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August 15, 2021  
Sent via Email

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Ms. Meredith Williams  
Director  
Department of Toxic Substances Control  
1001 I Street,  
Sacramento, CA 95814-2828

Subject: Public Records Act Request

Dear Ms. Williams,

In November 15 and 29, 2020, I expressed my technical and regulatory opposition to DTSC's and DOE's "Amendment to Order on Consent for Interim Response Action at the Radioactive Materials Handling Facility (RMHF) Complex." The title, itself, is deliberately misleading since the amendment relates to the remaining non-RMHF, DOE-owned buildings in Area IV of SSFL and not to the RMHF.

The 2020 AOC mandated that demolition debris from three buildings (4019, 4029 and 4133) that had met conditions for "release for unrestricted use" be disposed of "*out of the State of California, at a licensed, mixed low-level radioactive waste disposal facility.*" The 2020 AOC further mandated that demolition debris from four buildings that had no radiological history (4038, 4057, 4462 and 4463) "*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.*"

- <https://www.philrutherford.com/Personal Communication/Email to Banks-Ordone 2020-11-15.pdf>
- <https://www.philrutherford.com/Personal Communication/Questions & Issues for 2020 DOE Building AOC.pdf>
- <https://www.philrutherford.com/Personal Communication/Letter to Becker 2020-11-29.pdf>

In a March 11, 2021 email to your staff, I requested records of communications between DTSC and Dan Hirsch relating to the DTSC order to DOE to send non-LLRW (from the seven aforementioned buildings) to a licensed LLRW disposal site "*out of an abundance of caution ... and irrespective of having characterization data showing no radioactivity.*"

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- [https://www.philrutherford.com/Personal Communication/Email to DTSC 2021-03-11.pdf](https://www.philrutherford.com/Personal%20Communication/Email%20to%20DTSC%202021-03-11.pdf)

On March 26, 2021, I received a letter from your senior counsel, Arthur Pugsley, committing to notify me by July 7, 2021, *“when disclosable records, if any, will be available for review.”* At the time, I regarded 3½ months as excessive. I also noted the subtle distinction between *“notifying me when records would be available”* and *“providing me with records.”* However, I chose to not comment at that time.

- [https://www.philrutherford.com/Personal Communication/PRA initial response \(Rutherford\) 3.26.21.pdf](https://www.philrutherford.com/Personal%20Communication/PRA%20initial%20response%20(Ruth%20erford)%203.26.21.pdf)

On July 8, 2021, I emailed Mr. Pugsley reminding him of his overdue commitment.

- [https://www.philrutherford.com/Personal Communication/Email to Pugsley 2021-07-08 Public Records Act Request Initial Response.pdf](https://www.philrutherford.com/Personal%20Communication/Email%20to%20Pugsley%202021-07-08%20Public%20Records%20Act%20Request%20Initial%20Response.pdf)

On July 16, 2021, Mr. Pugsley emailed me saying that DTSC would *“need a few more weeks”* based on *“underestimating the time required to retrieve and review potentially responsive records.”*

- [https://www.philrutherford.com/Personal Communication/Email from Pugsley 2021-07-16 PRA Request Second Response.pdf](https://www.philrutherford.com/Personal%20Communication/Email%20from%20Pugsley%202021-07-16%20PRA%20Request%20Second%20Response.pdf)

It is now over 5 months since my original request, and more than a few weeks since Mr. Pugsley’s last communication. I can only assume that DTSC is deliberately stalling, in an effort to hide the back-room agreements between DTSC and your “partner”, Dan Hirsch. DTSC’s claim of doing business in an open, transparent manner is a farce.

I have low expectations that I will get any significant response from Mr. Pugsley or yourself. All my prior correspondence with DTSC management regarding the 2020 Amendment to Order on Consent and Senate Bill 990 has met with a deafening silence.

- <https://www.philrutherford.com/ssfl.html#pc>

I am nevertheless, hoping that you, or your boss, will have the courtesy that your staff clearly do not.

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Sincerely,



Phil Rutherford  
Community Member  
Former Boeing-SSFL Employee

cc via email

Jared Blumenfeld	CalEPA
Grant Cope	DTSC
Steven Becker	DTSC
Michelle Banks-Ordone	DTSC
Paul Carpenter	DTSC
Roger Paulson	DTSC
Arthur Pugsley	DTSC
Daniel Knight	DTSC
Aaron Wilensky	DTSC