



2010 AOC Questions for DTSC

September 30, 2026

1. What are the odds of DTSC terminating the AOCs as a result of my April 6, 2026 letter?
2. What are the reasons why DTSC wants to keep the 2010 AOCs?
3. What is DTSC afraid will happen if it terminates the AOCs?
4. Who is DTSC afraid of?
5. The 2010 AOCs were formulated by former DTSC Acting Director Maziar Movassaghi, former DTSC SSFL Project Director Rick Brausch, former CalEPA Secretary Linda Adams and the late Dan Hirsch. None of these individuals have any influence today. Why does today's DTSC management feel an obligation to perpetuate their flawed legacy?
6. Why were DTSC attorneys unable to find any records of the drafting of the 2010 AOC during the period August 2009 and December 2010?
7. Would today's DTSC management formulate a similar cleanup-to-background policy today?
8. Does DTSC believe that cleanup-to-background is the only cleanup option that ensures protection of public health and the environment for future users of SSFL and nearby residents?
9. Why is SSFL the only remedial site in California and the U.S. to use a cleanup-to-background mandate?
10. Who would be the DTSC decision maker if DTSC/DOE/NASA decided to terminate the AOCs?



11. Does the DTSC technical staff wish the AOCs never existed?
12. Do the DTSC attorneys wish that the AOCs never existed?
13. Does DTSC/CalEPA leadership wish that the AOCs never existed?
14. Would DTSC support the USEPA's 2007 recommendation that SSFL be a Superfund site? If not why not?
15. Would DTSC support an EPA-led, risk-based, Superfund cleanup for chemicals, using a realistically anticipated future, open-space land use scenario? If not, why not?
16. Would DTSC support a dose-based, 25 mrem/y radiation cleanup goal for radionuclides, consistent with NRC 10 CFR 20.1402 and DOE Standard, DOE-STD-1241-2023? If not, why not?
17. Would DTSC be willing to negotiate with DOE and NASA on a 2026 AOC, adopting more conventional dose-based or risk-based cleanup remedies, using realistically anticipated future land use, consistent with those used in the rest of the U.S? If not, why not?



Impact of the 2010 AOCs on Disposal of Decommissioned Material

Please justify the dichotomy in DTSC’s policy on disposal of Boeing-owned and DOE-owned decommissioned material (DM), as illustrated in the chronology of events below. Who or what influenced DTSC’s 180° turnaround between 2017 and 2020?

Decommissioned material (DM) is defined as waste/material from former radiological/nuclear facilities that has been sampled/surveyed and shown to meet all federal and state radiological cleanup standards, verified by third-party independent surveys, removed from federal or state radioactive material or reactor licenses, and “*released for unrestricted use.*” Decommissioned material (DM) is subject to no further radiological controls, is no longer considered “regulated radioactive material,” and cannot be arbitrarily declared “low-level radioactive waste (LLRW).”

Date	Event
2002	Senate Bill SB-1970 attempts to require that all DM be sent to a licensed LLRW out-of-state.
2002	Governor Gray Davis vetoes SB-1970. Davis instead signs Executive Order D-62-02 (known as the Governor’s Moratorium) prohibiting disposal of DM to Class III or unclassified landfills in California. Effectively, D-62-02 permits DM to be disposed of at Class I hazardous or Class II non-hazardous landfills in California.
2002-2013	Boeing complies with D-62-02, disposing of Boeing-owned and DOE-owned DM to California Class I landfills. DOE and CDPH/RHB approve. DTSC does not object.



2010	The 2010 AOCs define soil to include “ <i>debris, structures and other anthropogenic materials</i> ” but fail to define DQOs, MQOs or background-based LUT values for such materials as it does for soil . DOE and NASA are subject to the AOCs, Boeing is not.
2013	DTSC, CDPH/RHB and USEPA “concur” with Boeing’s building demolition plans to dispose of DM from six remaining, Boeing-owned, decommissioned, former nuclear facilities in Area IV to a California Class I landfill.
August 2013	PSR-LA and CBG sues DTSC, CDPH and Boeing, claiming that the DM from the Boeing-owned decommissioned buildings was in fact low-level radioactive waste (LLRW).
2013-	DTSC claims that the demo program was not a “project” by CEQA definition, and that Boeing did not require DTSC’s “approval” to demolish decommissioned buildings and dispose of its DM.
September 2017	The draft EIR states that decommissioned material from DOE building demolition would be disposed of to a Class I hazardous waste site in California in compliance with the 2002 Executive Order D-62-02.
November 2018	The California Superior Court denies PSR-LA’s complaint.
October 2020	The “Amendment to Order on Consent for Interim Response Action at the Radioactive Materials Handling Facility Complex” states that demolition debris from remaining non-RMHF buildings, including decommissioned facilities that have been released for unrestricted use by the DOE, and buildings that have no history of radiological use, will, “ <i>out of an abundance of caution,</i> ” be disposed of to a licensed or authorized mixed low-level radioactive waste facility out of the State of California. DTSC stresses that DOE needs DTSC approval for all demolition and disposal plans for all non-RCRA facilities. In a public meeting, DTSC states “ <i>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.</i> ”



	Why spend millions of dollars on cleanup and decommissioning if activists, legislators and DTSC force DOE to dispose of DM as LLRW?
May 2023	The California Appeals Court denies PSR-LA's complaint. The court's decision stated that Boeing buildings that had been decommissioned, released for unrestricted use, and removed from an NRC and/or State license, were no longer "regulated radioactive material" and cannot be arbitrarily alleged to be "low-level radioactive waste" and by implication are not required be sent to an out-of-state LLRW disposal site.
June 2023	The revised draft EIR (page 3-80) struck the original draft EIR language and stated that all DOE building demolition debris, including decommissioned material and debris from buildings with no history of radiological use, would be (or had been) disposed of out-of-state as low-level radioactive waste.
September 2026	DTSC announces that Boeing has commenced demolition of the remaining 5 Area IV decommissioned buildings. The Ventura County CEQA Notice of Exemption (NOE) states <i>"This project is not part of the California Department of Toxic Substances Control (DTSC) remediation project at SSFL, and neither DTSC nor the California Department of Public Health have authority over the removal of the structures."</i>