

Statement of Anthony Zepeda
on behalf of
The Committee to Bridge the Gap
Regarding the NASA Draft Environmental Impact Statement
for the Cleanup of Contamination
at the Santa Susana Field Laboratory
at NASA EIS Hearing
August 28, 2013

My name is Anthony Zepeda. I am an attorney residing in Canoga Park, in the shadow of the extensive contamination NASA has created up on the hill. I am also a member of the Board of Directors of the Committee to Bridge the Gap, on whose behalf I am appearing today. Bridge the Gap has been involved in matters related to the Santa Susana Field Laboratory since in 1979, when it helped publicly disclose the partial reactor meltdown that had been kept secret for the previous two decades. Bridge the Gap has worked ever since for the cessation of dangerous activities at the site, public health studies of the impacts of the contamination on workers and the neighboring communities, and full cleanup of the pollution.

For decades, NASA acted in a grossly irresponsible fashion in terms of environmental stewardship of the site. Hundreds of thousands of gallons of TCE were just dumped directly into the soil and from there contaminating vast swaths of groundwater. Huge amounts of perchlorate, a rocket fuel component, contaminated soil and groundwater. PCBs, dioxins, a witches' brew of heavy metals and various volatile organic compounds, all were just dumped and spilled into the soil. Open-air burning of toxic materials—hundreds of barrels—led to toxic plumes that fell out over wide areas of soil. All of this contaminated SSFL, but also spread offsite to neighboring communities. The site is a toxic mess.

In 2010, after years of resisting its cleanup obligations, NASA finally entered into a legally binding Administrative Order on Consent (AOC) to clean up all the contamination it had created on its part of SSFL that could be detected. In essence, this commitment is to return the site to its natural condition before NASA polluted it. This agreement was widely supported in the community – 3700 comments in favor of the agreement came in, compared to opposition from a handful of people. You may hear from that small minority again today. But it is critical to remember that the AOCs went through two public comment periods, and by a ratio of more than a hundred to one the AOCs were strongly supported.

Nonetheless, there have been some concerns that NASA signed the AOC with its fingers crossed behind its back and would try to break out of the legally binding agreement it executed. NASA, however, has repeatedly stated formally that it is committed to its full obligations under the AOC. This community will hold NASA to those promises.

The Draft EIS is being performed under the National Environmental Policy Act, or NEPA. There are a number of aspects of the Draft EIS which do not appear to be in conformance with NEPA, and which raise questions as to whether some at NASA are working at cross purposes to the agency's commitment to its AOC obligations.

The most puzzling aspect of the Draft EIS is its virtual complete silence about the very core of what it is to examine—the toxic contamination of the site which needs to be cleaned up. It acts as though the only issues to examine are what are in fact the ancillary impacts, impacts that would exist if there were nothing toxic at all about the pollutants NASA's irresponsible actions over decades spilled and released. It almost looks as though some at NASA are trying to scare some in the community into giving NASA cover to break its agreement. This would be a violation of NEPA, which requires a dispassionate review of environmental impacts. But by talking endlessly about trucks and being completely silent about toxic contamination with dioxins, PCBs, VOCs, heavy metals, perchlorate, etc., a straw man is being set up. If NEPA bars anything, it is the misuse of an EIS as a straw man.

NASA heavily contaminated this site. It poured contaminants directly into the ground and groundwater. It dusted the site and neighboring areas with airborne deposition of pollutants. It used contaminated water to quench rocket test engines, causing the contamination to be spread and fallout over wide areas from the resulting contaminated steam. NASA was a bad environmental steward. It has now promised that it has "got religion" and will responsibly cleanup the contamination it created. The Draft EIS in its current form does not demonstrate that this is the case.

The EIS needs to be rewritten to disclose the full toxic contamination of the site, in as much detail as has been used for the ancillary issues it focuses instead on.

Diversions and misleading discussions should be avoided. For example, all the endless discussion of trucks while one is silent about dioxin and perchlorate and PCBs is a sign of an agency failing to follow NEPA appropriately.

The EIS says something like 53 trucks trips per day would occur to haul off contaminated soil if there is no on-site treatment and 34 trucks if there is, occurring over a 9-hour work day. These are frankly trivial numbers, 4 to 6 an hour. And if you, as you should, have the trucks alternate routes among the several identified in the EIS, we are talking then about 1 or 2 trucks per hour per road. This is just trivial. Why NASA focuses on it in the EIS rather than on the contamination is difficult to comprehend in terms of environmental law.

The EIS should identify how many trucks are currently coming in and out of SSFL, and how many were coming in and out during all the years of operations. Certainly the cleanup truck trips is a small fraction of what has occurred to date.

And yes, one should focus on successful on-site treatment where possible.

The EIS admits that the contaminated areas are largely areas where the natural vegetation was long ago removed and buildings constructed on graded land. Thus cleaning the contamination would have limited effect on vegetation and animals, which should be revegetated in any case after remediation. Leaving flora and fauna to be contaminated with dioxins, PCBs, heavy metals, etc. of course makes no sense; cleanup will help nature as well.

The EIS asserts that a fraction of an acre of soil may need to be cleaned up near the Burro Flats cave paintings. It is hard to conceive that NASA contaminated soil inside a cave, and surely that isn't what you are claiming. But in any case, NASA knows full well that under the AOC, NASA does not have to clean up to background anything that could result in damaging a recognized Native American artifact. The EIS should make crystal clear that there will be no impact on the cave, as the AOC expressly exempts cleanup that could impact such an artifact.

NASA in the draft EIS raises the question of not demolishing numerous contaminated NASA structures at the site such as the test stands. This makes no sense. They are the center of contamination. The soil underneath them is contaminated. One cannot clean up the soil, as required under the AOC, without removing the test stands and other structures. If NASA really wishes to consider not demolishing these structures, it needs in the EIS to identify how it will clean up the contaminated soil beneath them. (Furthermore, it just isn't realistic to leave them in place: The health and safety risks and insurance liability problems of rusty, falling-down iron hulks being left for people to hurt themselves on just makes this a non-starter.)

Conclusion

NASA badly contaminated this site, with terribly toxic materials. Soil, groundwater, surface water, buildings and other structures are all contaminated. NASA violated basic environmental rules for years, resulting in all this contamination. The pollution puts at risk the people living nearby. Contamination has already migrated offsite—perchlorate found in Simi wells, TCE plume leaving the property, constant violations of the NPDES pollution discharge permit with hazardous material going offsite hundreds of times at unsafe levels.

NASA promised to clean it all up. It must live up to its promise. Fully comply with the AOC. Revise the draft EIS to do an honest job of reviewing the contamination you created and your obligation to remediate it. Live up to the commitments you made to these communities to remove the toxic dagger aimed at their hearts.