



October 1, 2013

Allen Elliott
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Re: Consumer Watchdog Comments on Draft Environmental Impact Statement
for Cleanup of NASA Property at the Santa Susana Field Laboratory

Dear Mr. Elliott:

Consumer Watchdog is a California non-profit, non-partisan public interest group that watchdogs government and corporate malfeasance. We write in defense of residents who live near the Santa Susana Field Laboratory (SSFL) who could be significantly affected if NASA reneges on its commitments to cleanup all the contamination that is the legacy of NASA's past operations at the site. Among our projects is our Toxics Watchdog Project, which has been investigating and exposing problems with agency action—or inaction—in protecting the public from toxic pollution, with a particular focus on SSFL. We recently filed suit against the Department of Toxic Substances Control, the Department of Health Services, and the Boeing Company over violations of state environmental law regarding demolition and disposal of the apparently radioactive debris at California sites—such as dumps and metal recycling shops—not licensed or designed for disposal of radioactive waste.

NASA has been an irresponsible environmental steward of its land at SSFL. For decades, the most elementary safeguards were ignored. A million gallons of trichloroethylene (TCE), for example, were used to flush rocket engines and just allowed to drain into soil and from there to pollute groundwater. The soil and groundwater today hold some half a million gallons of TCE (with more dispersing through the air and settling in nearby neighborhoods). TCE is not permitted in water at levels above 5 parts per billion, yet levels far in excess of that limit are

found in groundwater throughout much of NASA's property, with a plume leaving SSFL boundaries.

To avoid having to get legally required permits and dispose of hazardous materials properly, an open-air burn pit was established at SSFL and large quantities of these substances were freely burned, releasing huge plumes of toxic smoke and particulate matter that fell out on the soil and watershed. This toxic burning also added large amounts of dioxins to the environment.

Process water contaminated with numerous dangerous materials was used to cool the rocket test stands, sending up plumes of polluted steam, also depositing toxic particulate matter in the soil and watershed.

And huge quantities of perchlorate were dumped on the soil, along with a witch's brew of other hazardous substances. The site is widely contaminated with not just TCE but other volatile organic compounds (VOCs), semi-volatile organic compounds (SVOCs), dioxins and furans, perchlorate, PCBs, and a whole slew of heavy metals such as mercury. There are dozens of constituents of concern (COCs) polluting SSFL.

And they are not staying at SSFL. When it rains, the surface water runoff carries the pollutants offsite. The LA Regional Water Quality Control Board has issued violation after violation for exceeding surface water pollution limits (NPDES limits), as well as numerous findings for exceeding health-based pollution benchmarks. Essentially, the site leaks contaminants to the neighboring areas.

A study by UCLA for the federal Agency for Toxic Substances and Disease Registry (ATSDR) by a team led by Professor Yoram Cohen found widespread pollution at SSFL and that it had affected neighboring communities. A second ATSDR study, by Professor Hal Morgenstern, found elevated rates of key cancers in the offsite population associated with their proximity to the site. And a large, multi-year study by the UCLA School of Public Health found significant increases in death rates for various cancers among the more exposed workers. In short, SSFL appears to have been killing people, both onsite and in neighboring communities.

That is why the public and their elected officials have fought for years to get the site cleaned up. For a long time NASA strenuously resisted meeting its cleanup obligations. Finally, in 2010, it signed a legally binding Administrative Order on

Consent (AOC) for Remedial Action, pledging to clean its part of the site up to background.

The current draft Environmental Impact Statement (EIS) is supposed to carry out a provision of the AOC that requires a review under the National Environmental Policy Act (NEPA) of *implementing* the cleanup to background. In other words, it is not about *whether* to comply with the AOC, it is about *how* to comply. For example, the AOC requires cleanup to background, but one can accomplish that through removal and disposal of contaminated soil, or treatment of soil so that it is no longer contaminated. That is supposed to be the subject of the EIS. Instead, some within NASA who long resisted cleanup appear to be doing everything they can to sabotage the cleanup required under the AOC. Rather than a NEPA-compliant science-based assessment of how to clean up the site, this draft EIS appears to be an unscientific polemic aimed at trying to get out of the promises NASA made.

First of all, last year NASA tried to convert the EIS into a document reviewing *whether* to comply with the AOC, not *how*. It claimed, despite AOC provisions to the contrary, that NEPA required this. The Council on Environmental Quality (CEQ), in a formal written opinion, made clear that was not true. CEQ is, of course, the federal government's agency for determining NEPA compliance. And the State of California wrote NASA saying that its proposed course of action would violate the AOC. NASA therefore promised to limit the scope of the EIS to how to implement the AOC, and a "No Action" alternative.

But it has now broken the commitments it made to CEQ. NASA has nonetheless gone ahead and included the very analysis they claim to have dropped, particularly trying to claim how much fewer truck trips there would have to be if allowed to walk away from the great majority of the contamination. The "analysis" (for which no factual basis or calculations are provided) includes options that would involve walking away from nearly 90% of the contamination, just allowing it to keep impacting the environment and migrating into neighboring areas. This part of the EIS thus violates the agreement with CEQ and the provisions of the AOC, and raises serious questions about the veracity of the NASA personnel involved.

At its core, the draft EIR violates the central requirements of NEPA. It appears to be a piece of propaganda about why NASA should be allowed to get out of its commitments in the AOC and walk away from the contamination. The draft EIS does this by hyping—there really is no other word for it—the trucks it would take to clean the site up and other misleading assertions about impacts of cleanup while

being essentially silent about the environmental impacts of the contamination and the impacts of not cleaning up.

This draft EIS would leave any uninformed reader thinking that NASA wanted to remove soil for the heck of it. There are a few sentences about contaminants, in a document of hundreds of pages. The entire discussion of environmental impacts is thus fundamentally flawed.

The draft EIS claims the impact of a few trucks an hour would be significant and negative, with no reference to the number of trucks that have gone in and out of the facility for decades. The cleanup would be a tiny fraction of that.

The draft EIS claims the impact of cleanup on biological resources would be important, yet is largely silent on the impact of all that contamination on the biological resources and the impact on them of not removing the pollution. The draft EIS asserts negative impacts on surface water and groundwater from cleaning up their contamination, but essentially ignores the far more significant negative impacts of the pollution of these beneficial resources and the impact on the environment of a contaminated aquifer if one didn't clean up the aquifer, or if one allowed contamination to continue to pollute the streams leading off the property.

On and on, the EIS tries to scare readers into being worried about trucks while blatantly refusing to do what the EIS was supposed to do, address in detail the environmental impacts of all that pollution and thus the effect the No Action alternative would have. What is the need for the project? In a portion of a single sentence the reader is told, "Contamination is known to exist at NASA's SSFL property because of previous mission activities, and NASA has declared the property excess to its mission needs. Therefore, the Proposed Action is *needed to protect human health and the environment...*" p. 1-7, emphasis added. Yet nowhere in the EIS is this expanded on in any detail. What is the damage to the environment that NASA has done? What contaminants, what toxic effects can they have, what impacts can they have on ecological receptors, how much of each pollutant is in the SSFL NASA area, how do these pollutants migrate, etc.

So the core of what the EIS is supposed to be about, the environmental harm from the pollutants NASA has recklessly released into air, soil, groundwater and surface water, is almost completely missing from the EIS. Instead we get pure hype as to why NASA shouldn't have to do what it promised—clean up the site.

For example, the AOC expressly exempts from the cleanup to background requirement anything that might damage recognized Native American artifacts. Yet the EIS tries to make it seem that cleanup to the AOC would damage the cave paintings at the Burro Flats area. That is just plain false. The AOC protects the cave paintings. It is simply dishonest to try to imply the opposite.

But then NASA goes even further overboard and asserts that maybe the entire 2,850 acre SSFL site should somehow be considered “sacred.” The AOC does not allow that as an excuse to not clean it up, and NASA knows that. Yet throwing that in is again part of a propaganda effort to get out of obligations rather than an honest analysis under NEPA. (Furthermore, even if one could somehow claim the contaminated land as sacred, that is the prime argument for restoring it to its unpolluted prior state, not allowing the land to remain forever polluted.)

And NASA tries to assert that the falling-apart old rocket test stands should be considered “historical” and suggests that they not be demolished. But that is where much of the contamination is, centered at the test stands. You can’t clean it up without getting them out of the way. The AOC requires full cleanup. Trying to claim the polluted test stands are historical and implying that perhaps you can get out of cleanup that way directly violates the AOC.

Lastly, the real purpose of an EIS is in large part to identify mitigation measures. The Draft EIS fails to do that. For example, it is clear all NASA is trying to do is inflame the community about trucks, when the EIS should have looked at ways of mitigating the truck impacts. One could use natural gas trucks or electric trucks to reduce diesel emissions and global warming effects; not analyzed in the EIS. The trucks could be routed over various routes, so no community experiences more than a few trucks an hour passing by, but this is not analyzed. One could fix up an existing fire road off SSFL and truck contaminated soil to a rail spur; not examined. NASA merely says that any alternative would cost money and time and so refuses to analyze them.

Similarly, the areas in which most of the contamination exists are already far from pristine; NASA stripped them bare when it built the test stands and other structures. The EIS should look at mitigation for any soil removal in terms of re-vegetation and restoration. But on this, the EIS is deficient.

In short, the EIS was supposed to address the environmental impacts from the contamination created by NASA and the effects if one didn’t clean it up. NASA didn’t do that. Instead, it deflected attention to minor effects like truck traffic that

has occurred there for years. And rather than identify sensible mitigation measures, NASA punts. This is not an EIS; this is an overt effort by NASA to try to misuse an EIS to blow up the binding commitments NASA made and instead just walk away from the great majority of the contamination NASA created.

NASA irresponsibly polluted that area for decades. In 2010 it finally stopped resisting its obligation and committed to full cleanup. Now, in an about face it appears some at NASA want to revert to the old environmental irresponsibility and to break binding commitments to fully clean up contamination that threatens public health. We find this outcome unacceptable.

Sincerely,

A handwritten signature in black ink, appearing to read 'Liza Tucker', with a long horizontal flourish extending to the right.

Liza Tucker
Consumer Advocate
Consumer Watchdog
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