
November 29, 2020
Sent via Email

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Mr. Steven Becker
SSFL Project Team Manager
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Subject: Zoom Meeting on the Amendment to Order on Consent. November 19, 2020

Dear Mr. Becker,

This letter supplements my previous comments on the Amendment that I emailed to Ms. Michelle Banks-Ordone and Mr. Grant Cope on November 15, 2020.

Before I get to the meat of my comments, it is unfortunate that the title of the Amendment refers to the Radioactive Materials Handling Facility (RMHF) when the subject is the remaining 8 DOE-owned buildings in Area IV and not the RMHF. Hence your need for a convoluted Community Update title.¹ It would have been less confusing for the public if a new Order on Consent had been drafted rather than to list additions to the RMHF Order on Consent relevant to non-RMHF buildings.

Zoom Virtual Meeting

DTSC's Zoom meeting² was entertaining, if not predictable. Laura Rainey gave a valiant and commendable defense of the indefensible. I believe that Laura is the longest assigned DTSC employee on this project, and she deserves praise for persevering and outlasting most all previous DTSC staff and management.

¹ Community Update. <https://dtsc.ca.gov/wp-content/uploads/sites/31/SSFL/SSFL-Amended-RMHF-Order-Com-Update-110320-.pdf>

² YouTube Video of DTSC Zoom Meeting on Amendment to Order on Consent. <https://www.youtube.com/watch?v=b6lMh4Pyr4A&feature=youtu.be>

The Amendment³ states the following in no less than four separate places.

- [DOE will] dispose of the resulting building demolition debris for buildings 4019, 4024, 4029, 4133, out of the State of California, at a licensed mixed low-level radioactive waste disposal facility.
- Debris from buildings 4038, 4057, 4462, and 4463 will be disposed of out of the State of California and out of an abundance of caution, at an authorized mixed low-level radioactive waste disposal facility.

Following Laura's presentation, I asked the following two questions in the Q&A box.

- DOE has released 4019 and 4029 for unrestricted use. Why is DOE now classifying, managing, and disposing of this decommissioned material as LLRW?
- DTSC and DOE acknowledge that buildings 4038, 4057, 4462 and 4463 have no radiological history. Why is DOE now classifying, managing, and disposing of debris from these buildings as LLRW?

US Ecology, Idaho

During her response, Laura said that debris from 4038, 4057, 4462 and 4463 would go to US Ecology in Idaho (USEI).⁴ Laura acknowledged that USEI was not a Nuclear Regulatory Commission (NRC) licensed low-level radioactive waste (LLRW) disposal facility or indeed an authorized LLRW disposal site, but a RCRA & TSCA permitted hazardous waste facility that is also permitted to accept NORM/TENORM and license-exempt material. However numerous other times in her answers Laura described USEI as a LLRW disposal facility. Laura also said that debris from 4038, 4057, 4462 and 4463 had been surveyed by DOE to background standards (?) and was not LLRW. She claimed that the debris was going to USEI because it was hazardous waste not because it was LLRW, using some discovered asbestos containing material (ACM) in floor tile in 4038 as an example. However, most of the waste from buildings 4038, 4057, 4462 and 4463 will be non-hazardous, conventional building debris, comprising metal and concrete. Which led to one of my final questions, "where will the non-hazardous, non-LLRW from 4038, 4057, 4462 and 4463 go?" This question was left unanswered in the Zoom meeting (See possible answer on page 10 below).

³ Amendment to Order on Consent for Interim Response Action at the Radioactive Materials Handling Facility Complex https://dtsc.ca.gov/wp-content/uploads/sites/31/SSFL/2020.10.30_Signed-ETEC-Amendment-to-Order.pdf

⁴ US Ecology, Idaho. <https://www.usecology.com/location/us-ecology-idaho>

Hirsch's Rant

Following the discussion of USEI, Hirsch launched into a pompous, arrogant rant, accusing DTSC of lying, breaking the law, and violating the 2010 AOC by allowing DOE to dispose of debris to the non-licensed USEI. Michelle is to be commended for shutting down Hirsch's rant. However, the issue is not whether this debris goes to a licensed LLRW site, the DOE-authorized LLRW site at NNSS or a permitted hazardous waste site (that can accept NORM and license-exempt materials), or whether it is in-state or out-of-state. The issue is that DTSC is encouraging the belief in the community that the debris "may be" LLRW and therefore "out of an abundance of caution", debris from 4038, 4057, 4462 and 4463 should be sent to an authorized (mixed) LLRW disposal site. As Hirsch correctly points out, USEI is not a licensed or even an authorized (mixed) LLRW disposal site. Laura repeatedly said that the debris from 4038, 4057, 4462 and 4463 was not LLRW, so the question is ... why does the amendment say "DOE will send debris to an authorized (mixed) LLRW disposal site?"

Destination of Waste Streams

Table 1 of the August 2016 Revision C of the "DOE Standard Operating Procedure (SOP) for Demolition of Area IV Facilities"⁵, clearly states that DOE, not DTSC, has regulatory authority for demolition for buildings 4019, 4038, 4024, 4057, 4462 and 4463. Figure 1 of the same document clearly states that non-LLRW debris from 4019, 4029 and 4133 will go to a California Class I facility, and that non-LLRW debris from 4038, 4057, 4462 and 4463 will go to a California Class III facility or be recycled. This would make sense given the differing histories of these facilities and is consistent with the DTSC accepted policies during the 2012-2013 demolition of Boeing-owned buildings in Area IV.⁶ DTSC had no objections to the DOE SOP document in its August 2018 review.⁷ What has changed since then and why?

Counting Statistics, Background and Detection Limits

I presume that the change in DTSC policy occurred following the public comment period in late 2018. During that comment period, Hirsch resurrected allegations made during the 2013

⁵ "DOE Standard Operating Procedure for Demolition of Area IV Facilities", Rev. C, August 2016, https://www.dtsc-ssfl.com/files/lib_permit_active/radioactive_mat_han_/67594_ETEC_DD_SOP_2016_Rev_4a_-_Aug_9_Final.pdf

⁶ "The Boeing Company – SSFL. Standard Operating Procedures: Building Demolition Debris Characterization and Management" https://www.dtsc-ssfl.com/files/lib_rcra_soils/BuildingDemo/buildingdemolition/66029_Boeing_Standard_Operating_Procedures_for_SSFL_Building_Demolition,_April_2013_Revision.pdf

⁷ DTSC Letter from Roger Paulson to John Jones (DOE), "DTSC Review of Department of Energy Standard Operating Procedure for Demolition of Facilities in Area IV (Rev C) August 2016", August 1, 2018, https://www.dtsc-ssfl.com/files/lib_rcra_soils/BuildingDemo/Correspondence/67790_DTSC_Review_of_DOE_SOP_for_Demolition_of_Facilities_in_Area_IV_at_SSFL.pdf

Building Demolition Complaint⁸ regarding release limits, background, and detection levels. All Hirsch's allegations have been shown to be false. All allegations in the Complaint, and by inference, Hirsch's cited report, were dismissed. The Superior Court of California denied all claims and cause of actions in its "Ruling on Submitted Matter Re: Petition for Writ of Mandate and Complaint for Injunctive and Declaratory Relief" on November 19, 2018. The case is under appeal.

Following the filing of the Complaint in 2013, I conducted a comprehensive radiation survey of my home in West Hills, using the same instruments, protocols, data analysis and documentation that was done for all Boeing-owned buildings that were surveyed and demolished during the period 2010-2013 (including one still intact building, 4100). I took measurements at 73 locations in my home, backyard, and street, including stone, tile, wood, drywall, brick, metal, concrete and asphalt, typical building materials. The standard data analysis of background subtraction and comparison to MDAs was performed. However, to eliminate all questions and issues related to background and detection levels, the gross (not background subtracted) total alpha and beta measurements in units of counts per minute (cpm) were summarized, conservatively ignoring background. The same gross data (not background subtracted) was derived from the existing survey reports of the previously surveyed and demolished Boeing-owned buildings, seven Area I buildings, four Area III buildings and eight Area IV buildings (including 2 former radiological buildings, 4100 and L-85). The results are shown in Table 1 and graphically shown in Figure 1.

It is clear that the range of gross measurements (in cpm) from Areas I, III and IV buildings are completely consistent with measurements taken at my home, demonstrating that measurements from SSFL buildings are typical of background. The ranges of all SSFL building measurements overlap with those taken at my home. The average alpha measurement taken at my home (9 cpm) is close to the highest average alpha measurement at SSFL (11 cpm) and exceeds the average, average alpha measurement at SSFL (5 cpm). The maximum beta taken at my home (805 cpm) exceeds the highest maximum beta at SSFL (773 cpm). The average beta at my home (527 cpm) is close to the highest average beta at SSFL (545 cpm), is close to the average maximum beta at SSFL (577 cpm) and exceeds the average, average beta at SSFL (397 cpm).

Using net (background subtracted) data and using Hirsch's twisted logic that any net measurement above zero is contamination, 11% of my concrete exceeds background and should be classified as LLRW. Likewise, 35% of the asphalt roadway in front of my house exceeds background and should be classified as LLRW, and 72% of the building materials inside my home exceeds background and should be classified as LLRW. Using a more relaxed Hirsch

⁸ Case No.: 24 34-2013-800001589. "Petition for Writ of Mandate and Complaint for Injunctive and Declaratory Relief", Petitioners, Physicians for Social Responsibility, Southern California Federation of Scientists, Committee to Bridge the Gap and Consumer Watchdog. Respondents, Department of Toxic Control, Department of Public Health. Real Party of Interest, The Boeing Company.

logic that any net activity exceeding the minimum detectable activity (MDA) is contamination, then only 67% of the building materials in my home should be classified as LLRW.

In anticipation that Hirsch would then allege that my home is contaminated, similar results would occur if a survey were to be conducted at Hirsch's home, somewhat distant from SSFL.

Table 1. Range of Gross (Before Background Subtraction) Total Alpha and Beta Measurements for Buildings in Area I, III, IV and Off-Site

Area	Building/Location	Alpha (gross cpm)			Beta (gross cpm)		
		Min	Max	Average	Min	Max	Average
I	CTL I	0	27	8	121	494	312
I	CTL III	0	50	7	133	664	435
I	CTL V	0	39	11	102	586	294
I	B1300	0	25	3	217	607	389
I	APTF	1	37	7	207	584	450
I	B1436	0	17	2	198	554	401
I	Bowl	0	20	7	272	662	545
III	Hydrogen Lab Lot	0	7	4	225	296	268
III	STP-3	0	30	9	172	586	389
III	Nitrogen Depot	1	36	9	185	591	465
III	ECL (Old Haz Yard)	0	12	2	266	617	367
IV	B4006	0	36	4	207	589	397
IV	B4011 (hibay)	0	28	5	204	773	435
IV	B4015	0	13	4	177	611	360
IV	B4100*	0	10	2	148	480	336
IV	Water tanks	0	24	6	139	565	336
IV	Weather station	0	24	6	210	530	388
IV	ESADA	0	38	5	289	609	509
IV	L-85*	0	20	4	237	569	461
SSFL	Average SSFL	0	26	5	195	577	397
Off-Site	West Hills Residence	1	27	9	226	805	527

*Former radiological buildings

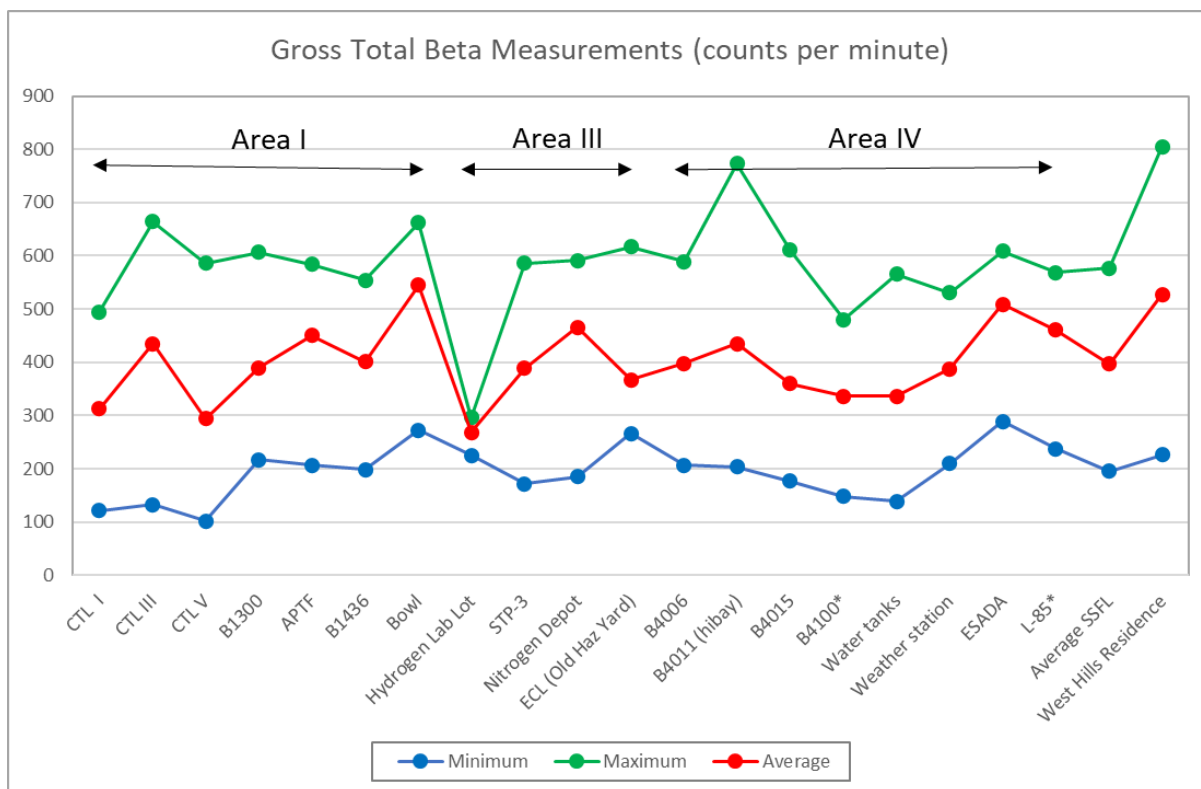
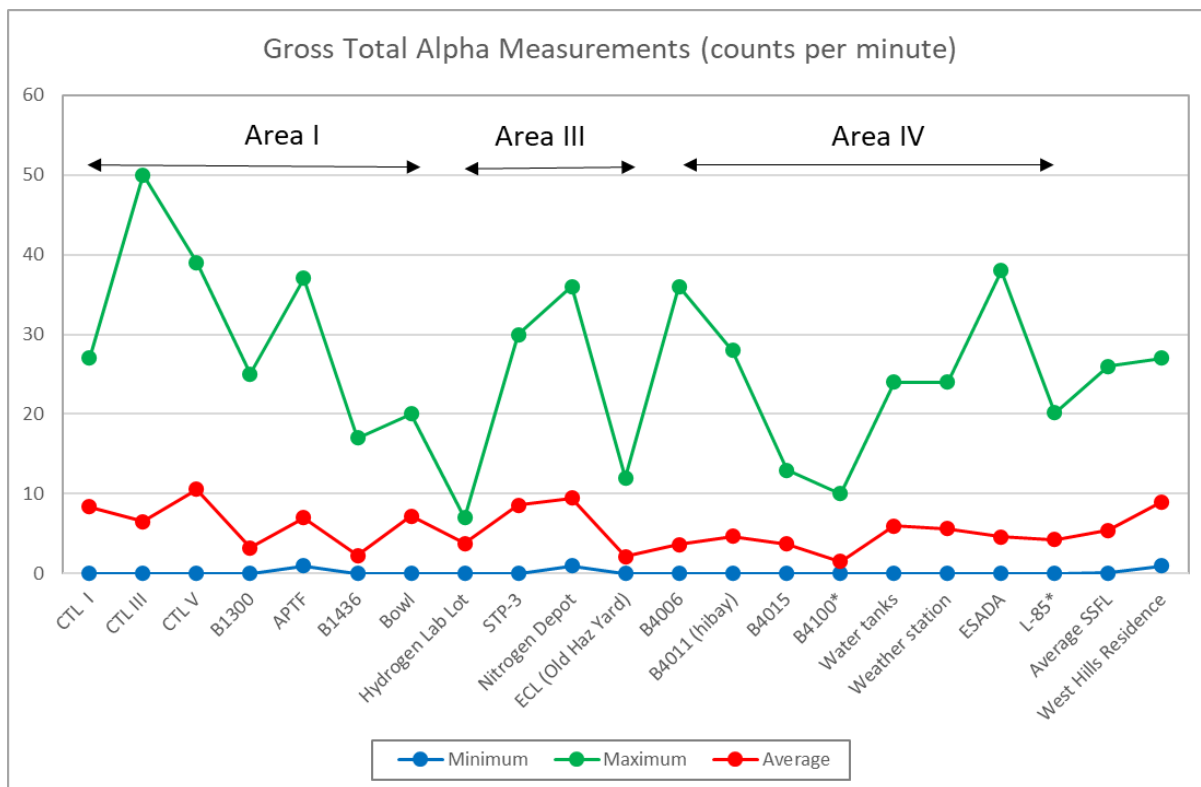


Figure 1. Gross Total Alpha and Beta Measurements for Buildings in Area I, III, IV and Off-Site

DTSC's Ultimatum to DOE

Laura said during the Zoom meeting that in October 2019 DTSC gave DOE an ultimatum with two options. DOE should either (1) survey/characterize the building debris as “less than background” following the soil mandates of the 2010 AOC, or (2) dispose of the debris, without the need for any further survey to a (licensed or authorized) LLRW disposal site. Laura further stated that *“buildings with a history of radiological use, regardless of the status of unrestricted release, was sufficient enough to say that the waste could be characterized as LLRW.”*

In a single sentence, DTSC has usurped and dismissed the entire federal (NRC and DOE) and State decommissioning and “release for unrestricted use” process, dismissed Executive Order D-62-02, and adopted Senate Bill 1970 (2002) that had been vetoed by Governor Davis. In the face of this obscene abuse of power, DOE apparently caved.

DOE chose to forego further surveys of buildings 4019 and 4029 (that had been released for unrestricted use), and building 4133 (that had been surveyed as suitable for release unrestricted use)⁹, and send the decommissioned material to a licensed (mixed) LLRW disposal site. DOE chose to survey 4038, 4057, 4462 and 4463 and send debris to the permitted USEI site, that is neither a licensed nor authorized LLRW disposal site.

The implication is that the August 2016 Revision C of the “DOE Standard Operating Procedure (SOP) for Demolition of Area IV Facilities” was revised and updated to reflect this change in policy. I have not been able to find that update. Revision 3 of North Wind’s “Waste Management Plan”¹⁰ defines “decommissioned material” as *“waste that cannot go to a regular landfill due being previously radioactively impacted and is to be taken to a Class I landfill.”* There is no mention of sending “decommissioned material” to a licensed LLRW disposal site.

I have seen reference to a January 2020 RMHF SOP but have not been able to locate this document either in the DTSC SSFL Document Library or the DTSC Envirostar database. I have not been able to locate a more recent demolition SOP, superseding Revision C, for the remaining DOE-owned buildings in Area IV in either of those locations. I have read the DTSC comments on RCRA Closure Related Plans for the RMHF¹¹ however these all relate to the

⁹ “Questions and Issues Related to the Amendment to Order and Consent”, Specifically, citations to DOE and CDPH-RHB release of buildings 4019, 4029 and 4133. Attachment to Email from Phil Rutherford to Michelle Banks-Ordone (DTSC), November 15, 2020.

¹⁰ WMP-10784, “Waste Management Plan - ETEC, SSFL”, Revision 3, August 7, 2020 https://www.dtsc-ssfl.com/files/lib_doe_area_iv/RMHF_Complex_Demo/DOE_Supporting_Documents/69227_WMP-10784_Rev.3_Waste_Management_Plan.pdf

¹¹ DTSC Comments on RCRA Closure Related Plans for the RMHF, May 12, 2020. https://www.envirostar.dtsc.ca.gov/public/deliverable_documents/6512892782/2020.05.12_DTSC_Comments_on_Draft_RMHF_Closure_Plan_SOP_Demo_Plan.pdf

RMHF, not the remaining DOE-owned buildings in Area IV, the subject of this amendment. Perhaps DTSC could direct me to these revised SOPs?

Regulatory Guide 1.86

As a side issue, the above mentioned DTSC comments included a request to remove reference to NUREG 1.86 “as it is outdated” (page 7). That should be Regulatory Guide 1.86 (R.G. 1.86). The NRC withdrew R.G. 1.86 on August 12, 2016.¹² In withdrawing R.G. 1.86, NRC stated,

“Although R.G. 1.86 is withdrawn, current licensees may continue to use it, and withdrawal does not affect any existing licenses or agreements.”

The surface contamination limits of R.G. 1.86 are still appropriate and enforceable NRC limits in current NRC decommissioning guidance. Section 15.11.1.1 of NUREG-1757¹³ states,

“For materials licensees, NRC staff usually authorizes the release of solid material through specific license conditions. One set of criteria that is used to evaluate solid materials before they are released is contained in Regulatory Guide 1.86, entitled “Termination of Operating Licenses for Nuclear Reactors.” A similar guidance document is Fuel Cycle Policy and Guidance Directive FC 83-23, entitled “Guidelines for Decontamination of Facilities and Equipment Prior to Release for Unrestricted Use or Termination of Byproduct, Source or Special Nuclear Materials Licenses.” Both documents contain a table of surface contamination criteria which may be applied by licensees for use in demonstrating that solid material with surface contamination can be safely released with no further regulatory control.”

Fuel Cycle Policy and Guidance Directive FC 83-23¹⁴ includes Table 1 of Enclosure 2 that gives acceptable surface contamination levels, identical to the withdrawn R.G. 1.86.

¹² Federal Register, Volume 81, Number 156. <https://www.govinfo.gov/content/pkg/FR-2016-08-12/html/2016-19195.htm>

¹³ USNRC, “Consolidated Decommissioning Guidance”, Section 15.11.1.1, Release of Solid Materials with Surface Residual Radioactivity. September 2006. <https://www.nrc.gov/docs/ML0630/ML063000243.pdf>

¹⁴ USNRC, “Policy Guidance and Directive FC 83-23, “Termination of Byproduct, Source and Special Nuclear Material Licenses”, Last Updated October 30, 2017, <https://www.nrc.gov/about-nrc/radiation/protects-you/hppos/hppos266.html> . Copy of actual document. <https://www.nrc.gov/docs/ML0037/ML003745523.pdf>

2010 AOC

The 2007 Consent Order¹⁵ was silent on building demolition and debris waste disposal. The various draft iterations amending the 2007 Consent order to comply with SB 990 were also silent on building demolition since SB 990 focused on soil remediation. Although the 2010 AOC¹⁶ also explicitly focused on cleanup of soils, Section 1.8.4 strangely defines “soils” to include “debris, structures and other anthropogenic materials.” Doubtless this was a politically driven definition rather than a technically driven definition, in a clear last-minute attempt to include facility decontamination and decommissioning into the “cleanup-to-background” agenda of the 2010 AOC. It appears to have been an afterthought. However, neither the 2010 AOC nor its Appendix B, “Final Agreement in Principle”, nor its Appendix C, “Confirmation Protocol - Not to Exceed - Background Cleanup Standard”, discuss backgrounds, or protocols for measuring surface or volumetric contamination of solids (debris, structures of anthropogenic materials). Appendix B and C discuss exclusively local background levels for radionuclides in soil, established by the USEPA, and for chemicals in soil established by the DTSC, look-up-table (LUT) values for soil, and testing of backfill soil. DTSC has only published look-up-tables for soil contaminants. DTSC has not published look-up-tables for solids (debris, structures, or anthropogenic materials). Of course, such release criteria are well established in federal (NRC and DOE) and State (CDPH) guidance that are not based on achieving background. Counter to DTSC’s assertions, the 2020 AOC is not clear on the testing and disposal of building debris. It could therefore be argued that the 2010 AOC does not apply to structures.

Page 3 of Appendix B of the 2010 AOC, “Agreement in Principal” states ...

- *Disposal of contaminated soils:*
 - *Soils contaminated with radioactive contaminants above local background to licensed low-level radioactive waste (LLRW) disposal site or an authorized LLRW disposal facility at a DOE site*
 - *Soils contaminated with chemical contaminants above local background:*
 - *Hazardous wastes to licensed Class 1 hazardous waste disposal facilities only*
 - *Non-hazardous waste to licensed Class 2 or subtitle D compliant Class 3 disposal facilities only*

¹⁵ 2007 Consent Order https://www.dtsc-ssfl.com/files/lib_correspond/orders/188_AR-M620N_20070820_104426.pdf

¹⁶ 2010 Administrative Order on Consent (AOC) https://www.dtsc-ssfl.com/files/lib_correspond/agreements/64791_SSFL_DOE_AOC_Final.pdf

Accepting for the moment, DTSC's position that "soils" includes building debris, the 2010 AOC states that non-hazardous, non-radioactive debris should go to a Class 2 or 3 disposal facility with no requirement for out-of-state disposal. Therefore, we have a partial answer to the question posed earlier. Where should non-hazardous, non-radioactive waste go? According to the 2010 AOC, not to US Ecology, Idaho!!!

No-zero Threshold for Hazardous Waste

As an aside, the final two bullets above acknowledge that there is a non-zero threshold above which chemically contaminated soil is classified as hazardous, while below the threshold chemically contaminated soil is classified as non-hazardous and does not require disposal in a Class I hazardous waste landfill. That is rational. In contrast, DTSC and the 2010 AOC does not afford that luxury to radionuclides, DTSC and the 2010 AOC would consider any detection above background (a zero threshold) as indicative of LLRW and require disposal to a licensed LLRW disposal site (second bullet above). That is not rational, is inconsistent with the policy for chemicals, and inconsistent with NRC and DOE radioactive waste regulations.

2002 Executive Order D-62-02

The 2002 Executive Order D-62-02¹⁷ prohibited disposal of "decommissioned material" to Class III and unclassified waste management units in the State of California. The Order was issued by Governor Gray Davis after he vetoed Senate Bill 1970 (2002). SB 1970 had attempted to legislate that decommissioned material that had met all federal and State cleanup standards and had been released for unrestricted use, should nevertheless go to a licensed LLRW disposal facility. This is exactly what this Amendment has now done for DOE-owned Area IV buildings by DTSC's bureaucratic fiat.

Executive Order D-62-02 imposed no restrictions on the destination of decommissioned material out-of-state. It imposed no restrictions on the disposal of non-decommissioned material to landfills in California. It also imposed no restrictions on recycling of any kind of decommissioned material or non-decommissioned material within California.

Brian's Question

A Zoom meeting attendee, Brian (no last name), summed up the meeting best when he asked, *"Has DTSC ever required demolition debris from non-radiological buildings to be managed as radioactive waste at any other sites?"* After a long, pregnant pause, Steven Becker responded

¹⁷ Executive Order D-62-02

<https://www.emcbc.doe.gov/SEB/ETEC/Browsing/Historical%20Facility%20Crosswalk/Historical%20Facility%20Crosswalk%20Documents/HWMF/HWMF/1/HWMF%20Closure%20Plan/Agency%20Correspondence/Ca%20State%20Exec%20Order%20D-62-02.pdf>

by saying, “... not aware ... have no knowledge ... abundance of caution ... attempt to manage more safely ... abundance of caution ...” Then Laura jumped to the rescue and repeated her mantra of “... not radioactive waste ... not managed as radioactive waste ... managed as hazardous waste ... going to a hazardous waste site ... etc ... etc ...” So why does the Amendment say this waste will go to an authorized mixed low-level radioactive waste disposal facility?

Committee to Bridge the Gap (CBG) Attempts to Delay and Halt Cleanup

When will DTSC acknowledge that the agenda of Hirsch and his disciples, including Walsh, Duffield, Bowling, Salkin, Bumstead and the like is not to protect the community, but to delay and halt progress to final cleanup. Hirsch has been the leading puppet-master behind all the following delaying tactics.

- In 2001, the Committee to Bridge the Gap (CBG) sued the California Department of Health Services (DHS) preventing it from adopting the federal US NRC License Termination Rule 10 CFR 20 Subpart E¹⁸ in which a decommissioning standard of 25 mrem/y is implemented in the rest of the US for NRC-licensed facilities. As an “Agreement State”, California, like other states adopt by reference NRC regulations in 10 CFR. That is standard practice, unless it displeases Hirsch. The DHS (now the Department of Public Health (DPH)) has dropped the ball and failed to conduct an EIR to validate dose-based cleanup standards, knowing that it would become mired in the courts with further, endless, frivolous Hirsch lawsuits.
- Hirsch was behind a plethora of California Senate Bills in 2002, 2003, 2004 and finally ending in 2007 with SB 990, all aimed at decommissioning in general and SSFL specifically. SB 990 was struck down by the US District Court and DTSC enjoined from enforcing or implementing SB 990.^{19,20}
- In 2004, Hirsch teamed with the NRDC and sued DOE opposing the 2003 Environmental Assessment that proposed a 15 mrem/y dose-based decommissioning standard (more restrictive than 10 CFR 20 Subpart E). DOE lost the case in 2007, leading to a 13-year delay in initiating decommissioning/demolition of DOE-owned buildings or any other meaningful DOE remediation while an EIS was completed.

¹⁸ 10 CFR 20 Subpart E. Radiological Criteria for Unrestricted Use. <https://www.nrc.gov/reading-rm/doc-collections/cfr/part020/part020-1402.html>

¹⁹ United States District Court Case 2:10-cv-04839-JFW-MAN. https://www.dtsc-ssfl.com/files/lib_boeinglawsuit/legaldocs/64928_show_tempCA4R335S.pdf

²⁰ United States District Court Case 2:10-cv-04839-JFW-MAN. https://www.dtsc-ssfl.com/files/lib_boeinglawsuit/legaldocs/64933_DTSCvTheBoeingCoJudgement05-05-2011.pdf

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- Hirsch opposed the 2008-2009 DTSC/Boeing/DOE/NASA efforts to amend the 2007 Consent Order²¹ to include the new requirements of SB 990.
 - In August 2009, Hirsch was instrumental in forcing DTSC to fire its then Program Director, Norm Riley, who had pushed back against Hirsch's transparent agenda.
 - Hirsch coordinated with Rick Brausch, who succeeded Norm Riley, in writing the 2010 Administrative Order on Consent.²²
 - CBG teamed with other petitioners in suing DTSC and CDPH in 2013, halting the Boeing Building Demolition Program. Petitioners' Complaint was rightly denied by the Superior Court of California in November 2018.
 - Although not directly related to SSFL, Hirsch was also a key opponent to the establishment of Ward Valley as the only licensed LLRW disposal facility in California. Ward Valley was cancelled by Assembly Bill 2214 (2001-2002).²³

All these events (and others) were specifically designed to delay and ultimately halt progress toward final SSFL cleanup, that is protective of human health and the environment. And the public asks why cleanup at SSFL is taking so long. Are they kidding?

Conclusion

It has been said that DOE has the right to dispose of its debris to NNSS if it wishes. That may be true, but it is obvious that DOE has been forced by DTSC to do what the activists want. This is not DOE's choice. The important question is ... is it the right thing to do?

I seem to have heard that conundrum before with Trump's refusal to concede, demanding recounts, filing lawsuits and refusal to accept reality. Hirsch and Trump are bedfellows. Both are masters at usurping the law and undermining established, regulatory, procedural precedent.

DTSC has allowed itself to be manipulated by Hirsch and his cronies and has boxed itself into a sloppy, ill-defined, inconsistent set of rules that are not based on any rational, technical, or established regulatory framework. It is time for DTSC stop listening to the activists ... sorry ... "public", and start working cooperatively with, not against, the RPs. The writing is on the wall for the 2010 AOC. It is clear from the DOE's and NASA's Final EISs and Boeing's refusal to sign

²¹ 2007 Consent Order https://www.dtsc-ssfl.com/files/lib_correspond/orders/188_AR-M620N_20070820_104426.pdf

²² 2010 Administrative Order on Consent (AOC) https://www.dtsc-ssfl.com/files/lib_correspond/agreements/64791_SSFL_DOE_AOC_Final.pdf

²³ Assembly Bill 2214 (2002).
http://leginfo.legislature.ca.gov/faces/billVersionsCompareClient.xhtml?bill_id=200120020AB2214

up to the 2010 AOC at the outset, that the RPs will not implement the 2010 AOC. It is time for DTSC to recognize that truth.

DTSC, DOE, NASA, Boeing, and their contractors all understand the established regulatory framework in which risk-based remediation should occur. Do not allow activists to hijack the process. DTSC should scrap the 2010 AOC. DTSC should renegotiate uniform and environmentally protective cleanup goals and waste disposal policies with the three RPs based on established federal guidelines. You know it is the right thing to do.

Sincerely,



Phil Rutherford
Community Member
Former Boeing-SSFL Employee

cc via email

Meredith Williams	DTSC
Grant Cope	DTSC
Michelle Banks-Ordone	DTSC
Laura Rainey	DTSC
Paul Carpenter	DTSC
Roger Paulson	DTSC
John Jones	DOE
Brad Frazee	North Wind
John Wondolleck	CDM Smith