

CALIFORNIA ENVIRONMENTAL LAW PROJECT  
A Non-Profit Legal Corporation



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email to: [Debbie.Raphael@dtsc.ca.gov](mailto:Debbie.Raphael@dtsc.ca.gov)

Debbie Raphael, Director –  
Department of Toxic Substances Control

Dear Director Raphael,

The California Environmental Law Project represents the Rocketdyne Cleanup Coalition, which has worked for 23 years for full cleanup of the contaminated Santa Susana Field Laboratory (SSFL). We write regarding your recent apparent decision to grant a petition by Ms. Christina Walsh for the establishment of yet another Community Advisory Group (CAG) related to the cleanup of the Santa Susana Field Laboratory (SSFL). We understand that you met with Ms. Walsh on July 30, received her petition containing names or partial names of 56 people, and immediately approved the CAG, despite a counter-petition urging you not to do so (the latter petition now containing more than three times the number on the CAG petition) and without meeting with the opponents of the CAG petition. Furthermore, you apparently approved the CAG petition without any review of the names on the petition to determine if the petition is valid.

Your actions have caused great dismay in the affected community, and are puzzling in light of DTSC's rejection of a similar CAG petition by the same individual just two years ago.

In an email to Denise Duffield on August 3, you defended your action in this regard, asserting, "California's Superfund law states that if DTSC receives a CAG petition with 50 or more signatures, it shall assist the petitioners in establishing a CAG. The petition we received met the only legal requirement outlined in the law: it contained 50 or more signatures." (emphasis in original)

Your statement, however, mischaracterizes the statute in several ways. Here I shall address only one, which alone is dispositive of the petition.

The actual legal requirement to which you refer states that the petition must be "signed by at least 50 members of a community affected by the response action at a site." Cal. Health & Safety Code §25358.7.1.(a), emphasis added.

Even a cursory review of the CAG petition submitted to you reveals that at least 19 of the names on it are located outside of the community affected by the response action at SSFL. The petition includes a lobbyist for KB Homes residing in Washington State; residents of Utah, New Jersey, North Carolina; and others living in California far from SSFL (e.g., Long Beach, Seal Beach, Redding, Manhattan Beach, Pasadena, etc.). They are clearly not members of the community affected by the response action at SSFL, as required by the statute.

Furthermore, at least 6 of the names on the petition are merely first names; with no further identification. These incomplete names and unidentifiable signatories cannot be counted toward the fifty “members of the community affected.” A petition cannot be considered valid when the only name is “Tom, Dick, or Harry” with no last names. Two of these six reside outside the affected community and thus are included in the 19 referred to above, so at least 23 of the 56 names on the petition submitted to you are invalid for CAG formation purposes. Thus, at best there are putatively 33 valid names on the petition -- far short of the 50 required by Cal. Health & Safety Code §25358.7.1.(a). The petition therefore must be rejected.

One cannot cure the defect by simply getting additional signatures. Ms. Walsh submitted the petition on July 30, and DTSC must review it and decide if it is valid. If it is not, that is the end of the story. Just as was the situation when DTSC rejected her prior petition, she is free to submit a new one. You need not address in detail that issue now, but the Coalition reserves the right to object should there be an attempt to improperly use the names on a rejected petition for a future one.

Besides the failure to have 50 people on the petition who are members of the affected community, there are numerous other reasons why it should be rejected. The Coalition does not deal with those issues here, as the failure to meet the 50 “member of a community” requirement is dispositive. However, the Coalition reserves the right to raise and take action about those other matters as well should DTSC for some reason not reject the petition now that it is on notice of the petition’s failure to meet the requirement of the statute.

The Coalition respectfully suggests that DTSC carefully review the petition Ms. Walsh submitted in light of the above and reject it as required by the statute. The Coalition recommends that, in light of DTSC’s handling of the matter to date, and other related recent actions, that you meet with representatives of those who have put forward the much larger counter-petition, take their concerns to heart, and undertake significant actions to restore public confidence in the Department’s commitment to the cleanup agreements it has signed and has sworn to uphold and implement vigorously.

Sincerely,  
CALIFORNIA ENVIRONMENTAL LAW PROJECT



Laurens H. Silver, Attorney for  
Rocketdyne Clean-up Coalition

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Cal-EPA Deputy Secretary Ingenito  
DTSC Deputy Director Brausch  
DTSC Deputy Director Black  
DTSC Chief Deputy Director Madriago  
Senator Pavley  
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