



Jared Blumenfeld
Secretary for
Environmental Protection



Department of Toxic Substances Control

Meredith Williams, Ph.D., Director
8800 Cal Center Drive
Sacramento, California 95826-3200



Gavin Newsom
Governor

March 26, 2021

Mr. Phil Rutherford
email@philrutherford.com
www.philrutherford.com

RE: SANTA SUSANA FIELD LABORATORY PUBLIC RECORDS ACT REQUEST (INITIAL RESPONSE)

Dear Mr. Rutherford:

The California Department of Toxic Substances Control (DTSC) has received your Thursday, March 11, 2021 email requesting records related to demolition of buildings by the federal Department of Energy (DOE) in Area IV at the Santa Susanna Field Laboratory (SSFL). You requested the following specific records, which were mentioned in a March 4, 2021 DTSC letter to DOE:

- A February 11, 2012 letter from DTSC to DOE (the letter outlines the process for building radiation surveys to achieve consistency with the applicable Administrative Order of Consent);
- A February 25, 2012 letter (plus enclosures) from DOE to DTSC;
- A March 2, 2021 email from DTSC to DOE;
- A Record of DOE and DTSC discussions on March 3, 2021;

Additionally, you requested:

- Records of all communications, letters, emails, and telecon records between DTSC personnel and Mr. Dan Hirsch, related to the above, between November 19, 2020 and March 11, 2021.

Below are links to the first four specific records you requested:

https://www.envirostor.dtsc.ca.gov/public/deliverable_documents/6300267100/Letter%20to%20DOE%20Dated%2020210211%20Regarding%20SOP%20Revision%20for%20ETEC%20Buildings%204038%204057%204462%204463.pdf

https://www.envirostor.dtsc.ca.gov/public/deliverable_documents/8871499180/ETEC%20Rad%20Survey%20Report%20for%20Buildings%204038%20and%204057%20Rev%200%2020210225.pdf

https://www.envirostor.dtsc.ca.gov/public/deliverable_documents/6041401743/DOE%20SSFL_%20Informal%20comments%20on%20Phase%201%20SOP%20%28B4038%2C%2040457%2C%204462%20and%204463%29%20Revision%200.pdf

https://www.envirostor.dtsc.ca.gov/public/deliverable_documents/1173262655/Record%20of%20DTSC%20and%20DOE%20Discussion%20on%2020210303%20Re%20Comments%20on%20SOP%20Buildings%204462%204463%204057%204038%20Rev%200%20dated%2020210216.pdf

In the event there are relevant documents responsive to the fifth request, the records may be exempt from disclosure under the Public Records Act because they may be identified as one or more of the following: (1) preliminary drafts or notes (Government Code sections 6254(a)); (2) records pertaining to pending litigation (Government Code section 6254(b)); (3) personnel, medical, personal or private information (Government Code sections 6254(c), 6254(k), 6254.3; Civil Code section 1798, et seq.); (4) records pertaining to complaints or investigations or identification of confidential informant (Government Code section 6254(f)); (5) records covered by the attorney-client privilege (Government Code section 6254(k); Evidence Code section 954); (6) records covered by the attorney work product privilege (Government Code section 6254(k); Code of Civil Procedure section 2018.030); (7) records covered by the deliberative process privilege (Government Code sections 6254(k), 6255; *Times Mirror Company v. Superior Court* (1991) 53 Cal. 3d 1325); (8) records covered by the official information privilege (Government Code section 6254(k); Evidence Code section 1040); (9) records containing confidential business information or trade secrets (Government Code section 6254(k); California Code of Regulations, title 22, section 66260.2; Evidence Code section 1060; Health and Safety Code sections 25173, 25185(d), 25358.2); and/or (10) confidential records related to mediation (Evidence Code Section 1115 et seq).

Given the breadth of the final request, DTSC anticipates the locating and processing of any relevant potentially responsive records will take considerable time. DTSC will notify you by July 7, 2021 regarding when disclosable records, if any, will be available for your review. At that time, DTSC will also notify you of the reasons why any records that are being withheld are exempt from disclosure under the California Public Records Act.

If you have any questions regarding this response, or difficulty accessing the records responsive to your first four requests, please contact Mr. Daniel Knight, Public Records Act Response Coordinator via e-mail at Daniel.Knight@dtsc.ca.gov or via telephone at (916) 323-7811. Additionally, I am via e-mail at Arthur.pugsley@dtsc.ca.gov and via telephone at (916) 251-8314.

DTSC to P. Rutherford
PRA Request Response March 26, 2021

Regards,

A handwritten signature in cursive script that reads "Arthur S. Pugsley".

Arthur S. Pugsley
Senior Counsel
Office of Legal Counsel
California Department of Toxic Substances Control

Cc: Mr. Steve Becker
Mr. Roger Paulson
Mr. Daniel Knight