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

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: msfc-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.

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 over-simplifying 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

> 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

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 law[2] ***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.

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[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.

- 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

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."***

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

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,

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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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

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

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

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

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[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..."

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 emergences 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 Creek[7] 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.

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.

- 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 13007[8]

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 wih 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.

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?

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

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.

- 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.

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.

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

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

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 Park[11]

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.

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[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.

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 <u>it is confusing to see NASA threaten this impact when it can clearly be handled within the agreement as currently written.</u> 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.

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[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.

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.

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[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.

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.

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 AOC[16]

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

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 spead 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).

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

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

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

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.

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[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.

- 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.

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

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.

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.

- 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 MiP[19] 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

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[19] MIP Modification in Principle, Attachment A

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.

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

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.

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[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]

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 he 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."

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[23] http://www.achp.gov/docs/UN%20Declaration%20Plan%203-21-13.p

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.

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[24] http://www.acnp.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),

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 flog (Rana draytonii) is federally listed as threatened and known to occur in the vicinity of SSFL, and that no evidence of California red-legged flog 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.

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 (lillium 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 play 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 subspecies:

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

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"

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

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.

<u>Section 5 Agencies, Organization and Individuals Consulted</u>
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.

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:

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

Draft

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

Draft

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.

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: msfc-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.

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 over-simplifying 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

> 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

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 law[2] ***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.

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[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.

- 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

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."***

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

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,

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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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

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

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

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

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[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..."

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 emergences 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 Creek[7] 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.

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.

- 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 13007[8]

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 wih 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.

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?

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

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.

- 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.

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.

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

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

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 Park[11]

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.

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[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.

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 <u>it is confusing to see NASA threaten this impact when it can clearly be handled within the agreement as currently written.</u> 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.

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[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.

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.

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[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.

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.

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 AOC[16]

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

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 spead 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).

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

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

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

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.

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[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.

- 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.

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

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.

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.

- 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 MiP[19] 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

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.

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

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]

<u>Deferral of mitigation DOES NOT comply with NEPA.[22]</u>

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.

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[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]

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]

<u>Executive Order 13007</u>

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 he 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."

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[23] http://www.achp.gov/docs/UN%20Declaration%20Plan%203-21-13.pdf

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.

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[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),

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 flog (Rana draytonii) is federally listed as threatened and known to occur in the vicinity of SSFL, and that no evidence of California red-legged flog 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.

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 (lillium 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 play 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?

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[27] Lilium Humboldtii *Lilium humboldtii* There are two :DSDECIES:

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

Lilium humboldtii subsp. *ocellatum*

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

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

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"

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

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.

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:

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
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Anee Churchill
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David Geffen School of Medicine, UCLA
Vice President Bell Canyon HOA
Bell Canyon CA 91307
SSFL CAG Member

Draft

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

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[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 put's 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
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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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