

Preliminary Public Comment on the Runkle Canyon Draft Response Plan by the Radiation Rangers and www.StopRunkledyne.com

The Radiation Rangers and the concerned citizens of Simi Valley welcome the opportunity to provide input on the Runkle Canyon, LLC (KB Home) Runkle Canyon Draft Response Plan (Response Plan) available for review and comment until February 13, 2009. We also welcome participation in the Department of Toxic Substances Control (DTSC) community meeting on this plan set for January 28, 2009 in Simi Valley City Council chambers at 6:30pm.

The following are our preliminary comments and are designed to clearly express some of our concerns and suggestions before we come into this meeting. Susan Callery, the DTSC's Public Participation Specialist, welcomed this in a message on the Rocketdyne Information Society Forum and we thank her for that. Our full set of comments will be prepared after the meeting in order to incorporate new information that we will learn January 28th.

We want to thank Michael Collins of *EnviroReporter.com* for giving us the scientific assistance we asked for when creating this document in order to make it as clear and accurate as possible.

INTRODUCTION

We have several main areas of concern:

- 1.** We request that DTSC give us a solid idea on how it will inspect all of the relevant environmental information regarding Runkle Canyon, in addition to the actions performed under the proposed Runkle Canyon, LLC (KB Home) Response Plan. This includes our May 2007 creek water and mud report and the City tests of July 2007.
- 2.** The Response Plan, prepared by KB Home's Dade Moeller & Associates is inadequate in several areas including using the wrong radiation standards, faulty radiation analysis that includes blame of earlier developer labs for high strontium-90 readings, and a sampling plan that only tests one sample per 19 acres.
- 3.** We are concerned that white crystalline material had one high detection of arsenic and one high sample with chromium but note that this issue seems to be mute now as the evaporate has already dissipated due to rains, either flowing downhill towards the Arroyo Simi or sinking into the ground.
- 4.** KB Home's contractor GeoCon Inland Empire, Inc. (GeoCon) refers to the tar-like substance that DTSC has ordered to be removed. Before implementation, this removal plan must be fully documented under the California Environmental Quality Act (CEQA) because full extent of this benzo(a)anthracene-impacted tar is not known and needs to be completed as GeoCon states that "Other areas of the channel walls within the vicinity of

the seeps have been reported to contain similar material mixed with varying amount [sic] of sand and gravel.”

Furthermore, DTSC should withdraw its Notice of Exemption under the California Environmental Quality Act (CEQA) because, as GeoCon states in the Response Plan, “Removal of trees, brush, and other rubble may be required to access portions of the mined aggregate piles where the tar material is reportedly buried. Grading of an access road to allow equipment to enter the stream cut channel may also be required.”

5. There are a number of very important problems with the developer’s 41 submitted reports that are analyzed on *EnviroReporter.com* at <http://enviroreporter.com/files/KB41docs.pdf> and we request that DTSC closely examine these documents and incorporate any information therein into their final determination of environmental conditions at Runkle Canyon. We will be submitting some of this information in our final comments.

SUMMARY (which includes Introduction and additional information/concerns)

1. We request that DTSC give us a solid idea on how it will inspect all of the relevant environmental information regarding Runkle Canyon, in addition to the actions performed under the proposed Runkle Canyon, LLC (KB Home) Response Plan. This includes our May 2007 creek water and mud report and the City tests of July 2007.

According to DTSC’s Norm Riley, speaking in front of the Simi Valley City Council during his November 17, 2008 presentation, Runkle LLC will finish work plan in “in the second half of the winter or early spring at the latest. DTSC will oversee that work. Runkle Canyon will submit a report for our review. *That report will also be shared with the public and we will thereafter make a final decision about the property*, which will be communicated, to all interested persons. I anticipate that our final assessment for this site will be completed by the summer.” (Our emphasis)

For DTSC to “make a final decision about the property,” without addressing the Runkle Canyon Creek surface water and soil samples that revealed high heavy metal concentrations does not fulfill the “STANDARD AGREEMENT for participating under California’s Land Reuse and Revitalization Act (CLLRA) Program, Docket No. HAS-CLRRA - 07/08-160,” signed by Mr. Riley on April 23, 2008 and available at http://www.envirostor.dtsc.ca.gov/regulators/deliverable_documents/6218708634/Runkle%20Canyon.pdf where on page 3 of this 24-page document, it reads, “The following documents are being provided to DTSC, which includes among them the AAI report, *as well as additional reports and appendices, tables and figures, correspondence, and other documents.*” (Our emphasis)

This amended CLRRA agreement was intended to include the Radiation Rangers’ Pat Chem report for heavy metals as well as the City of Simi Valley’s Tetra Tech report addressing same, as well as extensive analysis in documents and articles including those

on www.StopRunkledyne.com and www.EnviroReporter.com at http://enviroreporter.com/files/Critical_runkle_canyon_docs.pdf.

Furthermore, Councilmember Glen Becerra asked for clarification at the November 17th meeting: “Mr. Riley, it was raised about you not using the city’s report or the group’s that went out and did their own report. How come you didn’t look at the materials they gathered and that we gathered?”

Mr. Riley replied, “We are looking at those reports. Our agreement with Runkle Canyon LLC was for review of the 41 documents that they generated or that their predecessors generated, prior property owners. They are paying us to review those documents. When we come to the point of making a final decision, we will base that decision, however, on consideration of all of the evidence available to us including information that DTSC itself gathers like our work on the white material.”

Councilmember Glen Becerra: “So just to clarify; you are looking at our report. The citizen group that submitted their report; you’re looking at their information as well?”
Mr. Riley replied “yes.”

But later in the meeting the message changed back. “We’ll have to see where the investigation takes us,” Mr. Riley said. “I think, however, we are substantially finished at this point and all that remains is final evaluation and a determination.”

Mr. Riley, while speaking with the City Council, the following which suggests that DTSC has already made up its mind about environmental conditions in Runkle Canyon: “The only qualification I would make is that if the answers to the three questions are satisfactory, they point to a no further action determination and if no new information comes up indicating a problem, then yes, in all probability the decision will be, and we will say so, for the record, that the property is safe for residential development but we have not completed our assessment yet so it would be premature for us to say tonight that it’s safe; we haven’t made that determination.”

We wish to express our confusion at these contradictory statements and ask for some clarification. We also express our gratitude for the work Mr. Riley and DTSC has done in Runkle Canyon appreciate the fact that DTSC has only last week said it would sample and test surface water this week. We hope that it commits to testing the mud of the creek which has been found to be impacted by heavy metals in the only two reports done on it. A larger sampling and testing of this area’s water and mud would help in our understanding of heavy metals in this area.

In its testing of the surface waters of Runkle Canyon Creek, we’d like to remind DTSC that the City’s Tetra Tech report states: “Potential human consumption of surface water is reasonably possible under the Municipal and Domestic Supply, Water Contact Recreation, and Non-contact Water Recreation beneficial use scenarios. In these types of situations, water quality criteria, such as the MCLs, PRGs, PHGs, and NLs, may be used

as screening values to determine whether further evaluation of surface water may need to be considered."

Can DTSC tell us exactly how it plans to proceed in its analysis of these "additional reports and appendices, tables and figures, correspondence, and other documents"?

2. The Response Plan, prepared by KB Home's Dade Moeller & Associates is inadequate in several areas including using the wrong radiation standards, faulty radiation analysis that includes blame on earlier developer labs for previous high strontium-90 soil readings, and a sampling plan that would only test one sample per 19 acres.

Dade Moeller's "Radiological Health Risk Assessment," on page 10 of the Response Plan, states, "The parameter values and approaches of this assessment were generally consistent with those the National Committee on Radiation Protection and Measurements (NCRP) used to derive suburban and no food suburban (no home-grown vegetables soil screening limits in Report 120 (NCRP 1999)."

The methodology used by Dade Moeller is faulty as the NCRP relies on "dose-based" radiation limits versus the system of Preliminary Remediation Goals (PRGs) for radionuclides that DTSC uses for this site. This misapplication of dose-based limits is unacceptable and must be corrected.

In the very next sentence, on page 10 of the Response Plan, Dade Moeller states, "The EPA Preliminary Remediation Goal (PRG) default scenario (EPA 2004) does not apply to Runkle Canyon because the proposed land use is well known and does not fit the default scenario."

This is false and un-sourced -- no "EPA 2004" document exists in the Response Plan's References. PRGs are absolutely the proper form of measurement used at Runkle Canyon and at a property like this. Furthermore, this is codified by DTSC in its Notice of Exemption for Runkle Canyon, at http://www.envirostor.dtsc.ca.gov/public/view_document.asp?docurl=/public/community_involvement/7937146842/RunkleNOE%5F2%2EDOC, where it states in part, "[C]oncentrations in soil do not exceed the United States Environmental Protection Agency Region 9 Preliminary Remediation Goal (PRG) which has been confirmed as a site specific cleanup level for this location."

What is puzzling about the preceding is that Dade Moeller must certainly be aware of that PRGs are the "site specific cleanup level for this location." To base their analysis of strontium-90 levels in Runkle Canyon on dose-based levels either suggests a failure to understand this concept adequately or something worse. This isn't acceptable.

On page 11 in the Response Plan, Dade Moeller speculates that "The likely explanation of the discrepancy between the earlier and the later results is that the analytical laboratories for the earlier surveys suffered from some type of bias in the analytical

method or the counting technique. In fact, Contracted Laboratory A (Table 5), which analyzed five samples, was the same laboratory that analyzed the earlier Foster Wheeler samples in 1999 (Table 3), although the laboratory had changed ownership and name in the intervening period. In summary, the apparent decrease in results is likely due to analytical or counting bias in the earlier sample analysis. *This statement is partly speculative because any definitive statement would require extensive examination of laboratory protocols and data.*" (Our emphasis)

In January of 2007, Rev. John Southwick *wasn't* speculating when he calculated Dade Moeller's 2007 results of strontium-90 soil testing at just 26.9% of *background* which would make Runkle Canyon even lower in the radionuclide than the rest of the city even though it borders Rocketdyne where the worst nuclear meltdown in the U.S. took place in 1959! Rev. John asked the City how the developer's new lab test over 100 times less than the former developer's lab did in 1999 at <http://www.stoprunkledyne.com/files/SouthwicktoBehjan.pdf>

While it is "partly speculative" for Dade Moeller to make bold statement on bad labs not based in fact, it also seems to be dismissing high radiation readings by using the wrong standards. We maintain that it is Dade Moeller's results that are suspect and we reject their 2007 test results and believe they should be redone, this time with DTSC "split-samples" for truth in lab reporting quality assurance.

We are disturbed not only by this lab's actions but by its namesake's background and history of dismissing the dangers of radiation. According to the Nuclear Information and Resource Service (NIRS), at www.nirs.org/mononline/appendixbeirletter2.htm, "Dr. Moeller has repeatedly stated his view that society is wasting its money by cleaning up nuclear facilities, that other non-nuclear risks are far greater. For example, in 1996 testimony before the USNRC's Advisory Committee on Nuclear Waste, representing Dade Moeller & Associates, Dr. Moeller made a very controversial proposal that, as a cost-saving measure, operators of contaminated nuclear sites be permitted to not clean up their facilities but instead reduce people's medical exposures to X-rays or lower radon in their homes, or even, buy bicycle helmets for local kids or put soft grass or sand between the swings and slides in children's playgrounds."

According to NIRS, Dr. Moeller stated, "But when I heard this morning the reviews of the probabilities of this and that [radiation releases from Yucca Mountain], I saw no probability in the equation that cancer -- a cure for cancer will be brought about. *And, therefore, I don't even worry about radiation.*" (Their emphasis)

NIRS also quoted Dr. Moeller as saying, "In reality, radiation has proved to be relatively weak in terms of both its carcinogenicity and its mutagenicity."

It is therefore of no surprise that Dade Moeller & Associates would recommend that only 1 sample/test per 19 acres in the 267 acres it suggests testing. We suggest that there be at least 1 sample/test per acre or 267 samples/tests. We also suggest that KB Home hire another subcontractor who has the confidence of citizens like ourselves who find this

company's actions in the past, and in the history of sampling/testing Runkle Canyon, to be wanting.

4. KB Home's contractor GeoCon Inland Empire, Inc. (GeoCon) refers to the tar-like substance that DTSC has ordered to be removed. Before implementation, this removal plan must be fully documented under the California Environmental Quality Act (CEQA) because full extent of this benzo(a)anthracene-impacted tar is not known and needs to be completed as GeoCon states that "Other areas of the channel walls within the vicinity of the seeps have been reported to contain similar material mixed with varying amount [sic] of sand and gravel."

Furthermore, DTSC should withdraw its Notice of Exemption under the California Environmental Quality Act (CEQA) because, as GeoCon states in the Response Plan, "Removal of trees, brush, and other rubble may be required to access portions of the mined aggregate piles where the tar material is reportedly buried. Grading of an access road to allow equipment to enter the stream cut channel may also be required."

GeoCon refers to the tar-like substance that DTSC has ordered to be removed as basically harmless yet this substance contains Polynuclear Aromatic Hydrocarbons and a sample of this material had a result of 24.3 mg/kg for benzo(a)anthracene which is 39.19 times its PRG of 0.62 mg/kg.

Even though this contractor and the developer knew of this toxic substance since August 2005, it never told the City about it or sought permission through permits for its removal. The Response Plan includes KB Home possibly removing trees, brush and rubble, as well as carving a new road, to remove this material yet these activities are relegated to three sentences in the Response Plan.

Confusingly, DTSC states in its notice for the January 28, 2009 meeting that, "The Notice of Exemption states that because the small volume of the removal action will avoid both sensitive biological habitat areas and cultural resource areas and the area is not accessible to the public, the Response Plan is exempt from CEQA."

The Notice of Exemption says that this tar removal will take just one day yet GeoCon suggests it could take far longer if trees, brush, and rubble are to be removed in this effort let alone the time it would take to grade a new road in the streambed.

We maintain that a Notice of Exemption is improper in this case and that KB Home must create a Work Plan to characterize the as-yet undetermined number of seeps oozing this benzo(a)anthracene-impacted tar and submit it to be included in the Runkle Canyon Supplemental Environmental Impact Report (SEIR) for City of Simi Valley City Council approval. This will protect the City and its citizens.

5. There are a number of very important problems with the developer's 41 submitted reports that are analyzed on *EnviroReporter.com* at <http://enviroreporter.com/files/KB41docs.pdf> and we request that DTSC closely examine these documents and incorporate any information therein into their final determination of environmental conditions at Runkle Canyon. We will be submitting some of this information in our final comments.

Respectfully,

Patricia Coryell
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Rev. John Southwick