

**From:** [Phil Rutherford](#)  
**To:** ["Minas Masihi, Anaeis@DTSC"](#); ["Higginson, E. Paige@DTSC"](#); ["Miller, Elena@DTSC"](#)  
**Cc:** ["Knight, Daniel@DTSC"](#); ["Butler, Katherine@DTSC"](#); ["Becker, Steven@DTSC"](#)  
**Subject:** RE: PR8-031025-02  
**Date:** Tuesday, March 10, 2026 12:15:55 PM  
**Attachments:** [image003.png](#)

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Elena, Paige & Anaeis,

I appreciate our conversation this morning. I do not believe that further searches would be fruitful and therefore agree to your proposed termination of PR8-031025-02.

However, that does not mean that I am satisfied. I find it incomprehensible that DTSC cannot find any written records of the negotiations between DTSC management, the RPs and Dan Hirsch during the drafting and final issue of the 2010 AOCs between August 2009 and December 2010. The idea that the AOCs were generated by “word-of-mouth” alone does not make sense.

The 2010 AOCs are the most consequential and controversial agreements between DTSC and DOE/NASA in the history of SSFL. They have a major influence on almost all of the remedial activities at SSFL involving the majority of DTSC’s and RP’s time and resources. DTSC’s attempts to insert flexibility into the AOC’s by investigating multiple lines of evidence (MLE) is viewed by public stakeholders as an attempt to weaken the “cleanup to background” mandate.

DTSC should quit spinning its wheels, trying to find ways to implement the AOCs, and to “make them work.” Instead, DTSC should ask itself how and why such unique draconian “contracts” were formulated in the first place, contracts that do not exist anywhere else in California or the U.S.

That question was the objective of PR8-031025-02. Apparently, DTSC has no institutional memory and no written evidence to justify how and why the AOCs were generated. Given that lack of evidence, DTSC should do the right thing, admit that the AOCs were a bad mistake, and implement conventional cleanup remedies.

Phil

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**From:** Minas Masihi, Anaeis@DTSC <Anaeis.MinasMasihi@dtsc.ca.gov>  
**Sent:** Tuesday, March 10, 2026 11:18 AM  
**To:** email@philrutherford.com; Higginson, E. Paige@DTSC <Paige.Higginson@dtsc.ca.gov>; Miller, Elena@DTSC <Elena.Miller@dtsc.ca.gov>  
**Cc:** Knight, Daniel@DTSC <Daniel.Knight@dtsc.ca.gov>; Butler, Katherine@DTSC <Katherine.Butler@dtsc.ca.gov>  
**Subject:** RE: PR8-031025-02

Good morning,

Mr. Rutherford, thank you for meeting with Elena Miller, Paige Higginson, and myself today to discuss your Public Records Act (PRA) request. This is to acknowledge that our search for records has ended and we will be closing your PRA # PR8-031025-02. Should you have any further questions, please contact me at [anaeis.minasmasihi@dtsc.ca.gov](mailto:anaeis.minasmasihi@dtsc.ca.gov).

Thank you.

Anaeis Minas Masihi (She/Her)  
Senior Legal Analyst  
Office of Legal Counsel  
Department of Toxic Substances Control  
9211 Oakdale Avenue  
Chatsworth, CA 91311

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**From:** Minas Masihi, Anaeis@DTSC  
**Sent:** Wednesday, March 4, 2026 4:29 PM  
**To:** [email@philrutherford.com](mailto:email@philrutherford.com); Higginson, E. Paige@DTSC <[Paige.Higginson@dtsc.ca.gov](mailto:Paige.Higginson@dtsc.ca.gov)>; Miller, Elena@DTSC <[Elena.Miller@dtsc.ca.gov](mailto:Elena.Miller@dtsc.ca.gov)>  
**Cc:** Knight, Daniel@DTSC <[Daniel.Knight@dtsc.ca.gov](mailto:Daniel.Knight@dtsc.ca.gov)>; Butler, Katherine@DTSC <[Katherine.Butler@dtsc.ca.gov](mailto:Katherine.Butler@dtsc.ca.gov)>  
**Subject:** RE: PR8-031025-02

Good afternoon,

I hope this email finds you well.

Attached please find DTSC's correspondence regarding your Public Records Act request.

Thank you.

Anaeis Minas Masihi (She/Her)  
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**From:** Phil Rutherford <[email@philrutherford.com](mailto:email@philrutherford.com)>  
**Sent:** Friday, February 27, 2026 9:12 PM  
**To:** Minas Masihi, Anaeis@DTSC <[Anaeis.MinasMasihi@dtsc.ca.gov](mailto:Anaeis.MinasMasihi@dtsc.ca.gov)>; Higginson, E. Paige@DTSC <[Paige.Higginson@dtsc.ca.gov](mailto:Paige.Higginson@dtsc.ca.gov)>; Miller, Elena@DTSC <[Elena.Miller@dtsc.ca.gov](mailto:Elena.Miller@dtsc.ca.gov)>  
**Cc:** Knight, Daniel@DTSC <[Daniel.Knight@dtsc.ca.gov](mailto:Daniel.Knight@dtsc.ca.gov)>; Butler, Katherine@DTSC <[Katherine.Butler@dtsc.ca.gov](mailto:Katherine.Butler@dtsc.ca.gov)>  
**Subject:** RE: PR8-031025-02

Hi Anaeis, Elena & Paige,

Thank you for the additional material and the attached letter. I note that the letter is titled "Final Response."

Your letter implies that my [email of January 1, 2026](#) was an expansion of the [original PRA request of March 7, 2025](#). The first sentence of that original request was "*This is a California Public Records Act request for information related to SB-990 and the 2010 Administrative Orders on Consent (2010 AOC) between DTSC, DOE and NASA.*"

The 2010 AOCs have always been a main focus of the PRA request and is not an "expansion." Our discussions on December 31, 2025, and my email of January 1, 2026, provided a background to my interest in the development of the 2010 AOCs

and the involvement/influence of Danial Hirsch on DTSC management.

The January 1, 2026, email observed that *“between August 2009 and December 6, 2010, major changes were made to the Brausch draft revision to the 2007 Consent Order that ultimately morphed into the 2010 AOCs.”* The last historical communication that you provided on December 12, 2025, was dated September 21, 2009. My last email to you sought communications between Hirsch, Brausch, Movassaghi, and Adams (all mentioned in the original PRA request) from August 2009 to December 2010 relating to the drafting and issue of the final AOCs. Granted the addition of several other federal, state, and local legislators and the RPs may have been interpreted as an expansion. However, the subject matter of the 2010 AOCs and the communication between Hirsch and DTSC/CalEPA management was definitely not an expansion.

The limited material that was provided as Production 8, did not include any communications between those parties during the 16-month period from August 2009 to December 2010. Instead, the material was limited to several emails setting up Webex meetings plus meeting minutes for the newly formed CAG (Community Advisory Group) during only 3-months, September, October, and November of 2010. The CAG was not included in my request therefore this material is somewhat irrelevant. It is however of interest that a couple of emails from Christina Walsh and Liz Crawford (well-known activists) express disappointment with the AIP (Agreement in Principle) portion of the AOCs, recognizing that it violated Superfund guidance and common sense. Their emails sent to Rick Brausch (DTSC SSFL Project Director), with Maziar Movassaghi (Acting DTSC Director) on distribution, were apparently ignored since they were not provided. Both members of DTSC senior management appear to have boycotted the CAG meetings for which you provided minutes. Community members and representatives from all three RPs did attend.

In summary, you provided no material on communications between Hirsch, Brausch, Movassaghi, and Adams from August 2009 to December 2010 relating to the drafting and issue of the final 2010 AOCs. I would appreciate it if you would provide that which has been requested.

Sincerely,

Phil

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**From:** Minas Masihi, Anaeis@DTSC <[Anaeis.MinasMasihi@dtsc.ca.gov](mailto:Anaeis.MinasMasihi@dtsc.ca.gov)>  
**Sent:** Friday, February 27, 2026 5:01 PM  
**To:** [email@philrutherford.com](mailto:email@philrutherford.com)  
**Cc:** Miller, Elena@DTSC <[Elena.Miller@dtsc.ca.gov](mailto:Elena.Miller@dtsc.ca.gov)>; Knight, Daniel@DTSC <[Daniel.Knight@dtsc.ca.gov](mailto:Daniel.Knight@dtsc.ca.gov)>; Higginson, E. Paige@DTSC <[Paige.Higginson@dtsc.ca.gov](mailto:Paige.Higginson@dtsc.ca.gov)>  
**Subject:** PR8-031025-02

Good afternoon,

I hope this email finds you well.

Attached please find DTSC's correspondence regarding your Public Records Act request.

The OneDrive link to the produced files is here: [☐ PRA Production Set 8 - PR8-031025-02.](#)

Thank you.

Anaeis Minas Masihi (She/Her)  
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