



## Department of Toxic Substances Control



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Secretary for  
Environmental Protection

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Arnold Schwarzenegger  
Governor

June 12, 2009

Ms. Mary Ann Lutz, Chair  
Los Angeles Regional Water Quality Control Board  
320 W. Fourth Street, Suite 200  
Los Angeles, California 90013

Dear Chair Lutz:

As you know, the Department of Toxic Substances Control (DTSC) is the lead agency overseeing the investigation and cleanup of the Santa Susana Field Laboratory (SSFL). We are writing to correct the record regarding comments made at the May 8, 2009, the Los Angeles Regional Water Quality Control Board (RWQCB) public meeting.

During the board item for the "Waste Discharge Requirement and Proposed Cease and Desist Order for the Boeing Company, Santa Susana Field Laboratory", testimony was provided by a representative of The Boeing Company (Boeing) who alleged Boeing had been "hamstrung in terms of taking removal action, because DTSC said, 'No, you're not going to do anything until we've done all of our investigations and we're ready to say yes.' And it was cutting the Gordian knot by issuing the 13304 order that intervened and allowed us and allowed you to get source removal. Otherwise, we weren't allowed to do it by DTSC."<sup>1</sup> The RWQCB also heard from the representative of Boeing that "[Boeing] welcomed the 13304 order. We could have appealed it. We didn't. And we didn't because we think it's the right thing to do. We think it's right to finally dig up some of the dirt. We've been stopped from doing that by DTSC. This Board came forth and issued us an order to do so, but to be blunt, we couldn't have done it voluntarily, because DTSC wouldn't have let us."<sup>2</sup>

The remarks alleging DTSC was an impediment to progress at the site were not only inaccurate, but are also offensive. In fact, Boeing has never asked for DTSC's approval to undertake the removals contemplated by the RWQCB, and DTSC has *never*

<sup>1</sup> Page 121, lines 11 through 18 of the May 8, 2009 meeting transcript prepared by James F. Peters, CSR, RPR, Certified Shorthand Reporter, License Number 10063

<sup>2</sup> Page 240, lines 15 through 22 of the aforementioned transcript.

prevented Boeing or its partners at the SSFL from undertaking removal actions at the SSFL. To the contrary, DTSC has strongly supported removal actions as a way to address immediate and pressing problems at the site.

Since 1999 DTSC has approved and overseen six (6) different interim removal actions at the SSFL,<sup>3</sup> and it is ready to work with the RWQCB and Boeing to implement the interim source removals contemplated by the RWQCB's 13304 order (i.e., cleanup and abatement order). DTSC fully supports the RWQCB cleanup and abatement order. Boeing is fully aware of the facts in this matter, and we hope that the Company will issue a retraction and correction of the misleading testimony provided to the RWQCB.

DTSC has worked, and will continue to work in close cooperation with the RWQCB on this and other matters to address the cleanup at the SSFL. We are in the process of finalizing a revised order for this site to fully implement the requirements of SB 990 (Kuehl, 2007). My staff will ensure that the RWQCB is aware of the revised order and ask for comments during our public comment period. The complexity of contamination constituents and the natural environment at SSFL require our departments to work in a cooperative fashion to protect the health and safety of citizens living near this site. If you have any questions regarding the above, please contact me at (916) 322-0504.

Sincerely,



Maziar Movassaghi  
Acting Director

cc: Ms. Madelyn Glickfeld, Vice Chair  
Los Angeles Regional Water Quality Control Board  
320 W. Fourth Street, Suite 200  
Los Angeles, California 90013

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<sup>3</sup> (1) 1999-2000, Happy Valley, removal of 1,600 cubic yards (cy) of soil and debris from drainage containing metals and perchlorate, and geophysical surveys in support of ordnance investigation. (2) 2000, Former Sodium Disposal Facility, over 20,000 cy of material excavated to remove elevated concentrations of dioxins, PCBs, and mercury. (3) 2003-2004, Happy Valley, 8,500 cy of perchlorate contaminated soils and surficial weathered bedrock removed primarily from the southern drainage area. (4) 2004, Building 203, removal of approximately 3,000 cy mercury-contaminated soils to prevent migration downslope. (5) 2007, Sage Ranch, removal of approximately 1,500 cubic yards of antimony and asbestos-contaminated soil and other debris from the northern drainage near former LOX plant. (6) 2008, Sage Ranch, removal of approximately 9,000 cubic yards of soil and debris from northern drainage and former shooting range site.



Ms. Mary Ann Lutz  
June 12, 2009  
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cc: Mr. Steve Blois, Board Member  
Los Angeles Regional Water Quality Control Board  
320 W. Fourth Street, Suite 200  
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Ms. Francine Diamond, Board Member  
Los Angeles Regional Water Quality Control Board  
320 W. Fourth Street, Suite 200  
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Ms. Maribel Marin, Board Member  
Los Angeles Regional Water Quality Control Board  
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Ms. Maria Mehranian, Board Member  
Los Angeles Regional Water Quality Control Board  
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Mr. F.W. "Dick" Anderson, Board Member  
Los Angeles Regional Water Quality Control Board  
320 W. Fourth Street, Suite 200  
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Ms. Tracy Egoscue, Executive Officer  
Los Angeles Regional Water Quality Control Board  
320 W. Fourth Street, Suite 200  
Los Angeles, California 90013

Ms. Mary Armstrong  
Vice President, of Environment, Health and Safety  
The Boeing Company  
100 North Riverside  
Chicago, Illinois 60606

MEETING  
STATE OF CALIFORNIA  
LOS ANGELES  
REGIONAL WATER QUALITY CONTROL BOARD

VENTURA COUNTY GOVERNMENT CENTER  
800 SOUTH VICTORIA AVENUE  
HEARING ROOM  
VENTURA, CALIFORNIA

FRIDAY, MAY 8, 2009

9:03 A.M.

JAMES F. PETERS, CSR, RPR  
CERTIFIED SHORTHAND REPORTER  
LICENSE NUMBER 10063

PETERS SHORTHAND REPORTING CORPORATION (916) 362-2345

1 Lenox is the project manager for the Interim Source  
2 Removal Action. His team put together the workplan. We  
3 have to defer to NASA, remember, because part of this is  
4 on their property.

5 Art, we expect to start removing soil regarding  
6 the source removal --

7 MR. LENOX: This summer.

8 MR. GALLAGHER: This summer.

9 BOARD MEMBER DIAMOND: Okay.

10 MR. WEINER: And, Ms. Diamond, just to clarify,  
11 but for the Board's 13304 order, we have been hamstrung in  
12 terms of taking removal action, because DTSC said, "No,  
13 you're not going to do anything until we've done all of  
14 our investigations and we're ready to say yes."

15 And it was cutting the Gordian knot by issuing  
16 the 13304 order that intervened and allowed us and allowed  
17 you to get source removal. Otherwise, we weren't allowed  
18 to do it by DTSC.

19 BOARD MEMBER DIAMOND: Okay. Well, again, I  
20 thank you for the answers to those questions. I don't  
21 want to take up all of the time. I know my fellow board  
22 members have other questions. Thank you. And I'm sure  
23 they'll call you up as well.

24 I'm just going to move on and just finish -- I'm  
25 finished with my questions, but I believe that where we

1 Boeing come up and make some comments to us just very  
2 quickly, two minutes; that Mr. Hirsch make a comment to  
3 us, two minutes; and then either Heal the Bay or  
4 Assemblymember Brownley, if you want to decide which one  
5 of you, we'll give one of you an opportunity as well.

6 Please state your name so our reporter knows whom  
7 is speaking to us.

8 MR. WEINER: Do you want Boeing first?

9 CHAIRPERSON LUTZ: Yes, we'll start with Boeing.

10 MR. WEINER: Okay. I'm Peter Weiner for Boeing,  
11 and Tom Gallagher for Boeing as well.

12 I'm not sure what you want comments on, first of  
13 all, but if it's on the two motions or the various motions  
14 that have failed, that are at a 3-3, we're committed to  
15 cleaning up the site. We have welcomed the 13304 order.  
16 We could have appealed it. We didn't. And we didn't  
17 because we think it's the right thing to do. We think  
18 it's right to finally dig up some of the dirt. We've been  
19 stopped from doing that by DTSC.

20 This Board came forth and issued us an order to  
21 do so, but to be blunt, we couldn't have done it  
22 voluntarily, because DTSC wouldn't have let us. We needed  
23 to have an order. It's not that we asked for it, but we  
24 welcomed it, and we embraced it. And we are trying our  
25 darnedest to comply with it and do it in a robust way.