



BOARD OF SUPERVISORS COUNTY OF LOS ANGELES

821 KENNETH HAHN HALL OF ADMINISTRATION / LOS ANGELES, CALIFORNIA 90012
Tel: 213-974-3333 Fax: 213-625-7360 Sheila@bos.lacounty.gov

SHEILA KUEHL
SUPERVISOR, THIRD DISTRICT

December 15, 2015

Barbara Lee
Director
California Department of Toxic Substances Control
1001 I Street
Sacramento, CA 95812

Dear Director Lee:

The Department of Toxic Substances Control has pending before it for approval a series of remarkable documents submitted by the Boeing Company regarding the contamination risks at the Santa Susana Field Laboratory (SSFL). The Boeing documents pending before DTSC are risk assessments and proposals for "no further action." They constitute Boeing's own estimates of the risks stemming from its own contamination, and request to be allowed to take no cleanup actions to redress most of those risks. As such, the documents are deeply troubling.

The documents disclose never before known extraordinarily high risks from the pollution, but, nonetheless, request that Boeing be relieved of the obligation to clean up most of it. Boeing's requests, if granted, would breach commitments DTSC made for a full cleanup and would result in the great majority of the contamination for which Boeing is responsible not being remediated. We urge you to reject Boeing's requests and reaffirm DTSC's commitment to a full cleanup.

Background

In 2010, as you know, DTSC entered into Agreements on Consent (AOCs) with the Department of Energy and NASA for the cleanup of all contamination that could be detected on their portions of SSFL. At the same time, DTSC stated that for the remaining parts of the property controlled by Boeing, DTSC's standard procedures required a comparable cleanup. DTSC said that even if there were no AOC and no SB990 (Kuehl, 2007), DTSC would rely on Ventura County zoning and General Plan designations, which allow uses, according to DTSC, that would require Boeing to employ the most protective cleanup standard at SSFL.

In July of this year, Ventura County confirmed again for DTSC that the zones permitted under its General Plan for SSFL "allow for a wide array of both residential and agricultural uses." In response, DTSC has publicly pledged to assure that the site is cleaned up to levels that would safely allow any of the uses allowed under the County's General Plan and zoning, as set forth in the County's July letter. However, Boeing's submissions propose cleaning up the site to a markedly less protective standard. We urge DTSC to reject that request and adhere to the 2010

commitments, reiterated recently in Ventura County's letter, with due regard to the transportation impacts on residents.

Indeed, what Boeing is now proposing is dramatically weaker than even what it has publicly promised, which was to clean the site to a "suburban residential" standard. Boeing earlier said that it would clean the site up so that it would be safe for people to live on site, grow a backyard garden, and drink water from wells. Even if no one lives on the site in the future, people who do live nearby (our constituents) would be protected by a "suburban residential" standard of cleanup. But the documents Boeing has submitted propose allowing concentrations of toxic materials in soil very much higher than Boeing's own figures for protecting suburban residents.

Boeing's Extraordinary Risk Estimates

Buried thousands of pages into Boeing's documents are the company's estimates of the cancer risk from the toxic pollution. They are, frankly, mind-boggling. At one portion of the site, Boeing estimates every fifth person would get cancer from the contamination were they living on the site. (This is in addition to the number who would get cancer otherwise.) At a second location, approximately every third person exposed would get cancer from the exposure. And at another location, Boeing's own estimate is that 96 out of 100 people exposed would get cancer from the contamination there. This is absolutely astonishing, but these are Boeing's own figures.

Boeing, however, then goes on to propose that it not be required to clean up the vast majority of the contaminated soil, despite the fact that Boeing, itself, estimates that the risk after such proposed minimal cleanup would remain so high that every fifth person would most likely get cancer from the remaining contamination.

Risk estimates this high are unprecedented. Site cleanups generally aim for risks of one in a million. DTSC has committed publicly to ensuring that this will be the risk factor remaining after cleanup. Boeing's estimated risk post-cleanup, however, is thousands to hundreds of thousands of times higher than what DTSC promised.

These are Boeing's estimates for a suburban resident with a garden (the weaker standard than that which DTSC has said it would require, but the one Boeing has said it wants to use). We recognize that these are the estimated risks were one living on-site and no one at present does. But our constituents live nearby where they can also be exposed—albeit at lower levels—to toxic materials migrating from the site. The extraordinary magnitude of the contamination Boeing has now disclosed is greatly disturbing.

Conclusion

By proposing to declare as needing "no further action" about 98% of the SSFL soil for which it is responsible, Boeing is asking DTSC to allow it to walk away from its cleanup obligations. We urge you to reject the Boeing submissions and reaffirm DTSC's commitments to a full cleanup of the contamination in order to assure that any allowed future land uses can be conducted safely and without restriction. This is essential for protecting our constituents who live in the communities nearby.

Over the nearly seventy years since the site was established, there have been reactor accidents, open-air burning of radioactive and chemically hazardous wastes, and releases of large quantities of toxic compounds into the soil and groundwater and surface water. Boeing has now disclosed that the contamination is far worse than we had ever known before, with astonishing estimated risks. DTSC promised in 2010 to assure cleanup of all the detectable contamination by 2017, yet the cleanup hasn't even begun. We urge an end to delays and diversions and efforts to undo the cleanup commitments. It is time to get the cleanup done, carefully and completely. Thank you for considering my comments.

Sincerely,



SHEILA KUEHL
Supervisor, Third District



MITCHELL ENGLANDER
Council President Pro-Tempore
Councilmember, Twelfth District



SENATOR FRAN PAVLEY
California State Senate
27th District

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