alternative treatment of soils*.
- 3 1.7.4 Soils shall include language to address and compare Soil Environmental Condition by regional cleanup zone. Screening evaluation shall also be applied in matrix decision-tree to be reviewed by State Toxicologists where undisturbed soils would be prioritized for alternative in situ methods, where clearly (building footprints) disturbed soils would use in situ methods such as soil sorting technologies for the purpose of reducing soil volumes for excavation and to minimize burden on existing landfills by filling them with near-background soils.
- 4 2.0 Remediation Goal shall be modified to include suburban residential PRGs to enhance [LUT] Lookup Table process by comparing to soil condition and risk standards established by USEPA as public remediation goals.
- 5 2.5 Treatability Studies shall be enhanced to consider all potential mechanisms to reduce soil volume impacts to landfills, traffic, noise, dust, roads, sensitive habitat destruction, cultural resources destruction, migratory species pathways impaired, etc. by using the established EPA objective of Suburban Residential PRGs as a weighted balancing mechanism to create achievable programs of remediation.
- 6 2.8 Soils Remedial Action Implementation Plan shall be enhanced to follow the directive from AIP and subsection 5 of 2.8 to use in situ treatment to the “maximum extent possible” by modifying objectives to construction in place language.
- 7 2.10 Contaminated Soils shall be modified to use existing standards for waste classification instead of referencing a local background number that is of little value or relevance to the landfill in question.
- 8 2.12 Modifications to Soils Remedial Action Implementation Plan acknowledges the need for the above prescribed changes which are now quite clear considering the potential impacts identified by the DEIS if no modifications to occur.
- 9 5.1 Project Director has been changed several times since the signing of this order, further demonstrating the need for revisiting these changes before the process of damage and irreversible impacts begins.

**Administrative Order on Consent for Remedial Action [AOC]
In the matter of Santa Susana Field Laboratory
Simi Hills, Ventura County, California
CA1800090010 (NASA)**

And

United States National Aeronautics and Space Administration (Respondent)

Modification in Principle [MIP]

**Talking points about an ALL or NOTHING losing scenario and how to change
the document to address what is needed now:**

1. DEIS is rejected by surrounding affected communities.
2. NASA's DEIS puts sacred cultural and archeological resources at risk. THE AOC as written is unworkable and unacceptable to unnecessarily put these resources at risk as proposed in this draft EIS.
3. We want a real cleanup that is doable, not a paper version that has no hope.
4. We don't want to destroy the natural environment and ecology we are trying to save.
5. The law does not require this, so we must revisit the AOC to make it workable, feasible, realistic, practical and health protective.
6. Adding PRGs to compare risk to the LUT (look up tables) and grade soil environmental condition (sensitivity from disturbed to undisturbed/pristine)
7. The AOCs allow for modification in the event of legislative changes, which have occurred.
8. The AOCs prescribe and direct use of alternative in situ methods to reduce soil volume and other impacts. We must follow this clear point in the AOCs and AIP (original Agreement in Principle)
9. This gives the affected communities and the important resources protection from a cleanup that isn't sensible or practical.
10. Let's do everything we can to protect the important human history that is part of the Santa Susana Field Lab Story. The AOCs provide for the answer, please consider the following limited modifications to make the right solution possible....for all the affected communities and for native and national history which should be preserved and honored, not used as a bargaining tool.

NEWS RELEASE

September 24, 2013

FOR IMMEDIATE RELEASE:

CONTACT: CHRISTINA WALSH
818.922.5123

Via email: cleanuprocketdyne@yahoo.com
cwalsh@cleanuprocketdyne.org

**SANTA SUSANA FIELD LABORATORY COMMUNITY
ADVISORY GROUP REJECTS NASA'S DRAFT
ENVIRONMENTAL IMPACT STATEMENT [DEIS].**

**RECOMMENDS NASA AND CAL EPA'S DEPARTMENT OF TOXIC SUBSTANCES CONTROL
[DTSC] MODIFY CLEANUP AGREEMENT TO A LESS DESTRUCTIVE, MORE HEALTH-
PROTECTIVE SOLUTION.**

BELL CANYON, CALIFORNIA - SSFL Community Advisory Group [CAG] voted Wednesday night to reject Draft EIS (Environmental Impact Statement) by NASA, which proposes to limit actions to either an "all or nothing" action that either destroys the environment, or fails to clean up the site. The SSFL CAG further agreed to send a cover letter that includes substantive comments from its members who represent many perspectives from the surrounding communities, but agreed here, that the DEIS proposal went far beyond what is needed to protect human health, and proposes to destroy the existing environment and even potentially impacting the sacred Burro Flats Cave area and historic districts. The CAG had consensus that a modification is needed to the agreement outlining the cleanup requirements, and are proposing a "Modification in Principle" [MIP] as one example of how limited modifications can allow for a protective cleanup that considers health-risk, so that soil is not needlessly disturbed that does not present a risk to humans OR the environment, and further prevents potential impacts to the sacred cultural sites as well as honoring our nations history of Space Exploration.

Deadline for comments is October 1st to NASA at:

Mr. Allen Elliott
Program Director, NASA
Marshall Space Flight Center
MSFC AS01, Building 4494,
Huntsville, AL 35812
or via email to: msfc-ssfl-eis@mail.nasa.gov

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Santa Ynez Band of Chumash Indians

PO Box 517 • Santa Ynez, CA 93460
805-688-7997 • Fax 805-686-9578
www.santaynezchumash.org

BUSINESS COMMITTEE
Vincent Armenta, *Chairman*
Richard Gomez, *Vice Chairman*
Kenneth Kahn, *Secretary/Treasurer*
David D. Dominguez, *Committee Member*
Gary Pace, *Committee Member*

September 30, 2013

Allen Elliott
SSFL Project Director
NASA MSFC AS01, Building 4494
Huntsville, AL 35812

RE: Draft Environmental Impact Statement (DEIS) for Demolition and Environmental Cleanup Activities for the NASA-administered portion of the Santa Susana Field Laboratory (SSFL), Ventura County, California

Dear Mr. Elliott:

The Santa Ynez Band of Chumash Indians ("Chumash" or "Tribe") thanks you and NASA for the opportunity to comment on the DEIS. NASA procedure requirements state that NASA is "committed to environmental stewardship, sustainable design, and green engineering." In addition, NASA is covered by Executive Order 13175 as reaffirmed by that Presidential Memorandum on Tribal Coordination dated November 5, 2009 that reaffirmed Executive Order 13175, "Consultation and Coordination with Indian Tribal Governments," and emphasized the importance of strengthening government-to-government relationships with Native American tribes. See also, http://nodis3.gsfc.nasa.gov/npg_img/N_PR_8580_001A_/N_PR_8580_001A_.pdf.

The Tribe, therefore, makes the following comments as to the DEIS:

(1) The EIS Must Address Cultural Resources (copied from <http://www.npi.org/NEPA/impact>)

Cultural resources are referred to in different ways at different points in the CEQ regulations. The regulatory definition of the term "human environment" at 40 CFR 1508.14 – impacts on the quality of the human environment being the subjects of any EIS – includes "the natural and physical environment and the relationship of people with that environment." The definition of "effects" at 40 CFR 1508.8 – as in "effects on the quality of the human environment" – includes changes in the human environment that are "aesthetic, historic, cultural, economic, (or) social."

The regulatory definition of the word "significantly" at 40 CFR 1508.27 – as in "major federal action significantly affecting the quality of the human environment" – includes as measures of impact intensity:

- Impacts on an area's unique characteristics, such as "historic or cultural resources, park lands, prime farmlands, wetlands, wild and scenic rivers, and ecologically critical areas" (40 CFR 1508.27(b)(3)).
- Impacts on "districts, sites, highways, structures, or objects listed in or eligible for listing in the National Register of Historic Places" and on "significant scientific, cultural, or historical resources" (40 CFR 1508.27(b)(8)).

Clearly, impacts on cultural resources are to be addressed in an EIS. Note that it is not just impacts on historic properties that should be addressed. The regulations use "historic" and "cultural" in parallel, not as synonyms.

(2) Record of Decision Must Mitigate any Impacts to Cultural Resources (copied from <http://www.npi.org/NEPA/impact>)

Once the EIS analysis has resulted in a draft environmental impact statement (DEIS), it is subjected to public and agency review, and comments are addressed – this may require further analysis. Then, assuming the project has not been abandoned, or so changed that a supplemental DEIS is needed, a final EIS (FEIS) is prepared and published. The FEIS is considered in making the agency's decision about whether and how to proceed with the action that was the subject of the EIS. This decision is recorded in a Record of Decision (ROD). According to 40 CFR 1505.2, the ROD must:

- State what the decision was.
- Identify all alternatives considered.
- Specify the alternative or alternatives considered to be "environmentally preferable." (Note that the agency does not have to select the environmentally preferable alternative, but it does have to discuss what it is.)
- Identify and discuss the factors balanced in making the decision (whether for or against the environmentally preferable alternative).
- State whether "all practicable means to avoid or minimize environmental harm . . . have been adopted, and if not, why they were not."

Having notified the world of its decision, the agency implements it. In doing so, it must carry out any mitigation, i.e., "means to avoid or minimize environmental harm," it has said in the ROD or EIS that it will carry out (40 CFR 1505.3).

(3) Deferral of Mitigation does not Comply with NEPA (copied from <http://www.npi.org/NEPA/impact>)

Deferral With respect to historic properties, a very common problem is "deferral," in which the agency:

- Acknowledges that it does not know much about what effects there may be on historic properties (often because such properties have not yet been identified); but
- Says that whatever effects there may be, NHPA Section 106 review (of the National Historic Preservation Act), to be performed later, will take care of them; and
- Concludes that therefore, whatever alternative is decided on, impacts on historic properties will not be a problem.

Considering environmental impacts *after* a decision has been made defeats NEPA's purpose of considering impacts in *preparing* to make decisions. It also almost guarantees last-minute conflicts between project implementation and historic preservation.

Failure to consider things that are not historic properties. With respect to other kinds of cultural resources, a common problem is that they are not considered at all. Historic properties, or even more narrowly, archeological sites, are sometimes the only things discussed in the "cultural resource" part of an EIS. If social impacts are considered, they are often considered only terms of easily quantifiable socioeconomic variables like population, employment, and use of public services. The result is that impacts on many classes of cultural resource simply are not identified or considered in deciding whether significant impacts may occur.

(4) Significant Negative Unmitigated Impacts to Sacred Sites and Cultural Resources

4.3.1.2 Soil Cleanup to Background--the total area of the remediation footprint is approximately 105 acres and includes approximately 500,000 yd³ of contaminated soil

Indian Sacred Site and Traditional Cultural Property: The tribe has already designated all of the NASA administered property as a sacred site under E.O. 13007. The impact would be **significant, negative, regional, and long term** and would constitute an **adverse effect** under Section 106. (DEIS, 4-18)

Archeological Resources: The proposed cleanup of the Burro Flats site (CA-VEN-1072); could result in **significant, negative, local, and long-term** impacts to the site and would constitute an **adverse effect** under Section 106. The proposed cleanup of CA-VEN-1803 could result in **moderate, negative, local, and long-term impacts** under NEPA. Excavation on previously undiscovered archeological sites found to be NRHP-eligible could be a **significant, negative, local, and long-term** impact on archeological resources, thus resulting in a finding of **adverse effect** under Section 106. (DEIS, 4-19)

Deferral of eligibility determination: A determination of eligibility of CA-VEN-1803, in consultation with the SHPO and the federally recognized tribes, needs to be completed before cleanup began if this site were to be affected by soil cleanup activities. CA-VEN-

1800 would not be affected by excavation and removal of soil because it is not located within the identified cleanup areas.

Deferral of boundary research as to VEN-1072 and VEN-1803: Additional boundary research is required to conclude that any avoidance of excavation within the boundaries of Burro Flats (CA-VEN-1072) and CA-VEN-1803 would diminish or eliminate adverse impacts to known archeological sites and reduce the impacts to *negligible, negative, local, and long term* and could result in a finding of *no adverse effect* under Section 106.

Deferral of additional testing as to unknown archaeological deposits: Additional subsurface testing is required to conclude that reducing the amount of excavation on newly discovered archeological deposits (commonly referred to as "inadvertent or accidental discoveries") could minimize the impact if the newly identified sites were avoided, thus reducing the impacts to *minor, negative, local, and long-term* impacts from excavation.

(5) Failure to Address Executive Order 13007

On December 10, 2012, the Santa Ynez Band of Chumash Indians, a federally recognized tribe ("Tribe"), designated the NASA portion of the SSFL as an Indian sacred site pursuant to Executive Order 13007. This Indian sacred site also includes the former Rocketdyne and now Boeing portion of SSFL and the Tribe is open to discussing the exact boundaries at a later date.

E.O. 13007 requires Federal land managing agencies to accommodate access to and ceremonial use of Indian sacred sites by Indian religious practitioners and to avoid adversely affecting the physical integrity of such sacred sites. It also requires agencies to develop procedures for reasonable notification of proposed actions or land management policies that may restrict access to or ceremonial use of, or adversely affect, sacred sites.

Sacred sites are defined in the executive order as "any specific, discrete, narrowly delineated location on Federal land that is identified by an Indian tribe, or Indian individual determined to be an appropriately authoritative representative of an Indian religion, as sacred by virtue of its established religious significance to, or ceremonial use by, an Indian religion; provided that the tribe or appropriately authoritative representative of an Indian religion has informed the agency of the existence of such a site." There is no review of such determinations by a Federal agency.

It is important to note that a sacred site may not meet the National Register criteria for a historic property and that, conversely, a historic property may not meet the criteria for a sacred site. However, in those instances where an undertaking may affect a historic property that is also considered by an Indian tribe to be a sacred site, the Federal agency should, in the course of the Section 106 review process, consider accommodation of access to and ceremonial use of the property and avoidance of adverse physical effects in accordance with E.O. 13007.

The Advisory Council on Historic Preservation (ACHP) has explained **“The Relationship Between Executive Order 13007 Regarding Indian Sacred Sites and Section 106,”** <http://www.achp.gov/eo13007-106.html>

To the extent that the requirements of the executive order and ACHP's regulations are similar, Federal agencies can use the Section 106 review process to ensure that the requirements of E.O. 13007 are fulfilled. For example, E.O. 13007 requires that agencies contact Indian tribes regarding effects and the Section 106 regulations require consultation with Indian tribes to identify and resolve adverse effects to historic properties.

Consultation regarding the identification and evaluation of historic properties of religious and cultural significance to an Indian tribe could include identification of those properties that are also sacred sites. Similarly, consultation to address adverse effects to such historic properties/sacred sites could include discussions regarding access and ceremonial use.

(6) Failure to address the NASA Site is a Traditional Cultural Property (TCP) eligible for protection on the National Register:

National Register Bulletin No. 38 (hereinafter referred to as “NPS Bull. No. 38”), Guidelines for evaluating and Documenting Traditional Cultural Properties (1990; revised 1992; 1998) under NHPA
<http://www.nps.gov/nr/publications/bulletins/pdfs/nrb38.pdf>

- A. Locations for traditional ceremonies are defined as a TCP: NPS Bull No. 38, p. 1, provides:

The traditional cultural significance of a historic property, then, is significance derived from the role the property plays in a community's historically rooted beliefs, customs, and practices. Examples of properties possessing such significance include: ***

- a location where Native American religious practitioners have historically gone, and are known or thought to go today, to perform ceremonial activities in accordance with traditional cultural rules of practice;

- B. Mountain tops and rock outcroppings like at SSFL are TCP's: NPS Bull. No. 38, p. 2, provides:

Traditional cultural properties are often hard to recognize. A traditional ceremonial location may look like merely a mountaintop, a lake, or a stretch of river; a culturally important neighborhood may look like any other aggregation of houses, and an area where culturally important economic or artistic activities have been carried out may look like any other building, field of grass, or piece of forest in the area. As a result, such places may not necessarily come to light through the conduct of archeological, historical, or architectural surveys. The existence and significance of such locations often can be ascertained only through interviews with knowledgeable users of the area, or through other forms of ethnographic research.

- C. NASA must engage specialists as part of its TCP study: NPS Bull. No. 38, p. 10, provides:

In general, the only reasonably reliable way to resolve conflict among sources is to review a wide enough range of documentary data, and to interview a wide enough range of authorities to minimize the likelihood either of inadvertent bias or of being deliberately misled.

Authorities consulted in most cases should include both knowledgeable parties within the group that may attribute cultural value to a property and appropriate specialists in ethnography, sociology, history, and other relevant disciplines.⁷

- D. Specific events like the Solstice ceremony at SSFL qualify as TCP: NPS Bull. No. 38, p. 11, provides:

For example, the National Register defines a "site" as "the location of a significant event, a prehistoric or historic occupation or activity, or a building or structure, whether standing, ruined, or vanished, where the location itself possesses historic, cultural, or archeological value regardless of the value of any existing structure."

9 Thus a property may be defined as a "site" as long as it was the location of a significant event or activity, regardless of whether the event or activity left any evidence of its occurrence.

A culturally significant natural landscape may be classified as a site, as may the specific location where significant traditional events, activities, or cultural observances have taken place. A natural object such as a tree or a rock outcrop may be an eligible object if it is associated with a significant tradition or use. A concentration, linkage, or continuity of such sites or objects, or of structures comprising a culturally significant entity, may be classified as a district.

E. Native American ceremonies qualify as TCP: NPS Bull. No. 38, p.15, provides:

National Register guidelines stress the fact that properties can be listed in or determined eligible for the Register for their association with religious history, or with persons significant in religion, if such significance has "scholarly, secular recognition."

13 The integral relationship among traditional Native American culture, history, and religion is widely recognized in secular scholarship. 14

Studies leading to the nomination of traditional cultural properties to the Register should have among their purposes the application of secular scholarship to the association of particular

properties with broad patterns of traditional history and culture. The fact that traditional history and culture may be discussed in religious terms does not make it less historical or less significant to culture, nor does it make properties associated with traditional history and culture ineligible for inclusion in the National Register.

F. Lack of use does not make a property TCP ineligible: NPS Bull. No. 38, p. 18, provides:

The fact that a property may have gone unused for a lengthy period of time, with use beginning again only recently, does not make the property ineligible for the Register. For example, assume that the Indian tribe referred to above used the mountain peak in prehistory for communication with the supernatural, but was forced to abandon such use when it was confined to a distant reservation, or when its members were converted to Christianity. Assume further that a revitalization of traditional religion has begun in the last decade, and as a result the peak is again being used for vision quests similar to those carried out there in prehistory. The fact that the contemporary use of the peak has little continuous time depth does not make the peak ineligible; the peak's association with the traditional activity reflected in its contemporary use is what must be considered in determining eligibility.

(7) Traditional Cultural Landscapes must also be included in Section 106 consultations and the EIS

Traditional cultural landscapes, because they are often a property type such as a district or site, are identified in the same manner in the Section 106 process as other types of historic properties of religious and cultural significance to Indian tribes or Native Hawaiian organizations. The regulations at 36 CFR Section 800.4 outline several steps a federal agency must take to identify historic properties. In summary,

to determine the scope of identification efforts, a federal agency, in consultation with the State Historic Preservation Officers (SHPO)/Tribal Historic Preservation Officer (THPO), must:

1. Determine and document the area of potential effect for its undertaking;
2. Review existing information; and,
3. Seek information from consulting parties including Indian tribes or Native Hawaiian organizations.

Based on the information gathered through these efforts, the federal agency, in consultation with the SHPO and any Indian tribe or Native Hawaiian organization that attaches religious and cultural significance to historic properties that may be affected by the undertaking, develops and implements a strategy to identify historic properties within the area of potential effects. Identification efforts may include background research, oral history interviews, scientific analysis, and field investigations <http://www.achp.gov/natl-qa.pdf>

There is no single defining feature or set of features that comprise a traditional cultural landscape. Such places could be comprised of natural features such as mountains, caves, plateaus, and outcroppings; water courses and bodies such as rivers, streams, lakes, bays, and inlets; views and view sheds from them, including the overlook or similar locations ; vegetation that contributes to its significance; and, manmade features including archaeological sites; buildings and structures; circulation features such as trails; land use patterns; evidence of cultural traditions, such as petroglyphs and evidence of burial practices, and markers or monuments, such as cairns, sleeping circles, and geoglyphs. <http://www.achp.gov/natl-qa.pdf>

Based on such research, the ACHP TRADITIONAL CULTURAL LANDSCAPES ACTION PLAN advises as follows:

The ACHP, as the agency with responsibility for overseeing the Section 106 review process, and DOI, through the National Park Service (NPS), as the agency with responsibility for overseeing the National Register of Historic places, should provide leadership in addressing Native American cultural landscapes in the national historic preservation program. Together, the ACHP and NPS should:

--Promote the recognition and protection of Native American traditional cultural landscapes both within the federal government and the historic preservation community as well as at the state and local levels, and,

--Address the challenges of the consideration of these historic properties in the Section 106 review process as well as in NEPA reviews. <http://www.achp.gov/pdfs/native-american-traditional-cultural-landscapes-action-plan-11-23-2011.pdf>

(8) U.N. Declaration on the Rights of Indigenous Peoples must now be followed after December 2010

In December 2010, the United States announced support for the **United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP)**. In announcing this support, President Obama stated: “The aspirations it affirms—including the respect for the institutions and rich cultures of Native peoples—are one we must always seek to fulfill...[W]hat matters far more than any resolution or declaration – are actions to match those words.” The UNDRIP addresses indigenous peoples’ rights to maintain culture and traditions (Article 11); and religious traditions, customs, and ceremonies (Article 12); to

participate in decision making in matters which would affect their rights (Article 18); and to maintain spiritual connections to traditionally owned lands (Article 25).

The ACHP will now incorporate UNDRIP in the Section 106 review process:

While the Advisory Council on Historic Preservation's (ACHP) work already largely supports the United Nations Declaration on the Rights of Indigenous Peoples, additional and deliberate actions will be taken to more overtly support the Declaration. The Section 106 review process provides Indian tribes and Native Hawaiian organizations (NHOs) with a very important opportunity to influence federal decision making when properties of religious and cultural significance may be threatened by proposed federal actions. While federal agencies are required to consult with Indian tribes and NHOs and to take their comments into account in making decisions in the Section 106 review process, adding the principles of the Declaration to that consideration may assist federal agencies in making decisions that result in the protection of historic properties of religious and cultural significance to Indian tribes and NHOs. <http://www.achp.gov/docs/UN%20Declaration%20Plan%203-21-13.pdf>

9. Official recognition in the DEIS need to be made of the areas surrounding Burro Flats

A. The entire Southern half of Area II District needs to be protected. Sec. 3.3.3.4, p. 3-17

Sec. 3.3.3.3 Archeological Resources, p. 3-16

The earliest documented archeological work at Burro Flats Painted Cave began in 1953 with excavations carried out by the Archaeological Survey Association of Southern California, which made five trips to the site during 1953 and 1954. The site has been recorded several times since then and under numerous separate listings; misidentifications of elements and inconsistencies in function, assemblage, and design interpretations warranted a revisit and a complete recordation of the site's elements. **In June 2007, NASA re-recorded the site and updated the site record; this effort resulted in combining 16 separately recorded sites into one site, CA-VEN-1072, with associated loci and features.**

We therefore request that the entire Southern half of Area II District needs to be protected. Sec. 3.3.3.4, p. 3-17.

B. All structures should be removed in the Coca Historic District. These structures impinge on the ceremonial areas. If a decision is reached to save a test stand, Alfa or Bravo should be retained instead of Coca.

10. Additional Investigation of the Northern Half of the SSFL site

While the Southern half of Area II contains the pictographs and additional 16 sites, the Northern half of SSFL needs additional investigation, including, without limitation:

- a. Geography—this areas contains numerous flat areas that would be suitable camp sites;
- b. Areas of food—this areas contains forests and riparian areas that could be utilized in the gathering of food;
- c. Support for ceremonial area in the Southern half of Area II—It is not inconceivable that the Northern half of the SSFL site provided support for the ceremonies in the Southern half of SSFL;

- d. Separate areas for different tribes—if SSFL was an inter-tribal gathering place, then each tribe would have congregated separately in different parts of the site.

11. Subsurface testing is required.

Pedestrian surveys are of limited utility and never alone are sufficient when there are known areas of habitation or ceremony. We are informed that NASA has recently completed a Phase I Pedestrian Survey of the site. While such Phase I is an excellent first step, we request additional subsurface archaeological testing for all areas scheduled for any excavation.

If the project is in a region where there are many sites, there may be reason to suspect that buried sites may be present that went undetected during the survey. If the soils profile of the project location shows that heavy erosion has washed away soils then it may explain the absence of cultural resources. However, if the soils profile is depositional then there may be a need to conduct additional subsurface testing, particularly in areas where ground disturbance is planned. In archaeological terminology, this is referred to as “Extended Phase I” testing because it is an intermediate step between Phase 1 (survey), and Phase 2 (controlled excavation to assess the significance of a site). Extended Phase I testing often done by excavating a small pit with a shovel and screening the excavated soil through steel mesh (“shovel test pit” or “STP”). If it is considered to be necessary that a large amount of soil should be examined at deeper levels, then backhoes are sometimes used and informal sampling procedures are often employed while screening the backdirt.

Sometimes the lead agency will argue that archaeological survey is not warranted for a particular project or there may be factors that justify additional investigation even though a Phase I study has been completed with negative results. Following is a list of environmental and cultural factors that should be considered when assessing the overall cultural sensitivity of the SSFL. (Please note that this list is not exhaustive and each factor must be weighted both individually and collectively on a case-by-case basis.)

- a. Areas with high viewshed or visibility such as or ridgelines, peaks, ledges, outcrops, benches, or prominent hills; and
- b. Areas with a relatively high density of sites in the vicinity; and
- c. Areas where past ethnographic studies have revealed associated placenames. Keep in mind that placenames do not always refer to places where evidence of past cultural activity exists; and
- d. Areas near known sites. Mapped boundaries of sites most frequently reflect only cultural residue that was visible on the surface when the site was recorded and do not necessarily reflect the actual extent of the site. In addition, loci such as cemeteries or other areas may be adjacent to or nearby but separate from the main habitation; and

- e. Areas near known rock art sites or rocky outcroppings of the type where rock shelters and art have traditionally been located; and
- f. Areas in or near known gathering areas; and
- g. Though all sites are potentially worthy of protection, named, ethnohistorically documented village sites are of the highest priority and therefore warrant the greatest amount of protection possible.

12. Exhaustion of Non-Excavation Methods of remediation.

Figure 2.2-3, p. 2-21, illustrates the Preliminary Remediation Area Types Under the Proposed Action. To the extent feasible, NASA should exhaust all non-excavation methods of remediation before performing any excavation that could potentially impact cultural and historic sites.

13. Soil Prior disturbance is NOT Dispositive:

The mantra that cultural sites have been disturbed and therefore automatically are not significant is oftentimes incorrect:

- a. Disturbed sites still may contain valuable information. The newer approach is to treat disturbed sites as having the potential to provide information even if they have been disturbed;
- b. Disturbed sites still have spiritual significance;
- c. Disturbance may only be on the surface, while much excavation may continue to depths of up to 20 feet.

14. Need to Analyze Cumulative Impacts to Cultural Resources:

The DEIS fails to account for other remediation projects in other areas of SSFL:

- a. Need to add Department of Energy (DOE) cultural sites;
- b. Need to add Boeing cultural sites;
- c. Other areas within SSFL.

15. NEW MITIGATION: Cultural Interpretive Center:

- a. Can use existing building;
- b. Preferably near saved historic structure and/or test stand;
- c. Preferably away from CA-VEN-1072;
- d. Need to Reserve maintenance funds.

16. NEW MITIGATION: Native American monitoring during any ground disturbing activities.

17. Need to protect CA-VEN-1072 from trespassers and vandals.

18. Deferral of Mitigation until Record of Decision (ROD):

- a. It is problematic to defer any mitigation until ROD as it prevents meaningful comment;
- b. Commenter reserve the right to ask for recirculation of the DEIS and EIS for any such deferred mitigation.

19. Use of NEPA EIS instead of NHPA 106—Recent ACHP guidance:

http://www.achp.gov/docs/NEPA_NHPA_Section_106_Handbook_Mar2013.pdf

Substitution under 36 C.F.R. § 800.8(c) permits agencies to use the NEPA review to comply with Section 106 as an alternative to the process set out in 36 C.F.R. §§ 800.3-800.6. The use of a substitution approach allows agencies to use the procedures and documentation required for the preparation of an EA/FONSI or EIS/ROD to comply with the Section 106 procedures. To do so, the agency must notify the ACHP and SHPO/THPO in advance that it intends to do so and meet certain specified standards and documentation requirements as set forth in 36 C.F.R. § 800.8(c)(1).

If, as the result of an objection under 36 C.F.R. § 800.8(c) (2)(ii) or during consultation to resolve adverse effects, disagreement reaches a point where the substitution process is no longer prudent, then agencies may return to the appropriate step in the standard Section 106 process with notification to consulting parties.

20. Need NEPA Mitigation Plan

<http://www.whitehouse.gov/sites/default/files/microsites/ceq/20100218-nepa-mitigation-monitoring-draft-guidance.pdf>

February 18, 2010

MEMORANDUM FOR HEADS OF FEDERAL DEPARTMENTS AND AGENCIES
FROM: NANCY H. SUTLEY, Chair, Council on Environmental Quality
SUBJECT: DRAFT GUIDANCE FOR NEPA MITIGATION AND MONITORING
I. INTRODUCTION

To provide for the performance of mitigation, agencies should create internal processes to ensure that mitigation actions adopted in any NEPA process are documented and that monitoring and appropriate implementation plans are created to ensure that mitigation is carried out. See *Aligning NEPA Processes with Environmental Management Systems* (CEQ 2007) at 4 (discussing the use of environmental management systems to track implementation and monitoring of mitigation).
http://ceq.hss.doe.gov/nepa/nepapubs/Aligning_NEPA_Processes_with_Environmental_Management_Systems_2007.pdf (<http://www.slideshare.net/whitehouse/aligning-nepa-processes>) Agency NEPA

implementing procedures should require clearly documenting the commitment to mitigate the measures necessary in the environmental documents prepared during the NEPA process (40 C.F.R. § 1508.10) and in the decision documents such as the Record of Decision. When an agency identifies mitigation in an EIS and commits to implement that mitigation to achieve an environmentally preferable outcome, or commits in an EA to mitigation to support a FONSI and proceeds without preparing an EIS, then the agency should ensure that the mitigation is adopted and implemented.

Methods to ensure implementation should include, as appropriate to the agency's underlying authority for decision-making, appropriate conditions in financial agreements, grants, permits or other approvals, and conditioning funding on implementing the mitigation. To inform performance expectations, mitigation goals should be stated clearly. These should be carefully specified in terms of measurable performance standards to the greatest extent possible. The agency should also identify the duration of the agency action and the mitigation measures in its decision document to ensure that the terms of the mitigation and how it will be implemented are clear.

If funding for implementation of mitigation is not available at the time the decision on the proposed action and mitigation measures is made, then the impact of a lack of funding and resultant environmental effects if the mitigation is not implemented warrant disclosure in the EA or EIS. In cases where, after analyzing the proposed actions with or without the mitigation, the agency determines that mitigation is necessary to support the FONSI or committed to in the ROD, and the necessary funding is not available, the agency may still be able to move forward with the proposed action once the funding does become available. The agencies should ensure that the expertise and professional judgment applied in determining the appropriate mitigation measure is reflected in the administrative record, and when and how those measures will be implemented are analyzed in the EA or EIS.

Under NEPA, a federal agency has a continuing duty to gather and evaluate new information relevant to the environmental impact of its actions. See 42 U.S.C. § 4332(2)(A). For agency decisions based on an EIS, the regulations require that, "a monitoring and enforcement program shall be adopted...where applicable for mitigation." 40 C.F.R. §1505.2(c). In addition, the regulations state that agencies may "provide for monitoring to assure that their decisions are carried out and should do so in important cases." 40 C.F.R. §1505.3. Monitoring plans and programs should be described or incorporated by reference in the agency decision documents.

21. Incorporation by reference of Memo dated Nov. 29, 2012, "NEPA alternatives analysis for selection of cleanup standards for the Santa Susana Field Laboratory Site."

Sincerely,



Vincent P. Armenta,
Tribal Chairman

October 1, 2013

Allen Elliott,
SSFL Program Director,
NASA MSFC AS01, Building 4494,
Huntsville, AL 35812

Subject: Comments regarding "Draft Environmental Impact Statement for Proposed Demolition and Environmental Cleanup activities at Santa Susana Field Laboratory (DEIS)."

Dear Mr. Elliot,

The DEIS is an important step towards the completion of the NASA-responsible cleanup at the Santa Susana Field Laboratories (SSFL). The comments presented here¹ offer constructive remarks intended to improve the project outcome.

The current DEIS is the outcome of two flawed decisions. First, NASA erred by including only one action alternative in the DEIS and not the full range of alternatives twice presented to the public. Granted, NASA has less responsibility for the outcome as Senator Boxer who interceded at various agency levels to reduce five action alternatives to one. The result is a DEIS based on an arbitrary, hastily crafted, single-option cleanup plan that is unique to established State and Federal environmental laws. The community can only comment on the options of 'do nothing' or stripping all soil, grass, plants and trees from over one hundred acres of land totaling roughly one quarter the NASA-administered property at SSFL.

NASA also erred by not combining their supporting NEPA analysis with the DOE for their respective cleanups at SSFL even though they are nearly identical projects in terms of cleanup requirements, remediation activities, transportation consequences, completion schedule and long-term impacts to the environment. The current DEIS represents a piecemeal analysis of a larger project that has been segmented for the convenience of two Federal agencies. Thus, the community has been denied the opportunity to consider the totality of the cleanup conducted by the Federal government at SSFL.

¹ The comments regarding the DEIS presented here represent solely the opinions of the author and do not necessarily represent the opinions of the SSFL Community Advisory Group of which the author is a member.

In large measure, the comments presented here focus attention on the various impacts of removing all impacted soils without consideration of the environmental consequences. The DEIS illustrates how a seemingly good idea (i.e., complete removal of contaminants from an expected parkland) results in a whole host of unintended and unacceptable environmental consequences.

Absent Meaningful Alternatives

The absence of meaningful alternatives within the subject DEIS has produced an incomplete analysis that can only be remedied by the inclusion of additional alternatives.

The origin and application of a single action alternative offered in the current DEIS unusual enough to deserve retelling. In July, 2011, NASA published their NEPA Notice of Intent announcing their intention to pursue seven alternatives (two demolition and five soil cleanup options) to be considered for the NASA-administered property.² A public scoping meeting followed on March 27th, 2012. Less than forty-eight hours later, Senator Boxer contacted NASA Administrator Charles Bolden to voice her concerns as Chairman of the US Senate Environment and Public Works Committee. The NASA Administrator was evidentially persuaded and all action alternatives, save the one favored by Senator Boxer, were withdrawn.

Advocating a single action alternative under NEPA is unusual. Given the degree of public scrutiny, a veil of legal legitimacy was required. Senator Boxer turned to the Council of Environmental Quality, chartered by NEPA to offer a degree of oversight and council. NEPA regulations developed by the CEQ requires the agency to:

“Encourage and facilitate public involvement in decisions which affect the quality of the human environment.”³

Ironically, Federal environmental regulations must not have seemed as compelling as the Chairman of the Senate Environment and Public Work Committee. The CEQ applied a “rule of reason” to justify the exclusion of a range of alternatives concluding “...NASA is not compelled to consider less comprehensive cleanup measures as alternatives.” Setting aside the skillfully deployed term “not compelled,” the CEQs support of a single alternative is puzzling since their regulations and cited case opinions argue for additional analysis, not less.⁴

² 76 FR 39443

³ 40 CFR 1500.2(d) see also (e) and (f).

⁴ It is arguable that NASA should have requested a decisive interpretation since “not compelled” is not exactly an instruction to abandon their noticed and scoped range of alternatives. Given the level of political involvement, however, it was understandable. And so the NASA DEIS was a fatally flawed document before it was written.

- ***NASA must comply with established regulations relevant to the considered alternatives and scope of the DEIS.***

The rebuttable presumption of CEQs “rule of reason” justification is that the most restrictive cleanup is so superior that it need not be compared to any other action. Moreover, the CEQ assumes the action’s unintended consequences are less important than the existing condition so the project may proceed without the need to conduct an holistic analyses of possible negative outcomes. As discussed here, this logic proves to be tragically untrue at SSFL.

A full range of alternatives (such as those presented in the Notice of Intent and Scoping Meeting) would include a range of cleanup levels which would attempt to balance the detrimental effects of the cleanup against impacts to human health and the environment. The analysis of a broader range of alternatives would certainly provide new information to the community and those potentially affected regarding the reasonableness of the SSFL cleanup.

Removing the full range of alternatives withholds the opportunity for those potentially affected to consider the incumbent tradeoffs of the agency decision. For instance, community members exposed to the additional safety risk and other harm from the expected one hundred thirty five trucks per day are not allowed to consider a lesser cleanup standard requiring fewer trucks and the smaller risk of being engaged in a transportation -related accident.

Citizens may also want to know why a risk-based cleanup is being used for the groundwater cleanup while the surface soil cleanup is based on arbitrary standards regardless of the effect on the surrounding environment.

- ***The DEIS must be revised to include a meaningful range of cleanup alternatives as presented in the July, 2011 Notice of Intent and March, 2012 Scoping Meeting.***

Some of the Area II structures and buildings are considered historic, however, NASA removed two alternatives concerning their demolition from the DEIS. The public should have an opportunity to consider the fate of the NASA administered historic structures in Area II.

- ***The DEIS must be revised to include the two demolition-related alternatives presented in the July, 2011 Notice of Intent and March, 2012 Scoping Meeting.***

The AOC cleanup plan itself requires the removal of soils having one or more contaminants above the arbitrary background figure. Any and all soils exceeding background are removed but so too goes the ecosystem. Soil will be stripped, trees felled and anything living thing that can't move fast enough will be shoveled into a bin and carted through the neighborhood on its way to a far-off dump.

The cleanup plan at SSFL before the AOC arrived was to create risk-based limits that balanced the removal of contaminated soil with the impacts to the site ecosystem and those exposed to the hazards. Boeing, NASA and DOE together spent well over a million dollars and several years to produce a standardized, regulatory-approved approach to assess the human health and ecological risk of chemicals present in the SSFL water, soil and air in a document called "Standardized Risk Assessment Methodologies (SRAM)." The Department of Toxic Substances Control approved the 703-page SRAM in 2005 and it's revision in 2007.

The SRAM provided the public an opportunity to participate in the risk assessment process at SSFL as part of the site-wide Corrective Action program. Having a SRAM meant that granular risk assessment methods were in place, approved and at work, evaluating the risk of residual chemicals to the SSFL ecosystem. Environmental gearheads would have been offered the opportunity to noodle over the estimates of the exposure point values for soil invertebrates or something less interesting, if they liked.

The SRAM was perhaps the most important casualty of the AOC since it set aside the relative elegance of applied toxicology in favor of a knuckle-headed look up table.⁵

- ***The DTSC-approved SSFL Standardized Risk Assessment Methodologies must be used to implement a cleanup standard consistent with the future land use of administered parcels should be used by NASA.***

The SSFL should be preserved in its current state rather than suffer the additional harm to the ecosystem and surrounding inhabitants the preferred alternative poses. The action alternative will also cause the loss of potentially historic buildings without the consideration of meaningful alternatives by the community.

- ***The No Action alternative is preferred over the Proposed Action.***

⁵ The SRAM will be used by NASA for the groundwater evaluation but in a greatly reduced role since the ecosystem is much less exposed to groundwater than soil. Relying on the SRAM for NASA groundwater only serves to illustrate the absurdity of relying on two different cleanup standards on a vertical slice of earth. Note also that Boeing will apply the SRAM for their soils, which total some 70 percent of the SSFL surface area.

The DEIS Scope Has Produced An Incomplete and Piecemeal Analysis

The DEIS scope does not consider a similar environmental cleanup that will be completed concurrently by a different Federal agency at SSFL, thereby resulting in the piecemeal analysis of a larger cleanup project.

Both NASA and DOE have been at SSFL for many decades. Both are planning their cleanups and eventual exit from SSFL. In 2010, their cleanup efforts were joined at the hip when both agencies signed their respective (but virtually identical) Administrative Order on Consent for Remedial Action (AOC) documents.

Various statements and actions of Federal and State governments have repeatedly presented indications to the public the project is a single major Federal action conducted by two different agencies. Yet the DEIS only concerns the NASA-administered areas and not the cleanup activities in Area IV. The following circumstances illustrate how the NASA and DOE cleanups at SSFL are effectively one major Federal action undertaken by two agencies:

- The DTSC commonly communicates to the public in terms of “SSFL cleanup” as a single project⁶ and was previously required by State law to apply a single soils cleanup standard to both NASA and DOE.⁷
- Both NASA and DOE signed nearly identical Agreement in Principle documents with the DTSC on the same day, September 3rd, 2010.
- Both NASA and DOE announced the signing of nearly identical AOC documents using a joint press release on December 6, 2010. DTSC noted the AOC will provide “a comprehensive cleanup is conducted” within their press release issued the same day.
- Both NASA and DOE cleanups involve the demolition and removal of existing buildings and the same numerical cleanup goals (using “look up tables”) for both chemical and radioactive constituents.
- Both NASA and DOE efforts will involve the removal of large amounts of soil from the site as the principal remedy.
- Both NASA and DOE are conjoined in regards to the SSFL site groundwater investigation and remediation as specified by a 2007 consent order.⁸
- Both NASA and the DOE have accepted exclusive responsibility for the cleanup of impacted soils within the 450-acre Area II and 290-acre Area IV, respectively.

⁶ Description of SSFL project, viewed on September, 2013:

http://www.dtsc.ca.gov/SiteCleanup/Santa_Susana_Field_Lab/ssfl_site_activities_overview.cfm

⁷ California SB990 (2007) codified at H&SC 25359.20

⁸ See MWH, 2013, “Report on Annual Groundwater Monitoring, 2012, Santa Susana Field Laboratory, Ventura County, California” Page 1-1 as a recent example of ongoing cooperation.

- At least one portion of the NASA cleanup is expected to encroach onto the DOE-responsible parcel.⁹
- Both agencies agreed to the same scheduled “soils completion date” of 2017 so the effects of the cleanup to both the site and the public are combined within the same timeframe.

Upon fair consideration of the above, one can only conclude NASA has artificially divided a major federal action into two smaller segments with the result being an incomplete analysis of the Federal cleanup at SSFL. Because the DEIS scope is seriously flawed, those interested are not able to evaluate the planned government-funded cleanup of SSFL in its entirety. The community (this author included) is denied the opportunity to respond to the complete extent of impacts to human health and the environment, including the cumulative impacts of the proposed Federal actions.

- ***The DEIS must be revised to include all Federal cleanup activities to be undertaken by both NASA and the DOE at the SSFL.***

Tangible Risk Communication Needed

The NASA portion of the SSFL cleanup forecasts a total of 500,000 cubic yards of soil to be transported through the adjacent neighborhoods and therefore transportation presents a tangible risk of harm. The DEIS presents risk in terms of percent exposure to children traveling to school but does not consider the additional risk to the parent returning home.¹⁰

Accident risk does not end when the truck enters the highway but continues to the disposal facility and back. The DEIS must consider the additional harm arising from of all project-related truck traffic. Tens of thousands of truck trips will be involved in the proposed action. All affected and potentially affected persons should have the opportunity to understand the additional hazards the cleanup poses.

- ***The DEIS must consider the harm to the entire exposed public, including those on the highways as well as non-children.***

As discussed above, the DEIS conveys risk in terms of percent exposed. This risk communication method is difficult to translate into real terms. In 2003, the DOE considered the transportation risk associated with the three evaluated alternatives within the NEPA Environmental Assessment for the closure of the ETEC facilities. The DEIS should take this approach as well.

⁹ DEIS, Section 4.5, page 324

¹⁰ DEIS, Table 4.5-5.

- ***The DEIS should be revised to include the transportation risk in terms of additional morbidity/mortality per transportation mile for the evaluated alternative.***

The DEIS Must Consider the Inability to Secure Suitable Backfill, the Excavation Backfill Schedule and Define “Local Background” for Replacement Soils.

The AOC requires offsite replacement soils not to exceed “local background” but the DEIS does not contemplate actions to be taken if suitable soil is not located. Under the AOC, backfill soils must not exceed the background levels for contaminants. However, given the stringency of the analytical requirements, an off-site soil may have one or more naturally occurring components thereby causing the soil to exceed the SSFL background and be rejected by the DTSC. NASA should consider and present the appropriate options and contingency responses the agency will undertake.

- ***The DEIS must be revised to present the course of action to be taken if sufficient quantity of acceptable replacement soil cannot be located.***

The DEIS is silent regarding the schedule for soil replacement once the impacted soils have been removed. To minimize harm to the environment, the excavated areas must be restored using the appropriate replacement soils and re-vegetated as soon as possible. Site restoration must not wait for a source of suitable replacement to be located and committed to the site.

- ***Excavation of impacted soils must not occur until an adequate volume of appropriate replacement soil has been located and committed to the project.***

It would not be appropriate to conveniently define “local background” definition in a way that would allow backfill soils meeting “local background’ at their off-site source to be used by NASA. Impacts to the SSFL NASA-administered parcel ecosystem and those affected must be minimized. It does not make sense to remove soil and habitat only to have the replacement soil that does not meet the original cleanliness criteria.

- ***Replacement soils must meet the “local background” established for SSFL and not a “local background” established for an off-site location.***

The Planned Soil Removal Volume Appears To Be Low

The method and assumptions used to estimate the quantity of soil to be removed is not presented but likely underestimates the actual amount removed by a significant margin.

The accurate assessment of the planned soil removal volume is important since it will affect the exposure from the harm associated with trucks carrying the impacted and replacement soils. It is also important to understand the extent of environmental impact the project poses.

Established evidence indicates contaminants exist in the areas shown within the DEIS. The difficulty is to accurately estimate the amount of soil which needs to be excavated to remove literally every trace contaminant above background. There are several reasons why it is difficult to estimate.¹¹

The remediation work cycle favors removing increased soil volumes: The remediation work cycle is a constraint-rich process involving a number of steps. Soil remediation requires the readying and staging of storage bins, manpower and equipment. The site is flagged and transition areas established to minimize the spread of contaminants out of the area. Then excavation removes all soil which includes "weatherized bedrock." Verification sampling of the sidewalls follows and the laboratory produces results two to three weeks later. If the results are too high, the cycle is repeated. The cost and schedule impacts of unplanned recurrent remediation at a single site can be sever.

For the one hundred-plus acre NASA-administered site restoration, the key constraints are expected to be the availability and management of soil storage/transportation bins, equipment and manpower scheduling, laboratory analytical turn-around times and weather. Of these, weather will be most significant since the stormwater Best Management Practices discussed in Section 4.6.2 are labor and time intensive to establish within areas undergoing excavation. Stormwater is also of grave concern since it has ability to spread contaminants out of the excavation, thus increasing the volume of impacted soil and possibly cause NPDES permit exceedances.

The removal of additional soil is a practical and common response to successfully managing the noted project constraints. Removing soil beyond the initially identified area reduces cost and schedule risk and helps to reduce the spread of contaminants.

Contaminant maps tend to underestimate the remediation area: Soil samples retrieved to determine the presence/absence of contaminants are not performed to map an areal distribution of the contaminant but to bound the extent of contamination. In other words, the DEIS maps indicating the areas of soil removal are provided only as

¹¹ Author's qualification statement: The author holds a B.S, Soil Science (1987), Cal Poly, San Luis Obispo and was involved in numerous environmental-related excavation field activities at the SSLF over a sixteen year period as a Boeing Project Manager. The author is no longer employed by Boeing nor any contractor conducting business at SSFL.

large scale representations which rely on some amount of educated guesswork. Maps represent only start and not the completion of a remediation project.

Spills and cross-contamination will increase soil volumes: The unprecedented cleanup standard of detect for most contaminants dictates the absolute control of impacted soils. Each movement of virtually every soil particle presents the opportunity to spread contamination into previously “clean” areas.¹² Cross-contamination resulting from the unintended mismanagement of impacted soils must be planned for.

The underlying bedrock is not a level surface: The bedrock underlying the soils is uneven with nearly continuous undulations characterizing the weathered bedrock surface. Planned soil removal estimates tend to be inaccurate since they do not factor in the volume represented by the highly variable subsurface low points.

Conclusion: Based on the factors discussed above and my experience at SSFL, I conclude the planned soil volume of 500,000 yd³ is less than what should be expected. I estimate that at least one-third additional volume (resulting in a total project volume of 665,000 yd³) of excavated soil should be expected from expanded excavations, mishaps and so forth.

- ***The DEIS must be revised to state the rationale for the planned soil removal volume.***
- ***The DEIS must be revised to include a margin of error for the planned soil removal volume and the resultant impacts.***

Only One-third the Volume of Excavated Soils Is To Be Replaced

Restoring the site with only one third the volume of soil removed was not evaluated for long term impacts.

The proposed action allows NSAS to restore the site using two thirds less soil than removed. The restored areas will therefore have a substantially reduced soil column which will drive permanent modifications of the existing habitat. Steeper surface gradients will result in greater erosion and in turn increased sediment loading over time, resulting in a negative long-term off site consequences to water quality.

The shallower soils will hold less moisture and dry out sooner so the restored locations will favor fewer oak trees and favor weedy and non-native plants thus resulting in dramatic visual and habitat modifications throughout the nearly twenty four percent of Area II where remediation is planned.

¹² Keep in mind that the use of large-sized equipment occasionally results in large-sized mistakes.

- ***The DEIS must be revised to consider the impacts of reduced replacement soil volume on the environment.***
- ***The DEIS must be revised to provide for the complete replacement of removed soils.***

Replacement Soil Materials May Not Be Similar to Those Removed

The replacement soils type should match the excavated soil type as much as possible.

Sandy loam soils which are rather light and porous predominate SSFL. A different soil type (such as a clay-type soil) will have contrasting characteristics such as less moisture infiltration rate, greater compaction which would lead to changes to the vegetation, groundwater recharge and other unforeseen habitat changes.

- ***The DEIS must be revised to specify that all replacement materials will have a similar soil type to those removed.***

General Comments Regarding the Practicability of Excavating Impacted Soils to Background

The many soil-related issues discussed here focus on just some of the unintended consequences of a perhaps well-meaning but impractical cleanup to background goal presented in the DEIS and AOC.

The CEQ justification applying their “rule of reason” for recommending the most stringent alternative appears disconnected from the reality of the site and the purpose of NEPA. Sadly, the CEQ’s arbitrary single alternative will have greater negative environmental consequences than the current conditions at SSFL. For this reason, NASA should select the DEIS no action alternative.

Finally, the on-site treatment of impacted soil should be discounted as means to reduce the soil removal/replacement volume. The excavation, movement and processing of impacted soils will be at best insufficient to remove all detectable traces of organic contaminants and at worse provide for the unintended spread of above-background contaminants (and/or their by-products) to the surrounding area.

Consideration of Ventura County Oak Tree Protection Law

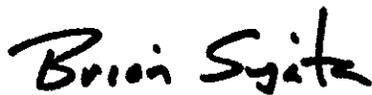
Although not specifically required, the DEIS should be responsive to the Ventura County ordinances requiring protection or mitigation of impacts to oak trees.

NASA should perform a physical survey to identify protected trees (including those potentially impacted by soil movement or encroaching equipment) and contemplate mitigation of the impacts caused by the cleanup.

- ***The DEIS should be revised to include the applicable protection and mitigations afforded to Oak trees by Ventura County ordinance.***

Thank you for the opportunity to provide comments regarding the subject document. I look forward the completion of a balanced environmental restoration at the NASA-administered SSFL sites.

Sincerely,

A handwritten signature in black ink that reads "Brian Sujata". The signature is written in a cursive, slightly slanted style.

Brian Sujata
Thousand Oaks



CHATSWORTH NEIGHBORHOOD COUNCIL

P.O. Box 3395, Chatsworth, CA 91313-3395

Voice: (818) 464-3511 Fax: (818) 464-3585

<http://chatsworthcouncil.org>



Andre van der Valk, President · Judith Daniels, Vice President · Vicki Briskman, Treasurer · Carol Lucas, Secretary
Dorothy Allison · Kamesh Aysola · Jelena Csanyi · Diana Dixon-Davis · Jeff Hammond · Daniel Huffman
Mary Kaufman · Chuck Knolls · Scott Munson · Richard Nadel · George Nelson · Erik Pampalone
Linda Ross · Linda van der Valk · Jim Van Gundy · Lucie Volotzky · Matt Weintraub

September 3, 2013

Mr. Allen Elliott
SSFL Project Director
NASA MSFC AS0, Building 4494
Huntsville, AL 35812

**Comments of Chatsworth Neighborhood Council on
Draft Environmental Impact Statement for Demolition and Environmental Cleanup Activities for
the NASA-administered portion of the Santa Susana Field Laboratory (SSFL), Ventura County,
California, dated July 2013**

SUMMARY:

NASA's DEIS does not serve its purpose, which is to completely inform decision makers so they can decide how to best execute the cleanup. The DEIS is flawed because it lacks important information. DTSC must supply much of the missing information. The DEIS is so inadequate it should be re-issued after critical missing information is made available or determined.

1. The DEIS lacks guidance on situations and actions that depend on vague language in the 2010 Administrative Order on Consent (AOC) that governs the cleanup. DTSC must provide NASA with an authoritative and binding interpretation of the language of the AOC.

The DEIS is incomplete because it lacks guidance that still-undelivered DTSC documents, such as the DTSC EIR should include. This future EIR document must include a CEQA analysis that balances cleanup goals under various scenarios, including costs (both financial and environmental). Additionally, the DTSC EIR must provide information on what soils are to be removed in culturally sensitive areas, and what cultural resources will remain after the cleanup, as DTSC has sole authority to make these decisions under the AOC.

2. The DEIS is incomplete because it does not specify expected outcomes for cultural resources, both archeological and architectural.
3. The DEIS is incomplete because it excludes analysis of all possible levels of cleanup except the "cleanup to background" alternative. Many commentators specifically requested inclusion of other reasonable alternatives during the scoping process.
4. The DEIS is incomplete because it does not address how to obtain replacement soil that will meet the requirements in the AOC.

5. The DEIS is incomplete in its specification of cumulative impacts with other concurrent projects; viz., the DOE and Boeing cleanups.
6. The DEIS is incomplete in its survey and mitigation methods for plants.

ESSENTIAL POINT OF CHATSWORTH NEIGHBORHOOD COUNCIL'S COMMENTARY:

NASA must acquire from DTSC important missing information, and NASA must issue a corrected, comprehensive DEIS that provides decision makers adequate information to make an informed decision on how the cleanup should proceed.

COMMENTS:

1 DEIS Lacks Guidance on AOC Language and on Site-Specific Guidelines

- 1a. The AOC charged DTSC with oversight authority for the cleanup.^{1a} DTSC must provide NASA with a binding, authoritative interpretation of the language of the AOC. NASA must learn what SSFL-situation-specific rules will govern decisions and actions for the cleanup.
- 1b. DTSC must provide NASA with much information that a DTSC EIR-type document would contain.
- 1c. DTSC must provide guidance to NASA on many subject areas before NASA can complete its DEIS. Of major consequence for every decision is the requirement under the AOC that at least 95% of any soil that has ANY amount of contamination over background level must be removed.^{1c} This ambiguous requirement has pervasive impact on every item discussed below.
- 1d. DTSC does not expect to deliver its EIR until some unspecified time in the future.^{1d} NASA needs information from such EIR to complete a valid EIS that can be used as a decision making guide. Does this lack of a realistic schedule not call into question the feasibility of the AOC-mandated completion date of 2017? Can the governing AOC therefore any longer be considered 'binding'?
- 1e. The NASA Associate Administrator for Mission Support Directorate notes that NASA will be assisting DTSC in a CEQA analysis estimated to be complete by the end of 2015, but also notes that analysis will be restricted to the AOC cleanup level.^{1e.1} (See **Attachment 1.**) To the best of our knowledge, both NEPA and CEQA set standards for environmental considerations that must be addressed in environmental documents, and contracts that are inconsistent with that law do not trump NEPA and CEQA provisions. The NEPA and CEQA analysis must consider all options, not the single path set by the AOC^{1e.2} When will DTSC's actual EIR, including CEQA considerations, be issued as a draft? When will it be issued in final form? It appears these documents are not scheduled before execution of the cleanup to the constraints of the AOC. That is not our understanding of CEQA or environmental policy.
- 1f. There are many environmental cleanup projects in the U.S. They "all" (as far as anyone knows) MUST operate according to federal and state EPA laws that were passed by legislators concerned with the environment. Operating under EPA processes means any

toxic cleanup MUST evaluate multiple reasonable alternatives. The SSFL cleanup was forced to be uniquely different from other projects, because the AOC was signed before any EIS-type document. Why the difference? ^{1f} See **Attachment 2**. How is the different treatment of this project explained? We can fathom no reasonable explanation.

The Chatsworth Neighborhood Council advocates a cleanup based on scientific results, testing and standards, not political pressures.

- 1g.** NASA should include the AOC document as an Appendix to the DEIS.
-

2 DEIS Does Not Specify Expected Outcomes for Cultural Resources

- 2a.** DTSC must interpret the AOC on the handling of Native American cultural resources. The AOC language is vague in its definition of Archaeology, defining it as “Artifacts.” They must be “formally recognized as Cultural Resources”.^{2a} What does a “formally recognized cultural resource” mean? Who needs to recognize what to meet that odd definition? Interpretive guidance is critically needed, because much of the Burro Flats Cave area, registered in the National Register of Historic Places, is on the NASA property. The future of Burro Flats and related nearby Native American areas is yet to be decided by DTSC. An artifact is generally understood to represent a movable, historically used, significant object. Given that definition, the Burro Flats Cave itself could be eliminated by the language in the AOC, as well as bedrock mortars that are very significant in the immediate area. An explanation of how the Burro Flats Cave, and nearby related sites, will be treated must be provided by NASA and DTSC in the DEIS.
- 2b.** The DEIS states that cleanup of approximately 0.65 acres of the Burro Flats site (CA-VEN-1072) will be undertaken.^{2b} At the August 28 public comment session on this DEIS, a NASA representative indicated they have been told the Cultural Resource definition in the AOC means the National Register of Historic Places (only). Under that definition, this site is exempt from cleanup. Why would this DEIS indicate any portion of this site is to be cleaned? This discrepancy highlights the problem of who controls the cleanup, an ongoing issue as we reviewed the DEIS. We do note, however, the definition of Artifact still was not clarified so the Burro Flats site may still be subject to cleanup under the AOC; since this site may still be subject to cleanup due to vague language, we object to cleanup of the Burro Flats site, as it is an identified and registered National Register of Historic Places area, and as it is an identified Native American Sacred Site.

What are the contamination levels at the archaeological sites, and in particular, the 0.65 acre Burro Flats parcel slated for cleanup?

- 2c.** The DEIS does not provide any information on how the boundaries of the archaeological sites on the property were determined. What survey methods were used? When was that done? What was found on the site? How was it tested? At what depth? What will DTSC do with an artifact NASA found in that survey, or a midden area that would not qualify as an artifact (that surely would be “contaminated”)?
- 2d.** Only a pedestrian survey of the site boundaries was done. Are additional pedestrian studies, and more detailed studies needed in the area where soil is to be removed? The DEIR lacks sufficient specificity to understand what has been surveyed.^{2d} A more

comprehensive survey using soil sampling techniques must be undertaken to determine the true size of the District. The Burro Flats Archaeological District likely extends outside the borders of Area II into Areas III and possibly into Area IV. This site should not be segmented between the 3 RPs, but should be looked at holistically as part of the entirety of the Cultural Resources of SSFL. New, detailed surveys of this site must be accomplished prior to making irrecoverable decisions to “clean up” this exceptional and irreplaceable Native American Sacred Site.

- 2e.** What will be done with newly discovered archaeological Artifacts found in the process of the cleanup, that are not “culturally recognized”? How will these items be preserved or protected?
- 2f.** The Appendix for Cultural Resources^{2f} lists multiple sites within a mile of the NASA property that have Cultural Resources. We have heard that multiple additional sites have been identified during recent surveys on nearby SSFL properties. It appears the list in the Appendix at Table 4 has not been updated to reflect current information. The segmented nature of the various studies is of concern. Please review and update as needed.
- 2g.** DTSC must interpret the AOC on the handling of Architectural Structures that are eligible historic structures (rocket engine testing facilities). Three structures at each of the Alpha, Bravo and Coca test stand areas have been found eligible under NRHP and SHPO (nine total structures).^{2g} What contamination has been found in the soils under the test stands? Have testing boreholes been drilled under these structures? What has been found? Appendix C, Figure 8 at page C-53, shows significant contamination in the Test Stand Areas, but does not disclose information specific to the key structures. The DEIR is deficient in not disclosing specific information on contamination issues in these areas, and particularly in the foundation areas of the NRHP and SHPO-eligible structures.
- 2h.** Will DTSC allow some or all of these historic structures to remain?
- 2i.** Since test stands are not “artifacts”, but are recognized as significant historic structures under Section 106, NRHP and SHPO, what will happen to these structures?
- 2j.** The standards established by Section 106 (reproduced below) provide a mandate to seek ways to avoid or mitigate adverse effects on historic properties. Both NASA and DTSC need to indicate their intention for these structures that could be irreparably destroyed and a key part of our country’s rocket history forever thereby lost. Because the NASA property holds key remnants of our country’s space and rocket development, consideration of the possible end use of the property as a park should be incorporated in the preservation decisions. If the NASA parcel ultimately is joined with the larger Boeing parcel that is expected to become a park, preservation of appropriate NRHP and SHPO-eligible structures to inspire future generations should be given a much higher priority. These decisions should be documented in Alternatives presented in the re-issued DEIS.

Appendix C, Section 5.1 is reproduced in part below (emphasis added):

“The enabling legislation for Section 106 is contained in 36 CFR 800, “Protection of Historic Properties.” The Section 106 process entails three basic steps:

1. Identify historic properties potentially affected by the undertaking.
2. Assess adverse effects on historic properties.
3. Seek ways to avoid, minimize, or mitigate adverse effects on historic

properties.”

- 2k.** Prepare and present a cost/benefit analysis for preserving and maintaining the historic structures and Districts. Include contamination analysis (soil and building), as well as costs and benefits identified in the study, to make informed decisions about which to preserve, and which can be preserved and be safe for visitors. We encourage special attention to Coca V and Alfa III and their associated blockhouses, as those were targeted early as preferred candidates for preservation, if preservation choices ultimately are necessary.
- 2l.** With respect to all cultural resources, please provide information for the groundwater and surface water effects due to soil mitigation. Specifically include consideration of the effect of the 330,000 cubic yard reduction in site soils noted in the soil replacement plan, including collateral re-contamination and other effects from flooding and silt runoff due to soil changes.

The impacts anticipated to the archaeological cultural resources from removal of soil from parcels within the designated archaeological site have not been reviewed or disclosed in the DEIS.

The impacts anticipated to the archaeological cultural resources from removal of soil from parcels outside of the designated archaeological site, but within the NASA DEIS study area have not been reviewed or disclosed in the DEIS.

Nothing is disclosed relative to the Burro Flats cave except that soil is to be removed from 0.65 acres – from where?

The impacts anticipated to the historic test stands (Alpha, Bravo, Coca) from removal of soil from parcels within the designated historic area have not been reviewed or disclosed in the DEIS.

The impacts anticipated to the historic test stands (Alpha, Bravo, Coca) from removal of soil from parcels outside of the designated historic area, but within the NASA DEIS study area, have not been reviewed or disclosed in the DEIS.

3 DEIS Excludes Consideration of Alternative Cleanup Levels

- 3a.** Exclusion of any possible cleanup alternatives, except one, is a momentous detriment to the usefulness of the DEIS. The DEIS excludes from consideration reasonable alternatives supported by authorized standards of the State of California including cleanup to Suburban Residential, Commercial/Industrial, and Recreational levels.
- 3b.** The DEIS should be expanded to include those excluded alternatives, presenting comparison of costs and all related effects on transportation, biological resources, cultural resources, soil, water, and air.
- 3c.** We include as **Attachment 3** charts NASA presented at past public meetings. The charts show estimates for cost and materials that could be expected for Background, Suburban Residential, Industrial, and Recreation level cleanup alternatives. Presented just behind

these charts, is a summary of the anticipated costs for each type of cleanup and a chart summarizing the meaning of each cleanup standard.^{3c} These charts and related commentary on cleanup standards and costs should be included in the re-issued DEIS.

- 3d.** A discussion of alternatives should include what NASA will do if the Appeals Court supports the lower court decision, which will have the effect of stating that special, stricter cleanup standards are not required at SSFL under California law. An explanation should be provided to explain why the public should pay for a cleanup that is inconsistent with the law, and why local residents should be subjected to significant environmental contaminants from emissions, disturbed soil and related fugitive dust effects, and surface water runoffs that are greatly increased by unavoidable consequences of a background level cleanup of the site. See, in **Attachment 4**, the text of the District Court decision filed May 5, 2011, which prohibits DTSC from compelling compliance with SB990. The AOC appears to operate as a substitute for a questionable law, but the justification for its position requiring a “background level cleanup” on this important site is very unclear.
- 3e.** The February 2013 Report of the Inspector General of NASA brought up many similar questions.^{3e.1} The report requested that the level of cleanup be re-evaluated. The Inspector General also questioned whether NASA would receive funding allocations within its own budget to perform the cleanup to the draconian^{3e.2} standards required by the AOC. How will this be resolved? Will NASA be provided sufficient funding for cleanup to this background standard, even if the cleanup to SB990-type levels is again held unlawful by the Appeals Court? See **Attachment 5**, “NASA Inspector General Overview February 14, 2013”.

4 DEIS Is Not Complete Regarding Basic Soil Considerations

- 4a.** The DEIS does not fully address how appropriate backfill soil will be sourced. Some possible suppliers are noted, but there is no guidance on how soils that must match the specific background levels for SSFL will be identified. Source sites from which sufficient quantities of such soils may be obtained are not identified.^{4a}
- 4b.** The DEIS does not explain why or how three times as much soil will be removed from the site as will be backfilled. Can permanent reduction (by non-backfilled removal) of up to 333,000 cubic yards of soil be deemed appropriate mitigation?^{4b}
- 4c.** The site, apparently to be reconstituted with up 333,000 cubic yards less soil, will have significant effects on surface water runoff. A major problem on the SSFL site has been surface water runoff and related contamination effects. Although the site has had a better record in the last two years, rainfall levels have been very low. Surface water runoff effects resulting from substantial reduction in surface soils must be reviewed, explained, and disclosed. It is well settled that a reduction in permeable surfaces (typically associated with development) causes significantly increased runoffs. What will be the runoff effects of the decreased soil in a year with average rainfall? What is expected when rainfall is significantly over average levels?
- 4d.** The EIS states “onsite” (*ex situ* and *in situ* treatment) soil cleanup may be performed where appropriate.^{4d.1} The AOC seems to prohibit this promising alternative and states the only allowable method for soil cleanup is removal.^{4d.2} DTSC and NASA must both explain how this seeming contradiction is possible based on the AOC language. The

“leave in place” remediation alternative should be considered in the NEPA and CEQA analysis, as well as in the DEIS, because such a remediation approach would entail significantly less environmental impact, by reducing soil excavation, hauling, and soil replacement.

- 4e. The DEIS includes a review of Environmental Justice which generally looks at the impacts to lower income and minority populations that will be affected by the hauling. Nothing is presented to address such demographics in the areas that are proposed to receive, and then permanently live with possible effects from the contaminated material, such as Buttonwillow, Kettleman, and Beatty. The Environmental Justice analysis should be extended in the re-issued DEIS to include these areas.
- 4f. At the August 28, 2013, public comment session on the DEIS, it was disclosed the haul trucks are merely covered with tarps when traveling with contaminated material. We request much more complete protection for our community from the contaminated material that the AOC’s require to be removed. Better alternatives for reduced dust from the trucks need to be developed and implemented.

5 DEIS Is Not Complete Regarding Cumulative and Combined Impacts

- 5a. The combined impacts of all concurrently operating SSFL projects regarding traffic and transportation-related pollution are non-specific: (e.g., “...likely would be noticeable ...”).^{5a}
- 5b. What transportation routes will the other related projects (concurrent DOE, Boeing cleanups) use. Will they use the same or different haul routes?
- 5c. What will the transportation emissions be for all projects combined? What will be the total effect on surrounding communities?
- 5d. The number of trucks on all projects, travelling on Woolsey Canyon during daylight hours must be disclosed, as well as twilight and night truck traffic volumes for all projects combined. This disclosure should be presented in a table format, and specify the anticipated number of incoming and outgoing trucks in one hour increments during weekdays and weekends (if applicable), for all projects to present a realistic understanding of the traffic impact. Include a column for worker arrivals and departures from the site. Provide hour of the day in the rows, and in columns show incoming and outgoing traffic for each of NASA, DOE, Boeing. Combine all workers for all projects in the last set of columns for cumulative incoming and outgoing traffic.

6 DEIS Is Not Complete Regarding Plants

- 6a. The DEIS survey and analysis of flora are insufficient. They lack quantification and specifics related to impacts.
- 6b. How many plants of each type are involved? How many coast live oak (*quercus agrifolia*) trees will be removed or otherwise endangered? How many western sycamores?

Although counts for Santa Susana tarplants are shown, presentation of plant density and expected soil removals (similar to Appendix C, Figure 8 at page C-53) would greatly improve the understanding of the effect of the project on this State-listed Rare species.

- 6c.** What steps will NASA take, over what period of time, to regenerate sensitive species? For example, we do not believe Santa Susana tarplant is part of the seed mix specified for replanting. How will plantings be monitored to encourage regrowth?
- 6d.** What steps will NASA take to eliminate introduction of invasive species as off-site soil is brought in as part of the soil replacement? How will plants be affected by re-filling the site with only one-third as much soil as was removed? How will the segmented cleanup and backfills affect the overall health of this habitat, which in many areas is uniquely unaffected by the major metropolitan community next door?

SUMMARY:

The Chatsworth Neighborhood Council looks forward to seeing responses to our comments in upcoming environmental documents and asks that you seriously consider them. We primarily represent Chatsworth and West Hills, two areas that will be most affected by the thousands of truckloads of materials that are required to be moved by the AOC. In a manner similar to that voiced so clearly by the NASA Inspector General⁷, we too, have great difficulty seeing that cleanup to these special AOC standards is of any tangible benefit. (See **Attachment 6.**) But we certainly see the detriment to our community and the huge governmental costs we will pay as taxpayers.

Please be assured that we resolutely support cleanup of this site to “reasonable” levels. We believe the “Suburban Residential” cleanup standard, set by the 2007 Consent Orders, is a very reasonable cleanup level (exceeding requirements) if the land will become open space, as almost all who are familiar with the property request.

Sincerely,

Note: The above letter was adopted unanimously (or by a vote of x to x) at the Chatsworth Neighborhood Council’s Board meeting on September 3, 2013.

ATTACHMENTS: TABLE OF CONTENTS

- Attachment 1, (1e)** **Audit Report: NASA's Environmental Remediation Efforts at the Santa Susana Field Laboratory, Report No. IG-13-007, Feb. 14, 2013, p. 33**
<http://org.nasa.gov/audits/reports/FY13/IG-13-007.pdf>
retrieved 8/20/2013
- Attachment 2, (1f)** **U. S. District Court Central District of California, Case CV-10-04839-JFW (MANx), Plaintiff the Boeing Company's Statement of Uncontroverted Facts and Conclusions of Law, p 48-56** http://www.dtsc-ssfl.com/files/lib_boeinglawsuit%5Clegaldocs/64849_Boeing_statement_uncontroverted_facts.pdf
retrieved 8/20/2013
- Attachment 3, (3c)** **Three Documents:**
 Cleanup NASA Alternatives (4 pages)
 NASA Cleanup and Related Costs (Table), p. 11
 NASA Remediation Levels Defined (Table), p. 6
- Attachment 4, (3d)** **U. S. District Court Central District of California, Case CV-10-04839-JFW (MANx), Judgment Pursuant to Fed. R. CIV. p. 54(b)**
- Attachment 5, (3e)** **Audit Report: NASA's Environmental Remediation Efforts at the Santa Susana Field Laboratory, Report No. IG-13-007, Feb. 14, 2013, overview, p. i– iv**
- Attachment 6, (7)** **Audit Report: NASA's Environmental Remediation Efforts at the Santa Susana Field Laboratory, Report No. IG-13-007, Feb. 14, 2013, p. 10**

References.

- 1a** Docket No. HSA-CO 10/11 - 038 ADMINISTRATIVE ORDER ON CONSENT FOR REMEDIAL ACTION, section 5.19.1, http://ssfl.msfc.nasa.gov/documents/governance/NA_DTSC_Final_AOC_Dec_2010.pdf retrieved 8/20/2013
- 1c** Agreement in Principle between The National Aeronautics and Space Administration and the State of California, p. 1 http://ssfl.msfc.nasa.gov/documents/governance/NASA_DTSC_Final_AOC_Dec_2010.pdf retrieved 8/20/2013
- 1d** NASA DEIS, 1.3 Scope of the Analysis, p. 1-7
- 1e.1** Audit Report: NASA's Environmental Remediation Efforts at the Santa Susana Field Laboratory, Report No. IG-13-007, Feb. 14, 2013, p. 33 <http://oig.nasa.gov/audits/reports/FY13/IG-13-007.pdf> retrieved 8/20/2013
- 1e.2** U. S. District Court Central District of California, Case CV-10-04839-JFW (MANx), Plaintiff the Boeing Company's Statement of Uncontroverted Facts and Conclusions of Law, p. 36-37 http://www.dtsc-ssfl.com/files/lib_boeinglawsuit%5Clegaldocs/64849_Boeing_statement_uncontroverted_facts.pdf retrieved 8/20/2013
- 1f** U. S. District Court Central District of California, Case CV-10-04839-JFW (MANx), Plaintiff the Boeing Company's Statement of Uncontroverted Facts and Conclusions of Law, p. 36-37
- 2a** Agreement in Principle between The National Aeronautics and Space Administration and the State of California, p. 1
- 2b** NASA DEIS, 4.3.1.2 Soil Cleanup to Background, p. 4-19
- 2d** NASA DEIS, Appendix C, Draft Cultural Resources Study... 3.2 Field Inventory Methodologies, p. C-34; 6.1.1 Archaeological Resources, p. C-51; Figure 8 Proposed Soil Remediation Area..., p. C-53
- 2f** NASA DEIS, Appendix C, Draft Cultural Resources Study..., 3.1 Archival Research, p. C-31-33
- 2g** NASA DEIS, Appendix C, Draft Cultural Resources Study, 3.3.2 Historic Architectural Resources, p. C-38-39
- 3c** Audit Report: NASA's Environmental Remediation Efforts at the Santa Susana Field Laboratory, Report No. IG-13-007, Feb. 14, 2013, p. 6
- 3e.1** Audit Report: NASA's Environmental Remediation Efforts at the Santa Susana Field Laboratory, Report No. IG-13-007, Feb. 14, 2013, Overview, p. iii-iv
- 3e.2** Known for its harshness, draconian has come to refer to similarly unforgiving rules or laws. [http://en.wikipedia.org/wiki/Dracon_\(lawgiver\)#Draconian_constitution](http://en.wikipedia.org/wiki/Dracon_(lawgiver)#Draconian_constitution)
- 4a** NASA DEIS, 2.2.2.3 Soil Cleanup Technologies, p. 2-19
- 4b** NASA DEIS, Table 2 2-5, Estimated Total Soil Volumes. ..., p. 2-19
- 4d.1** NASA DEIS, 4 2.1.2 Soil Cleanup to Background, p. 4-8
- 4d.2** Agreement in Principle between The National Aeronautics and Space Administration and the State of California, p. 2
- 5a** NASA DEIS, 4.13.2.4 Traffic and Transportation, p. 4-161
- 7** Audit Report: NASA's Environmental Remediation Efforts at the Santa Susana Field Laboratory, Report No. IG-13-007, Feb. 14, 2013, p. 10

Poly Georgilas
81 Stagecoach Rd.
Bell Canyon, CA 91307

9/17/2013

Allen Elliot, SSFL Project Manager
NASA MSFC AS01, Building 4494
Huntsville, AL 95812

msfc-ssfl-eis@mail.nasa.gov

*RE: Comments on Draft Environmental Impact Statement for proposed Demolition and
Environmental
Cleanup Activities at Santa Susana Field Laboratory, July 2013.*

Dear Mr. Elliot,

Thank you for providing this format for submitting the following comments.

As a resident of Bell Canyon, a community with perhaps one of the largest stakes in this process given its proximity to the SSFL, I am deeply troubled with the NASA DEIS as presented. This document is flawed primarily because it relies on a weak foundational premise. That is, the DEIS only considers the two extreme alternatives of either, a soil cleanup to a historically unprecedented Background/Detect level, or the alternative of No Action at all. Any reasonable mind can perceive that neither course of action is viable given the many variables present at SSFL. These variables require careful and collaborative solutions, none of which the two extreme alternatives offered adequately address.

By failing to include a risk based cleanup, the DEIS fails to balance the level of cleanup with the consensus end use of the site, that being some variation of a Public Land Use. Determining clean up levels prior to establishing site end use is putting the cart before the horse, and serves to waste tax payer dollars on a cleanup that exceeds all levels of reasonability. The Environmental, Cultural, and Biological impact of such a drastic cleanup to Background/Detect levels, leads one to contemplate which is worse the problem or the proposed solution. The DEIS fails to adequately define the current negative health effects to both Human and wildlife populations. This information would be helpful in contemplating an appropriate course of action, where short and middle term negative cleanup effects are brought to balance with the long term benefit of a site that does not put the public at risk.

As the DEIS is written, the proposed cleanup to Background/Detect levels puts at risk the rich cultural and historical resources that should be preserved for posterity. The Burro Flat site VEN-1072, as an NRHP designated site should be exempt from cleanup mitigation efforts, yet the DEIS seems to include at least portions of this important site in the cleanup. Nine structures at Alpha, Bravo and Coca test stand sites, have been found eligible as historic architectural structures under NRHP and SHPO. Given the significant role these test stand structures have played in our nations Space Program, they are an important symbol of our national heritage and should be preserved for posterity. As written, the DEIS cleanup to Background/detect level, will in all probability destroy these structures in the very first phase of implementation.

The Traffic and Transportation impacts of a Background/detect level cleanup would involve the removal of approximately 1/2 million cubic yards of soil and 95,000 tons of debris. This would result in 142 truck trips per day, including Twenty-Eight peak hour trips(DEIS ES 5.1.4). These numbers fail to take into account returning loads of replacement landfill (1/3 of removed soil), or empties coming into the site to collect their initial loads. The traffic and transportation impact also fails to take into account the truck traffic that the concurrent mitigation effort at the much larger Boeing and DOE sites would produce. The Cumulative impact on the neighboring community will be devastating. As a lifelong resident of the immediate impacted area, it is an endeavor to travel east on Roscoe and North to highway 118 via Topanga Canyon Blvd(route 23) as it is today. One can only imagine the adverse conditions that the 142 to 250(extrapolated per all three sites and worse case basis) truck loads of Hazardous materials would create to the immediate communities of West, Hills, Canoga Park, Chatsworth and Woodland Hills. The DEIS uses a flawed Levels Of Service(LOS) threshold, that does not adequately take into account the effect of the low speeds (especially at Grade -Rocky Pointe, at peak traffic) that this volume of trucks will have on traffic times. The high density Commercial corridor on the Southern route via Topanga Canyon BLVD. (23) to interstate 101 , bisects an Elementary School, a High School, and one of the largest shopping malls in all of Southern California (a large portion of which is currently under construction), that stretches from Vanowen Street almost to Interstate 101. The LOS threshold numbers notwithstanding, this is a recipe for disaster.

At the essence of the weakness of the DEIS is the 2010 AOC agreement that guides it. The AOC agreement as written is not workable. The remedy is to amend or modify the 2010 AOC, so as to allow the EIS to include legitimate, reasonable and risk based cleanup solutions. The 2010 AOC goes beyond EPA recommended levels for human health and safety, because it was based on Senate Bill 990(KUEHL 2007). This Bill was stuck down by Federal District Court decision, yet the AOC survived. Section 5.26 Severability of 2010 AOC Order provides that ..."should any court determine that any state law or regulation incorporated into, referenced in, or authorizing this order is invalid or unenforceable in whole or in part, NASA shall comply with each remaining part."(5.26 Severability AOC2010 page 38). The 2010 AOC Order is open to Modification by mutual agreement of the parties(2010 AOC 6.0 pg 38-9), and should so be modified before any further action is taken. The modifications should include a risk based PRG table for suburban residential risk

levels, for the purpose of avoiding removing near background soils which do not present a risk to human health or the environment. The remediation goal should be modified to include suburban residential PRGs to enhance LUT look up table process by comparing soil condition and risk standards established by USEPA as public remediation goals.

A reasoned approach to amend the 2010 AOC will by definition create a more thorough EIS. From a more functional EIS that studies the array of mitigation options available, current stakeholders can participate in conducting a cleanup effort that future stakeholders can be proud of.

A handwritten signature in black ink, appearing to read 'Polyvios N. Georgilas', written in a cursive style.

Polyvios N. Georgilas
Member SSFL CAG

September 2, 2013

2345 East Brower Street
Simi Valley, CA 93065

Allen Elliott, SSFL Project Director
NASA MSFC ASO1, Bldg. 4494
Huntsville, AL 35812

SUBJECT: COMMENTS ON DRAFT EIS FOR PROPOSED DEMOLITION AND ENVIRONMENTAL CLEANUP ACTIVITIES AT SANTA SUSANA FIELD LABORATORY, VENTURA COUNTY, CALIFORNIA, JULY 2013

Dear Sir:

Thank you for this opportunity to comment on the adequacy of the subject draft environmental impact statement (DEIS) on the NASA portion of the Santa Susana Field Laboratory (SSFL).

LACK OF REASONABLE RANGE OF ALTERNATIVES

The heart of NEPA is that the sponsoring agency should rigorously explore and objectively evaluate all reasonable alternatives. The DEIS limits its alternatives to: 1) cleanup to background and 2) the "do nothing option." The "do nothing" alternative is not an alternative for cleanup of the site. Both the cleanup to "recreational standards" and the cleanup to "residential standards" must be considered. Both of these standards would require much less soil removal, would ultimately result in less soil erosion and destruction of the natural setting, including possibly rock outcroppings, natural vegetation and wildlife habitat. It is likely to require less destruction of buried, disturbed and relatively undisturbed cultural resources.

The DEIS should include a discussion of the ultimate land use of the site. If it is anticipated that the ultimate land use will be for recreational or residential purposes, then it is fiscally wasteful to attempt a cleanup to background standards.

Finally, to restrict the cleanup of the NASA property to one alternative, i.e., the to background readings, seems to have been a political decision, which seems to have swept aside the requirement to include in an EIS an objective evaluation of all reasonable alternatives. That decision has made a mockery of the federal review process as prescribed in the NEPA legislation and would not serve the public interest.

REMOVAL OF SOILS AND REPLACEMENT OF UP TO ONE THIRD OF THOSE SOILS

This alternative is characterized as an initial removal of two feet of soils wherever soil contamination has been or will be identified. If the underlying soils are found to still be contaminated, then excavation would continue until background, i.e., natural, readings are achieved. This procedure may require removal of all soils and ripping up the weathering front of the underlying bedrock. The resulting landscape may well resemble a moonscape or an array of "borrow pits." The report commits to replace of up to one third of the soil removed by imported clean fill - if such material in sufficient quantities can be found and made available. The availability of such materials seems unlikely. Even if one third of the volume of the exported soil is replaced by alluvium from outside the project area, the character of the site would be altered for the foreseeable future. Over the long term, the NASA lands would never fully recover.

Any relatively clean backfill is unlikely to resemble on-site soils geologically and would contain exotic unwanted plant seeds and organisms.

A benefit of the removal of so much soil is stated to be fewer animals dying from toxins in the soil. As far as I am aware there have not been any studies made to determine whether or not wildlife has been adversely impacted by soil contaminants on site. A benefit should not be forecast for an impact that has not been demonstrated.

COAST LIVE OAKS

Coast live oaks represent the dominant native tree on the site. Coast live oaks are near and dear to the hearts of people in the southern California area. Trying to determine whether only a few, many or nearly all of the trees are slated for demolition during soil cleanup operations is difficult to achieve based upon viewing a digital file of the Draft EIS and is not disclosed in the document. It may well be desirable to leave health oak tree undisturbed - thereby leaving some contamination behind. During demolition and soil removal operations the trees should be fenced off beyond the driplines of the trees using chainlink fencing. Any removals should be replaced with ten (10) or more seedling with a deep-root water program for a two-year period.

ARCHAEOLOGICAL DEPOSITS AND RESOURCES

The NASA properties was a heavily utilized area by native Americans. Much focus is relating to rock art sites and other ceremonial features, such as cupules, bedrock mortars, rock alignments, and shadow and light effect, which may have been associated with ceremonies. However, the site the site of the SSFL was probably used seasonally throughout the year for thousands years to gather food and other resources as well as for hunting. Nearly all of the structures and associated road grading, paving activities, and emplacement of utilities during the historic period were conducted without environmental reviews. At the time, there seemed to have been an awareness of the spectacular rock art panel associated with CA-VEN-1072 and its possible significance,

and efforts seem to have been made to protect that rock art panel. However, it is likely that many archaeological loci were destroyed, disturbed or buried during grading activities. Those sites, disturbed or not, may be impacted by cleanup activities. It is important to have all grading activities observed by Chumash and archaeological consultant monitors, who are authorized to defer, at least temporarily, grading when such resources are encountered. These monitors should accompany each piece of grading equipment. This requirement may seem onerous, however, the operator of a piece of heavy equipment is not in a position to spot such resources and is not trained to recognize them, and a contractor has little incentive to comply with a requirement to be sensitive to archaeological deposits.

The Chumash buried their dead, so it possible, especial during soil removal from CA-VEN-1072, that one or more human burials will be encountered.

CA-VEN-1072 should be definitively delineated by a team of professional archaeologist and native Americans (including Chumash Indians) prior to any approval of the EIS. It seems to be clear that this step has not yet been taken.

Archaeological site CA-VEN-1803, listed as a "lithic scatter," should be subject to Phase II testing in order to determine its significance.

SOIL REMOVAL BY CONVEYOR ROUTE TO A TRANSFER FACILITY WITH THE RAILROAD

Figure 2.4-1: Each of the cited potential conveyor routes, with the possible exception of Rail Site 1, to the Union Pacific Railroad (UPRR) would present multiple problems, including land use incompatibilities and inadequate sites for rail car loading. Note that the areal extent shown for Corriganville Regional Park omits portions of the park.

Rail Site 4 would go through or immediately adjacent an archaeological site complex, including rock art. It would cross the Brandeis-Bardin Campus, which features summer outdoor programs and some outdoor programs during the rest of the year. These activities cater to children and young adults. The proposed route would constitute an attractive nuisance for camp participants. The conveyor terminus would have to cross the Arroyo Simi Flood Control Channel and Los Angeles Avenue to access the railroad, where there simply isn't room for loading facilities. Both light industrial and residential land uses are nearby. The UPRR is a major interregional transportation corridor, which includes Amtrak and Metrolink services.

Rail Site 2A does not include a rail siding and would be across the railroad from the Corriganville Regional Park. The state water project pipeline runs under the area and facilities for loading would be near the west orifice of the railroad tunnel under Santa Susana Pass.

Rail Site 2B lacks room for a rail siding without taking parkland and would be located at the west orifice of the railroad tunnel under Santa Susana Pass.

The proposed construction of such conveyor and rail loading facility would require appropriate environmental review beyond what is stated in the subject draft EIS.

MISCELLANEOUS COMMENTS

Figure 2.1-1: The Brandeis Bardin Institute has been the Brandeis Bardin Campus of the American Jewish University since 2007.

Figure 3.10-1 Box Canyon Road is shown as an arterial street. The text mentions Box Canyon Road only in the context of it being a road that cleanup and demolition workers might use to get access to and from the work site on their way to and from work. I assume, therefore, that it is not being considered as a route to and from State Route 118 by heavy trucks for the removal of contaminated waste and demolition debris and the return of those trucks to the SSFL. An argument could be made that the road is hazardous even for cars and light trucks, let alone for heavy construction vehicles.

Sincerely,

Michael W. Kuhn

Allen Elliott, SSFL Program Director
NASA MSFC ASO1, Building 4494
Huntsville, AL 35812

Dear Sir,

Thank you for the opportunity to comment on the NASA SSFL DEIS.

The DEIS only provides a “no action plan” and one other plan that cleans to background. It is rumored that state and federal pressure drove this selection and no scientific review or analysis of other alternate plans was made.

NEPA requires that the Decision Maker be fully informed on all aspects of EIS and further should be informed of all alternate cleanup plans including those that are to be rejected along with an explanation for each rejection. The DEIS discusses the alternate cleanup plans but does not include any metrics to allow comparison of the plans or their attributes. Items such as risk, cost, schedule or disposal volumes are not provided. The reasoning for the rejection of alternates is not provided other than to refer to the AOC agreement that was forced on NASA by the politicians. The metrics need to be included and full rejection reasons need to be shown.

Future land use is not factored in so that cleanup requirements under the various alternate plans cannot be compared and only two plans are shown, cleanup to background or the do nothing alternate plan. Future land use is an important aspect of USEPA cleanup evaluations that match the cleanup against the eventual land use. Thus land that would be used for parks would have less stringent cleanup requirements than land that would be used for homes. The AOC requirement that the NASA property be cleaned to background applies the most stringent cleanup for property that now is proposed for future park use. Park use would have much less demanding cleanup criteria.

Backfill should be fully discussed in the DEIS. The DEIS states that soil to a two-foot depth will be considered permanently contaminated and removed. Additionally, soil beneath that level may be removed and cleaned and then reinstalled however none of the proposed soil remediation methods have been tried and proven to clean to the levels required by the AOC. In the event that the soil remediation fails the backfill will have to be found from another source and significant delays will occur while looking for soil that complies with the stringent AOC standards. This entire process has a high probability of difficulties and the DEIS does not discuss any worst-case scenario or any plans for a corrective action to maintain the process and schedule.

The EIS further states that only one third of the soil will be returned to the site and does not provide any explanation why this reduced amount will suffice. Will there be areas without topsoil and biota? Will there be sufficient soil to minimize flooding and silt runoff?

The traffic analysis underestimates the number of truck trips. In the DEIS plan there would be trucks carrying away contaminated soil and those trucks coming back empty. But additional trucks would be bringing back remediated soil or backfill and leaving empty. It is possible that some truck trips may be eliminated if the trucks leaving with debris could be used to bring back backfill however that close coordination of events is unlikely as previously discussed under the subject of backfill.

The DEIS did not discuss another factor to the trucking problem and that is that Boeing and DOE will also be conducting excavation and trucking to remove the contaminated soil. The DEIS says that NASA will operate on a schedule beginning at 7:00 AM to 7:00 PM. If all of the RP's excavation occurs simultaneously the roads from the site will be jammed or operating in extended hours thus creating a further hardship on the surrounding communities. This also assumes that sufficient trucks and drivers are available to meet the 2017 completion date. I recommend that NASA and DTSC discuss extending the completion schedule perhaps to 2020 so as to not overload the necessary transportation and roads.

The archeology, architecture and biology are not sufficiently discussed in the DEIS and are not clearly described in the AOC. NASA and DTSC need to develop specific directions in these subjects before the DEIS goes forward. For example the AOC's speaks about protecting artifacts and the question arises is the Burro Flats cave considered an artifact or will it be removed?

The DEIS does not present the full information for the NASA site and assumes that the Best Management Practices will mitigate all of the cleanup negatives while many of these BMP's have not been tested or proven. The BMP discussion does not contemplate failure and no failure scenarios or recovery plans have been presented and the effects of the cleanup in an accelerated/ catch up recovery mode have not been discussed. The narrative regarding cultural items is confusing since it appears that more information is required from DTSC and from specialists.



Alec Uzemeck
Member of the West Hills Neighborhood Council
Chair of the Environment Committee, West Hills Neighborhood Council
Chair of the SSFL Community Advisory Group

**WHNC Resolution Letter for the
NASA Draft Environment Impact Statement (DEIS)**

**Allen Elliott
SSFL Program Director
NASA MSFC ASO1, Building 4494
Huntsville, Alabama 35812**

Dear Mr. Elliott

The West Hills Neighborhood Council (WHNC) is in disagreement with the plan being proposed by NASA. There are two major areas of concern.

The first is the traffic and transportation scheme in which NASA estimates it will require 142 one-way truck trips per day (284 when round trips) for the disposal of 94,536 tons of building and rocket stand debris, the removal of up to 500,000 cu. yds. of contaminated soil and the installation of 167,000 cu. yds. of backfill soil from off-site sources. Under the proposal this work is planned to be done between 7:00 AM and 7:00 PM for a five day week and over a period of 3 years.

NASA points out the impacts to the safety of school children and the danger of driving trucks down a mountain road, Woolsey Canyon and the traffic affected by 142 one-way truck trips (284 when round trips) on Valley Circle and Roscoe Blvd. The threats to child safety are unacceptable. The proposed traffic volume needs to be reduced. NASA should place greater emphasis on on-site treatment to reduce truck traffic.

The second is that WHNC has serious concerns with the removal of such a large amount of soil fearing that erosion will endanger the creeks in Dayton Canyon, Bell Canyon and Woolsey Canyon. The plan does not discuss grading or drainage methods.

Under the NASA proposal, Native American artifacts and sites including sacred areas and historic locations are to be destroyed. The plan includes the disruption of the wild life corridor, the removal of the natural habitat for many wild animals and the uprooting of plants and trees. Further, the removal of the rocket test stands would destroy historic structures that were part of our national space program.

The cleanup method that NASA has chosen calls for the most stringent standard, clean up to background. This plan does not recognize the expected eventual use of the NASA land as open area which only requires cleanup to risk based levels. No consideration has been given to intermediate cleanup methods that are risk based and that are approved

by the USEPA and used throughout the United States. These methods would greatly reduce the amount of soil to be removed, the traffic and associated hazards, risk of hazardous contamination resulting from the transportation of soil, the time to complete and resulting cost.

The WHNC requests that NASA reconsider its decision to limit the selection of one cleanup method and look at other alternatives and procedures that would mitigate the negative effects of this DEIS.

A handwritten signature in black ink, appearing to read "A. M. [unclear]". The signature is written in a cursive style with a large initial letter.