



January 27, 2019

Mr. John Jones
Federal Project Director
DOE SSFL Closure Project
4100 Guardian Street, Suite 160
Simi Valley, CA 93063

by email: john.jones@emcbc.doe.gov, stephanie.jennings@emcbc.doe.gov

Re: Final Environmental Impact Statement for Remediation of Area IV
and the Northern Buffer Zone of the Santa Susana Field Laboratory

Dear Mr. Jones:

We cannot begin to tell you how outraged we are by the Trump Administration's Department of Energy (DOE) attempting to break its solemn and legally binding commitments to clean up all the contamination it created over decades of environmentally irresponsible practices at the Santa Susana Field Laboratory (SSFL), right next to where we live. And we must be candid about our anger at your personal breach of your word, publicly given.

On February 5, 2014 at the SSFL Work Group, in front of the community, you stated:

"And at the end of the day, our perspective is that, it's what Dan mentioned. It was Ines Triay who said, I'm tired of fighting. Let's clean up to background, let's get this site closed. And that is what led to where we're at."

"The bottom line is, yes things happened, yes they were unfortunate, and we've made a commitment to clean it up. That's what all this is for. To meet the Administrative Order on Consent, to meet the EIS, and at the end of the day, because its the right thing to do. The right thing to how we get to a full and complete cleanup."

"Is DOE committed to the AOC? Yes."

You were videotaped making these public pledges. Your taped statement can be found at <http://bit.ly/DOE-2-5-14>.

Despite DOE having signed an Administrative Order on Consent (AOC) with the California Department of Toxic Substances Control (DTSC) which binds DOE to cleaning up all its contamination to background, during the holidays a few weeks ago DOE issued a Final Environmental Impact Statement (FEIS) for the cleanup of its portions of SSFL that would abrogate every commitment DOE—and you personally—made. The FEIS selects as its preferred “cleanup” decision to NOT clean up 98% of the soil it contaminated. The AOC requires cleaning up, with extremely limited exceptions, all of the contamination. The FEIS says to do just the opposite, leave almost all of it not cleaned up. We cannot begin to tell you how unethical that is.

The new proposal to only clean up the site to a supposed “open space” standard, so that thousands of times higher concentrations of contaminants should be allowed to remain because people would supposedly only be on the property a few hours at a time for hiking, is indefensible. It isn’t “open space” where we live and work nearby. If the site isn’t cleaned up, contamination will continue to migrate to where people like us live, 24/7. We are especially at risk when SSFL burns in wildfires, as it did in November during the Woolsey Fire that started and burned most of SSFL. Especially given the challenges of climate change, SSFL is likely to burn again and if it is not fully cleaned up, our community will once face increased risk of exposure to SSFL’s deadly contamination.

DOE’s proposed action is also grossly illegal. The alternative chosen in the FEIS, cleaning up to a supposed “open space” standard, was not even considered, identified, analyzed, or discussed in the draft EIS that was made available for public review and formal written comment and oral testimony at the EIS hearings. In fact, nearly 60% of the entire FEIS is new material that the public has never seen before and never had a chance to comment on in the DEIS process. This amounts to more than a thousand pages of entirely new material, much of it fundamentally different, in violation of law. DOE knows that what it is doing is shameful and indefensible, and thus is not even subjecting its outrageous new proposed action and new FEIS material to the public review, comment, and agency response required under the National Environmental Policy Act.

Furthermore, DOE in the FEIS is usurping the authority of its regulator. DOE, as the party responsible for causing the pollution by its irresponsible environmental practices, does not under the law get to decide how much of the damage it created it must remedy. DOE is merely a regulated entity, a polluter, and the decisions as to what it must do to undo the damage it created are not in its authority in the first place. It is bound by the AOC, and bound by the directions of its regulator.

DOE polluted our community through decades of extraordinary failures of basic environmental protection. It promised to clean up all the radioactive and toxic mess it created. A few weeks ago it announced it intends to break its word and its legal obligations. We object more strenuously than we can say.

DOE should withdraw the FEIS; it should issue no Record of Decision based upon it. It should issue a new FEIS 100% compliant with the AOC. And if it refuses to do these things, it should at minimum recirculate for formal public review and comment the FEIS, which is not in fact an

FEIS at all, but an entirely new EIS, which is not permitted under law to escape formal public review, comment, and agency formal response to comments. However, what really must be done is your agency, and you as its representative, must reverse course and live up to your word. Violating the cleanup commitments places all who live in the region around the contaminated site at perpetual risk.

Sincerely,

Marie Mason and Dawn Kowalski
Co-founders
Rocketdyne Cleanup Coalition

cc:

Stephanie Jennings, NEPA Document Manager SSFL Area IV, U.S. Dept. of Energy
California Governor Gavin Newsom
U.S. Senator Dianne Feinstein
U.S. Senator Kamala Harris
Congressmember Julia Brownley
Congressmember Katie Hill
Congressmember Brad Sherman
California Senator Henry Stern
California Assemblymember Jesse Gabriel
California Assemblymember Christy Smith
Ventura County Supervisor Linda Parks
Ventura County Supervisor Steve Bennett
Los Angeles County Supervisor Sheila Kuehl
Los Angeles County Supervisor Kathy Barger
Los Angeles City Councilmember Greig Smith
CalEPA Secretary Jared Blumenfeld
Arsenio Mataka, Special Assistant Attorney General for the Environment