COMMITTEE TO BRIDGE THE GAP
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Board Members
California Regional Water Quality Control Board
Los Angeles Region
320 West 4th Street, Suite 200
Los Angeles, CA 90013

Re: Boeing/ Santa Susana Field Laboratory

Dear Board Members:

OK, we give up.

We all know that Boeing is one of the most egregious polluters in the Los Angeles region. The Santa Susana Field Laboratory (SSFL) is one of the most contaminated sites in the country. Decades of sloppy practices at that nuclear and rocket testing facility has left behind a witches' brew of toxic and radioactive contamination – in soil, groundwater, and surface water. The toxic and radioactive material keeps leaving the site at unacceptable levels – well over a hundred violations in a short period of time.

Yet Boeing continues to act as a scofflaw, paying no attention to the environmental laws and regulations of the state. It seems to believe that because it is a big and powerful company, it is above the law and that no one in government will risk more than baby steps to bring it into compliance. Indeed, it seems to believe it can get regulators to go backwards, and eliminate many of the rules Boeing has been repeatedly violating. And it would appear to be right.

The proposed euphemistically named "Cease and Desist Order" (CDO), the similarly misnamed "Waste Discharge Requirements" (WDR), and the associated "Monitoring and Reporting Program" (MRP) and "Fact Sheet" are, by and large, significant steps backward in stopping the continued leakage of toxic and radioactive materials from the site. While some aspects of the retrograde actions were ordered by the State Board, many are voluntary reversals on the part of Board staff. We frankly can't understand it.

If there is one site in Southern California meriting backbone on the part of a pollution-control agency, it is SSFL. If there is one company which can test the mettle of such an agency, it is Boeing—one of the largest corporations in the world. Who will blink? It seems always that

it is the Water Board. With dozens and dozens of violations of pollution limits, and the scofflaw behavior continuing unabated, the community can be forgiven perhaps for despairing at times.

The proposed WDR would eliminate nearly half of the existing points of compliance at SSFL (i.e., outfalls with enforceable limits). Even then, for some of the remaining outfalls, compliance is waived for some contaminants for a time (beyond the waiver of everything through much of 2006); for example, limits are proposed to be waived for all contaminants at outfalls 8 and 9 through September 29, 2008.

Significant parts of these recommendations were worked out in closed-door meetings between Board staff and Boeing, and based on assertions and self-serving submissions by Boeing with no effort to obtain countervailing input from key public stakeholders prior to issuing the proposed WDR, MRP, and CDO. We only get to shoot at it once it is out, with Boeing's input already factored in and the staff in a position of having to defend what it has already done.

We do recognize that it could have been worse. The CDO does at least follow the State Board's directive for a short a compliance period as possible, for most of the outfalls (although it gives away the store on Outfalls 8 and 9). A few constituents are added based on a reasonable potential analysis, and a few limits are tightened a bit. However, many are loosened or eliminated.

Our specific comments follow.

Generic Comment

It would be helpful if staff would provide a table and/or summary of the changes in the WDR and MRP from those currently in effect. It is very hard to know what has been changed otherwise and to comment in an informed fashion.

Our comments thus go both to changes in the existing permit and monitoring program and problems that are unchanged.

Fact Sheet

p. 5 The 5 curie statement is misleading. That may be the amount of sealed sources remaining for use at the site, but excludes the amount of radioactive contamination in soil and other media, which in any case are not well known, given the lack of characterization.

DHS (now Dept of Public Health) does NOT have radiological oversight responsibility for Area IV, as made clear by Rob Greger at the last SSFL Work Group meeting. Rad contamination is under DOE, which is a self-regulating entity (the cause of much trouble).

p.10 This artificial division of responsibility between the Regional Board and DTSC is potentially problematic, and should be revisited between the two agencies. The Board should be responsible for overseeing monitoring and enforcement of surface water leaving the site, no matter where or its proximity to DTSC supervised cleanup efforts. The Board should take enforcement action whenever a violation is found; DTSC should be immediately notified so it can order remedial action at the source of the contamination. I may misunderstood this section,

but it looks as though the Board is leaving to DTSC some of its responsibility for surface water pollution, creating a potential gap.

p. 14 and following, Compliance History. This is very puzzling. It stops in 2003. There should be a listing of all violations/exceedances through the present time, plus a discussion of the current proposed civil fine. on p. 16, the outcome of the NOVs should be identified (fine, etc.), and the more recent NOVs identified.

p. 39 Troubled that cyanide was not made an enforceable limit because it exceeded AMEL and the Board has eliminated average monthly enforceable limits for most constituents and outfalls.

p.40 It might be helpful to disclose that massive quantities of perchlorate were found in Dayton Canyon offsite below Happy Valley—if memory serves me, shortly after this excavation.

p. 44 Key. Very disturbed that enforceable limits for chemicals of concern are being eliminated for Outfalls 12, 13 and 14. Replacing them with non-enforceable "benchmarks" is deeply regrettable and a huge step backwards.

The text here, and in the other documents, makes it sound like the BMPs were destroyed and not replaced. Boeing has repeatedly testified that ALL the BMPs were almost immediately replaced.

p. 46 This discussion about Boeing's claims about a 2.3 inch design storm and the request to use so-called "natural BMPs" (i.e., not have to install anything) is very disturbing. Again, this is based on closed-door meeting with the polluter that result in weakening standards – in this case, eliminating enforceable limits for Outfalls 8 and 9 for three years. We strongly oppose.

Similarly, the discussion of the effects of the fire is completely one-sided, just repeating Boeing claims, and wrong. The vegetation regrew very quickly; no evidence that the height of chaparral or scrub has any other than minimal effect on erosion control; the percent of biomass (e.g., height) in the vegetation is irrelevant, the issue is the degree of erosion control, which has barely changed now that most of the vegetative cover has come back, which happened quickly. This is in fact demonstrated by Boeing's own data, which show no change in soil water repellency. Boeing had scores of violations before the fire; the fire is a "smoke screen" that should be permitted. A critical analysis and response is essential, which the document doesn't provide; merely puts forward Boeing's false claims.

p. 48 The decision to eliminate Outfalls 1 and 2 as enforceable discharge points in favor of 11 and 18 is not well supported in the Fact Sheet. Although it may be the correct, given the outrageous order by the State Board to eliminated two of them, it would be helpful if there were indeed some data provided to back up the decision. If one reviews exceedances at all four outfalls for the same period of time, are there more or less in Outfalls 1 and 2 than in 11 and 18? (also, the decision to not include monthly average limits for the two that remain is troubling; the only basis given that this is "typical"; but apparently it is not required, so why not keep both sets of limits?

p. 49 The claim that the buffer zone is "uncontaminated" is false and should be removed. There was airborne burning of toxic and radioactive wastes for decades, plus all sort of accidents and air releases that resulted in fallout over a wide watershed. As noted in the discussion here, both Outfalls 1 and 2 may "pick up additional contaminants" because of runoff below Outfalls 11 and

18, e.g.. from contaminated areas at STL-IV, COCA, CTL V AOCs, etc. So there is no evidence that it is Outfalls 1 and 2 – which are closer to the site boundary and pick up contaminants from a wider watershed – are not likely to find more and higher violations. I am not saying that is the case; just that an analysis based on hard data should be provided to support or contradict the proposed elimination of Outfalls 1 and 2.

Again, it would be helpful if there were charts showing the proposed changes – outfalls eliminated for enforceable limits; limits relaxed or tightened; monitoring requirements increased, decreased, added, or removed.

Monitoring and Reporting Program

Same comment about the need for comparison charts.

T-1 No discussion in the document about whether Boeing can still filter out contaminants before monitoring them, a matter of great concern to the community.

T-6 – T-10 We are deeply concerned about all the constituents for which **only one sample per year** is being required. Given the facility's history of use of beryllium, for example, or chromium VI, how can one justify a single annual sample? And given the long history of radioactive contamination, including two recent violations of strontium-90 limits in NPDES discharges and tritium in groundwater greatly above MCL, how in God's name can one permit Boeing to only take samples for gross alpha and gross beta radioactivity, radium, tritium, and strontium-90 ONCE A YEAR?

Waste Discharge Requirements

p. 2 bottom. Minimizes the contamination from past activities; fails to discuss the massive pollution and the big cleanup ahead; the federal court decision, etc. As indicated above, 5 curies is misleading.

p. 35 makes the point that "runoff from a couple of areas of concern may not be captured in monitoring which occurs at" Outfalls 11 and 18. This raises questions as to whether their elimination as enforcement points is correct and should be analyzed further by an examination of the monitoring records for 11, 18 and 1 and 2.

p. 51. It is troubling that compliance for OC Pesticides and PCBs in sediment is postponed as long as November 2012.

p. 53 Indicates if only one sample was obtained for a month or longer and it exceeds the monthly average, then the Discharger is in violation; but elsewhere the monthly average limits are removed for many constituents and outfalls.

We are puzzled why the reasonable potential analysis resulted in so few new limits being added to the permit. Is it because outfalls for which such limits might have been added due to an RPA were in fact eliminated as enforceable points of compliance?

Cease and Desist Order

p. 1 “residual” minimizes the problem; should be “widespread” or “extensive”.
as indicated above, 5 curies misrepresents the situation; paragraph fails to disclose the widespread contamination problem from decades of spills, releases, and accidents

p. 2 creates false impression groundwater remediation system is indeed removing much contamination – only about 10 gallons of TCE per year removed, out of 500,000 gallons in the groundwater and vadose zone.

The reconfiguration of the groundwater treatment system should be subject to public scrutiny. Is it sensible to eliminate various systems and replace with a single one?

p. 3. Obviously the NOV in Feb 2004, with no fines, asking for submittal of a report by Boeing about corrective actions did no good.

para 18, instead of “stated” should be “claimed” or “asserted,” Implies fact. Same throughout (e.g., para 21)

p. 4 Here all of Boeing’s claims are given, as though fact, with no independent analysis by Board nor any facts from others. The claims are all specious. The violations pre-date the fires.

p. 5 all the more recent violations and the proposed fine are not mentioned.

p. 6 31 should be “numerous” violations
why include the last two sentences about Boeing’s claims? If you are going to do so, at least present the evidence as to why they are specious.

The vegetation grew back very quickly; full return to height for chaparral and scrub; BMPs were very quickly replaced; violations predate the fire; no evidence it impacted for more than the first season erosion; their own study shows no difference in soil infiltration. You need to provide a basis for letting them off the hook for most of 2006; and for not letting them off the hook thereafter.

Item 34 is outrageous and should be changed. Misleading; undercuts your decision; completely misrepresents the situation. BMPs were almost immediately replaced; vegetation has regrown; violations were numerous, long before fire.

p. 7 same problems. see particularly item 40, which needs rewriting. Looks as though written by Boeing; full of misleading statements about the fire; correct it. BMPs were replaced; vegetation promptly regrew; violations long before fire; no evidence erosion problem beyond first rainy season.

p. 8 Deeply troubled by discussion of private discussions with Boeing to let them off the hook regarding outfalls 8 and 9. No proof given that BMPs impractical. The problem with the site is not the BMPs anyway – it is the widespread contamination, which IS Boeing’s fault. It should be required to promptly remove the *source* of the pollution violations; focusing on BMPs rather

than compliance is caving in completely to the polluter. It polluted its site; the pollution is migrating offsite; it should clean up the pollution and stop the migration at its source.

Letting Boeing select an "independent" group of experts is outrageous. The Board is giving away the store here; ending for several years compliance requirement for these outfalls.

p. 9, item 2 Puzzled how one is directing that discharges after August 31, 2006 are directed to comply with effluent limitation in a 2007 Order. Is this being done because lots of enforceable limits in the 2006 permit are being waived in the proposed 2007 Order?

p. 10 We strenuously oppose letting Boeing discharge whatever it wishes from Outfalls 008 and 009, with all limits waived through late 2008

Thank you for the opportunity to submit these comments. And, oh, by the way—maybe we won't give up.

Sincerely,

/S/

Daniel Hirsch
President