

Memorandum

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CC	Bud Duke (DTSC), Nancy Bothwell (DTSC), Steve Heipel (AECOM), Andee Leisy (RMM)		
Subject	AECOM Recommendation for Santa Susana Field Laboratory California Environmental Quality Act (CEQA) Compliance		
From	Bill Gorham		
Date	10 September 2012		

The Department of Toxic Substances Control (DTSC) and The Boeing Company (Boeing) entered into a Memorandum of Agreement (MOA) in February 2010 relating to DTSC's compliance with the California Environmental Quality Act (CEQA) associated with the cleanup of the Santa Susana Field Laboratory (SSFL). In this MOA, the parties agreed that Boeing would enter into a contract with a consultant to advise DTSC on whether an Environmental Impact Report (EIR) is required for subsequent future cleanup actions at the SSFL, and if so, whether the EIR should be a program-level EIR, a single project-level EIR, individual project-level EIRs, or some combination of these options. AECOM was engaged pursuant to the MOA to assist the DTSC in developing a strategy for compliance with CEQA. This memo provides AECOM's recommendation based on a review of key aspects of the regulatory history of the SSFL, including the 2007 Consent Order for Corrective Action between DTSC, the Department of Energy (DOE), the National Aeronautics and Space Administration (NASA), and Boeing (2007 Consent Order); the 2010 Administrative Orders on Consent (AOCs) between DTSC and DOE and between DTSC and NASA; technical documents such as the Feasibility Study Work Plan prepared in 2009 and relevant Investigation Reports; CEQA (Public Resources Code Section 21000 et seq.); the CEQA Guidelines (California Code of Regulations Section 15000 et seq.); and other information available on the DTSC website for the SSFL.

The "Project," as generally described in the MOA, involves: 1) DTSC approval of soil remediation work plans at various locations within the SSFL that will be prepared and implemented by NASA, DOE and Boeing; and 2) DTSC approval of plans for remediation activities of groundwater in the Chatsworth Formation Operable Unit (CFOU) to be prepared and implemented by NASA, DOE, and Boeing. As noted in the MOA, the Consent Order and respective AOCs, DTSC has discretionary approval authority over the remediation plans. As a state agency, under CEQA, DTSC must consider the potentially significant adverse environmental effects, if any, related to such discretionary approvals (CEQA Guidelines Section 15126.2 and CEQA Section 21100(b)). For soil remediation, DTSC's approval will occur in the context of Corrective Measures Study (CMS) work plans to be submitted by Boeing and comparable Soils Remedial Action Implementation Plans (SRAIPs) to be submitted by DOE and NASA. For groundwater remediation, DTSC's approval will occur in the context of CMS work plans to be submitted by Boeing, DOE, and NASA. In developing our recommendations, AECOM took into consideration the fact that multiple CMSs/SRAIPs could be prepared by Boeing, DOE, and NASA to address cleanup of various media at different locations within the SSFL. We also recognized that the cleanup of the SSFL involves a complex set of

remediation activities related to soil, groundwater, and radiological contaminants found in various media and at diverse geographic locations within the SSFL.

DTSC needs a CEQA strategy that allows for the approval of the various remedial plans at the SSFL in accordance with the 2007 Consent Order, the 2010 AOCs, and applicable State and federal laws in a timely and efficient fashion. In particular, the strategy we recommend complies with the requirements of CEQA while providing maximum flexibility in the decision-making process that will result in the most effective remediation program. The challenges for the timely and efficient compliance with CEQA are: the complexity of the cleanup program at the SSFL, the interests of DTSC in prompt review and approval of CMSs/SRAIPs under CEQA, the varied schedules of the parties, and the different cleanup standards. Our recommendation reflects the best approach to address these various challenges.

AECOM recommends that DTSC develop a single EIR that would address all levels of the cleanup for SSFL for soil and groundwater contamination at a program level, and would include project-specific information for components of the remediation program (i.e., the CMSs/SRAIPs) that are refined enough to support a project-specific level of analysis and approval. This combined program and project EIR, or "hybrid" EIR, would address the environmental effects common to the components of the soil and groundwater remediation program for the SSFL at a Program level, while concurrently addressing at a project level those CMSs/SRAIPs that have been submitted to DTSC for approval at the time of the preparation of the EIR. When future remedial plans for specific sites are submitted to DTSC for approval, DTSC will determine if these plans are consistent with the description of the remediation program presented in the "hybrid" EIR and may have environmental effects similar to those that were examined in the EIR. An Addendum to the EIR, an Initial Study/Negative Declaration, an Initial Study/Mitigated Negative Declaration, or Supplemental or Subsequent EIR may be developed depending on the proposed actions and the level of analysis in the original EIR. The specific supporting CEQA document that would be prepared evaluating a later CMS/SRAIP would be based on the features of the site and the details of the proposed CMS/SRAIP. If the environmental effects of the proposed CMS/SRAIP were not examined in the EIR, or any one of the triggers requiring preparation of a Supplemental or Subsequent EIR occur, DTSC would need to prepare that document, but they would need to consider only those environmental topics where new impacts have been identified or new information has been developed. (Public Resources Code Section 21166; CEQA Guidelines Sections 15162 and 15163.)

This combination of a Program and project-level EIR would provide flexibility in addressing soil and groundwater remediation for discretionary approvals in areas subject to DTSC jurisdiction. Ultimately, the level of detail and specificity included in the initial CMSs/SRAIPs submitted to DTSC by Boeing, DOE and NASA will drive the timing and the level of analysis in the EIR.

DTSC envisions pursuing a demanding but feasible schedule for completion of the EIR. With initiation of the CEQA process and the determination of the most appropriate EIR, DTSC can begin public scoping, development of the program-level elements of the SSFL cleanup, and a compilation of a description of the environmental setting pending the submittal of CMSs or SRAIPs that would form the central elements of the anticipated project-level analysis.

Satisfying the requirements of CEQA and maintaining an ambitious project schedule requires close cooperation and coordination between DTSC, Boeing, DOE, NASA, and other stakeholders. In particular, since DOE and NASA will prepare SRAIPs for certain areas of the SSFL and environmental analysis and documentation in accordance with the National Environmental Policy Act (NEPA), communication with all stakeholders on these efforts relative to the CEQA process will be vital.

AECOM does not currently recommend the preparation of a joint NEPA/CEQA document. This recommendation is based on factors such as having two federal lead agencies with responsibilities in different areas of the SSFL and on independent schedules, as well as each agency having advanced their own respective NEPA processes. Nevertheless, AECOM recommends that DTSC communicate closely with DOE, NASA, and other potential lead/cooperating federal agencies regarding compliance with NEPA and CEQA.