

From: [Phil Rutherford](#)
To: ["Mathias, Mindy@DTSC"](#)
Cc: ["Becker, Steven@DTSC"](#); ["Brosnan, Tanya@DTSC"](#); ["Slaughter, Jamie@DTSC"](#); [katherine.butler@dtsc.ca.gov](#); [thanne.berg@dtsc.ca.gov](#); [valerie.hanley@dtsc.ca.gov](#); ["Carpenter, Paul@DTSC"](#); [julie.lincoln@dtsc.ca.gov](#)
Subject: STREAM SCF000006 (Reply to DTSC Response) Revised February 1, 2025
Date: Saturday, February 1, 2025 11:37:22 AM
Attachments: [image001.png](#)
[image002.png](#)

Hi Mindy,

Thank you for your responses below to my comments/questions related to radionuclide background in STREAM SCF000006.

https://philrutherford.com/SSFL/DTSC/STREAM/SCF000006/Radionuclide_Questions_for_Soil_Smarts_Workshops_Rev_A.pdf

Unfortunately, and with all due respect, I can only characterize your responses as superficial, at best. A two-page response to eight pages of comments is inadequate.

Several times, your response to SCF000006, stated, *"DTSC cannot offer an opinion to your conclusions."* This was DTSC's response to statements of facts, and not "my conclusions." It appears that DTSC does not wish to debate facts. If you disagree with my statements of fact, then say so, and provide a rebuttal. DTSC refuses to discuss inconvenient truths. DTSC has no good answers to valid questions about its flawed policies.

- You failed to address the question ... what is the justification to require an incremental risk goal of 10^{-6} (CERCLA based RBSLs) and zero (2010 AOC) when the radiological risk of clean, non-contaminated soil is approximately 2.5% (assuming the validity of the LNT theory of radiation risk)?
- You failed to address the question, how one can compare surface contamination measurements of structural material to soil LUTVs?
- You failed to justify forcing DOE to dispose of demolition debris from non-radiological buildings to an out-of-state LLRW disposal facility.
- You failed to adequately address the disparity between EPA's recommendation to base radiological LUTVs on future remediation/closure laboratory MDCs and U_M s, and DTSC's continued use of "draft provisional" LUTVs based on EPA laboratory B RCCs.
- Your standard mantra is *"DTSC remains committed to following the 2010 AOCs"* without any justification. That is religion, not science.

I do note that your earlier response to SCF000005 stated that DTSC will respond to questions but will not respond to non-question comments.

https://philrutherford.com/SSFL/DTSC/STREAM/SCF000005/DTSC_response_to_SCF000005.pdf

Clearly, that policy is a convenient ploy to avoid debating the real issues.

I have chosen to respond to your responses via email rather than the STREAM portal in the interest of openness and transparency. STREAM is set up for a one-on-one dialog between the individual stakeholder and the DTSC representative assigned as respondent. Comments and DTSC responses to comments are not available to the public, who cannot see or benefit from the dialogue. See above DTSC response to SCF000005. To rectify this issue, this dialog is available at ...

https://philrutherford.com/SSFL/DTSC/STREAM/SCF000006/Reply_to_DTSC_Response_to_SCF000006.pdf.

Hopefully, we can have a real conversation over these issues some time soon.

Sincerely,

Phil

Phil Rutherford Consulting

Mobile: +1 818-912-1501

email@philrutherford.com

www.philrutherford.com

www.otphiker.com



From: DoNotReply <donotreply@notify.dtsc.ca.gov>

Sent: Tuesday, January 28, 2025 2:43 PM

To: email <email@philrutherford.com>

Subject: DTSC has responded to your submission SCF000006

Mathias, Mindy@DTSC has left a comment on your submission SCF000006

Dear Mr. Rutherford,

Thank you for your email regarding the DTSC Soil Smarts Workshop #1 on November 20, 2024. Please see DTSC's response below.

Question 1: Why are these workshops focused on "background cleanup of chemical contaminants" but not also background cleanup of radionuclides?

Response 1: The cleanup of radionuclides at SSFL does not share the same technical issues as the chemical cleanup to background.

Question 2: Perhaps DTSC, with limited staff with experience with radiological issues, just chose not to address radionuclides?

Response 2: While DTSC cannot offer response to your personal opinions, we have explained above why the Soil Smarts workshop series does not focus on radionuclides. For additional awareness, DTSC as lead agency has staff with education and experience in radionuclides. DTSC's staff also coordinate with the California Department of Public Health Radiologic Health Branch. In addition, DTSC responded to your questions above to provide you with awareness of the role of the USEPA concerning radionuclides and DTSC's consideration of USEPA analysis and guidance.

Question 3: Could DTSC please explain its rationale for its "draft provisional" LUTV list, and does it imply that RPs (Boeing, DOE, NASA) need only analyze for these radionuclides during future remediation/closure activities?

Response 3: As indicated in Response 1, DTSC's Soil Smarts workshop series is addressing the method for determining background cleanup of chemicals only. Relevant to this question concerning the analysis of radionuclides, the USEPA completed a Radiological Background Study to determine local background levels, which resulted in the 2013 Draft Provisional Radiological look up table (LUT). There are 16 radionuclides included in the Draft Provisional Radiological LUT based on laboratory capabilities at the time of the USEPA study. Prior to SSFL soil remediation, the public will have opportunities to comment on decision documents to be released by DTSC. The decision documents will explain laboratory capabilities relevant to the 2013 Draft Provisional Radiological LUT values.

These 16 radionuclides will be analyzed for in DOE's area of responsibility based on USEPA's radionuclide characterization of Area IV. However, additional radionuclides (e.g., radium-226) have been identified in Boeing's areas of responsibility, and the additional radionuclides will also need to be analyzed for during Boeing's remediation and closure activities.

Question 4: SSFL stakeholders (including DTSC and CalEPA) were not satisfied with a 1-in- 1,000,000 incremental risk goal, as evidenced by their 2008 refusal to follow EPA's recommendation that SSFL be listed as a Superfund Site. Instead the 2010 AOC demands a ZERO risk above the 2.5% background radiation risk.

Does DTSC have an opinion on this?

Response 4: DTSC cannot offer an opinion to your conclusions. The respective 2010 Administrative Orders on Consents (AOCs) entered into by DTSC, DOE, and NASA require cleanup to background levels.

Question 5. Can DTSC comment on its role in initiating this egregious overstepping of its regulatory authority?

Response 5: DTSC cannot offer an opinion to your conclusions.

Question 6: Does DTSC plan to acknowledge these documents and discuss the state of negotiations with DOE and NASA? Is it finally time for DTSC to throw out the 2010 AOC?

Response 6: DOE and NASA are contractually bound to follow the 2010 AOCs. As identified in the AOCs, the environmental review required for the cleanup at SSFL is subject to the California Environmental Quality Act (CEQA). Pursuant to CEQA, DTSC is the lead agency responsible for conducting such environmental review. DTSC remains committed to following the 2010 AOCs.

Question 7: On January 30, 2013, DTSC issued its Draft Provisional Look-up Table

Values, for a short list of radionuclides.10 These have been imposed on all the three RPs. Why are these still called “draft provisional” and not “final?”

Response 7: See response 3 above.

Question 8: Has DTSC considered using standard hypothesis testing methodology to determine if radionuclide background is achieved following remediation, rather than the flawed 2010 AOC single sample protocol?

Response 8: See response 6 above. DTSC remains committed to following the 2010 AOCs.

If you have any further questions, please do not hesitate to reach out.

To reply to this comment, don't respond via email. Instead, [click here to reply](#), or copy this link and paste it in your web browser:

<https://stream.ssfl.dtsc.ca.gov/submissions/SCF000006>

This message is sent from an unmonitored inbox. Please do not reply to this message. Sent from the California Department of Toxic Substances Control STREAM.

