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Department of Toxic Substances Control

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February 8, 2007

RESPONSE TO POSTCARDS FROM COMMUNITY REGARDING SANTA SUSANA FIELD LABORATORY

Dear Community Member:

Thank you for your interest and concerns about the Santa Susana Field Laboratory (SSFL). You raised three issues in the post card you recently sent to the Department of Toxic Substances Control (DTSC). Below we state each issue verbatim, followed by our response.

1. *"I am writing to express my concern about DTSC accepting data gained from filtered groundwater samples on the Boeing/Rocketdyne Santa Susana Field Laboratory. As USEPA testified a year ago, filtering the water removes sediment and contamination, thus lowering contamination detection. You told the public on August 31, 2006, that you would stop this process; please do so immediately."*

   On January 24, 2007, DTSC sent a letter to Boeing directing them to collect unfiltered water samples when testing for metals at SSFL. They will also be required to collect filtered samples for comparison. This letter has been posted on DTSC's website at www.dtsc.ca.gov under Hot Topics, Santa Susana Field Laboratory.

   Most groundwater samples collected for or by DTSC are unfiltered. Filtering has **only** been done when sampling for metals and approximately 1 out of every 10 samples for metals were unfiltered. In fact, we estimate that only about 2% of **all** data collected were from filtered groundwater samples. Groundwater samples collected for **all** other chemical contaminants of concern are unfiltered.

   DTSC is aware that Boeing and the Department of Energy (DOE) take filtered samples for analysis of radioactive waste. DTSC does not regulate radiological waste and is not involved in these sampling events. Sampling techniques for radiological constituents are under control of DOE. US EPA's specialist who reviewed the DOE's investigation and response actions for radiological waste,

did recommend that unfiltered samples be taken at SSFL for radiological waste as well as for metals, or if filtered samples were taken, that the filters should be analyzed.

In regard to sampling for metals, there is scientific merit on both sides of the filtering/non-filtering issue. Filtering, when sampling for metals, has been a commonly used technique when the groundwater contains high concentration of dissolved or suspended solid particles, as it does at SSFL. These groundwater conditions make it difficult to distinguish between those metals that occur naturally and those that result from contamination. Filtering is a technique which helps make that distinction. However, DTSC has decided to require unfiltered sampling for metals sitewide primarily because this information will be useful for development of the human health risk assessment.

2. "*Also, Attorney General Lockyer just stated that only DTSC has the power to subpoena all Boeing's SSFL records; as the polluter is still releasing evidence of their unlawful, 'ultrahazardous' activities, we demand that DTSC immediately subpoena all Boeing's documents."*

We have spoken with the Attorney General's Office about your comment on its subpoena powers. They clarified that they do have the authority to issue subpoenas as do all government agencies, but, in the case of SSFL, they are working closely with DTSC, as the client agency. They also pointed out that by law, records obtained through use of subpoenas must be kept confidential and cannot be released to the public. So while subpoenas have not been ruled out, their use would not serve the community's needs at this time.

We agree that all SSFL records relating to any activity which may have caused chemical releases to the environment must be obtained. Historical records and documents are critical to our ongoing investigation. DTSC's letter of September 29, 2006 required Boeing to submit specified historical records and documents, on *each of the areas under investigation throughout the entire facility*. Our letter requires Boeing to certify under penalty of law that the information Boeing submits meets DTSC requirements, and that they must be complete and accurate. The letter is on DTSC's website and also requires Boeing to submit them in electronic format. If DTSC finds that Boeing does not comply with these requirements, we will consult with the Attorney General's office to pursue enforcement options.

DTSC's initial requirement for Area I Burn Pit historical records/documents was not made formally in writing. However, DTSC's August 30, 2006 letter required Boeing to submit these records and the certification for the Area 1 Burn Pit. In response, Boeing submitted over 13,000 pages of documents and the certification to DTSC. Both our letter and the documents are posted on our website.

3. *"Finally, we insist that Boeing be removed completely from the self-testing process; they cannot be trusted, nor can the data they report."*

   To clarify, Boeing is not self-testing. They or their contractors have conducted sampling and other activities as required and overseen by DTSC. We understand that many in the community do not trust Boeing to perform this work. However, there are a number of safeguards we impose to ensure the data is accurate and valid. For example, DTSC must approve any and all sampling plans. All final documents must be signed by professionals licensed or registered in California. These signature requirements hold the preparers accountable for their work.

   DTSC periodically monitors sample and data gathering procedures during field activities to ensure compliance with EPA and DTSC standards. Boeing's contracted laboratories must be state-certified which includes audits for quality control and quality assurance. In addition, DTSC is present for many sampling events to ensure proper protocols are being followed. DTSC has also routinely collected its own samples for independent analysis by DTSC's Environmental Chemistry Laboratory (ECL). The ECL has also conducted extensive audits of the Boeing's chemical analytical procedures and data generation procedures to ensure compliance with applicable state and federal requirements.

   Requiring facilities and parties responsible for releases of hazardous chemicals to the environment to be actively involved in investigation and cleanup is mandated by both federal and state law. U.S. EPA, the California Water Boards, the Air Districts, as well as DTSC routinely accept sampling and monitoring data from hazardous waste facilities.

   DTSC will seek enhancement of our own independent sample collection and analysis whenever possible. In a recently completed sampling of seeps and springs around the perimeter of SSFL, we collected approximately 40% of the total samples and analyzed them independently of Boeing's contractor.

Thank you for taking the time to express your concerns to DTSC regarding Boeing and SSFL. We hope you find the responses informative and if we can be of any further assistance, please contact Nathan Schumacher, Public Participation Specialist at his toll free telephone number, (866) 495-5651 or at NSchumac@dtsc.ca.gov.

Sincerely,

Signed by James M. Pappas

James M. Pappas, P.E., Chief
Northern California Permitting and Corrective Action Branch

cc: Nathan Schumacher
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