

CAPITOL OFFICE  
STATE CAPITOL, ROOM 5108  
SACRAMENTO, CA 95814  
TEL (916) 651-4023  
FAX (916) 324-4823

# California State Senate

SENATOR  
**SHEILA JAMES KUEHL**  
TWENTY-THIRD SENATE DISTRICT  
CHAIR  
SENATE COMMITTEE ON HEALTH

DISTRICT OFFICES  
10951 WEST PICO BLVD., SUITE 202  
LOS ANGELES, CA 90064  
TEL (310) 441-9084  
FAX (310) 441-0724

300 WEST THIRD ST., 4TH FLOOR  
OXNARD, CA 93030  
TEL (805) 486-3776  
FAX (805) 486-6865

COMMITTEES:  
AGRICULTURE  
APPROPRIATIONS  
ENVIRONMENTAL QUALITY  
JUDICIARY  
LABOR & INDUSTRIAL RELATIONS  
NATURAL RESOURCES & WATER  
SELECT COMMITTEES:  
CHAIR, HEALTH INSURANCE CRISIS  
IN CALIFORNIA  
CHAIR, SCHOOL SAFETY  
JOINT COMMITTEE:  
JOINT COMMITTEE ON RULES



April 27, 2007

US Department of Energy  
c/o The Boeing Company  
5800 Woolsey Canyon Road  
Canoga Park, CA 91304-1148

By email to: [etec@doeal.gov](mailto:etec@doeal.gov)

## Comments on the Radioactive Materials Handling Facility (RMHF) EE/CA

To the Department of Energy:

Thank you for the opportunity to comment on the Radioactive Materials Handling Facility (RMHF) Decommissioning and Decontamination Engineering Evaluation/Cost Analysis. I am pleased that DOE has finally conceded that it must comply with the 1995 Joint DOE-EPA Policy on decommissioning DOE sites consistent with CERCLA. I am, however, very troubled to see that the RMHF EE/CA does not, in fact, in any way comply with that concession, and that DOE is making it clear it does not intend to clean up the full site consistent with CERCLA and the 1995 Policy.

My primary concerns about the EE/CA are as follows:

1. The contaminant "levels of concern" are based on an erroneous prospective land use and are, therefore, approximately 100 times less protective than they should be. The site is zoned RA-5. This level of use is found at the boundaries of the site. DOE, however, is assuming a different land use, one that would allow radically higher concentrations of radionuclides to be left behind. This contravenes CERCLA guidance, which indicates that, in the event that multiple land uses may be feasible, DOE must adopt the land use assumption that would lead to the greatest level of cleanup. DOE has not complied.
2. The "project objectives" are also approximately one hundred times too lax. CERCLA requires getting as close to a  $10^{-6}$  risk as is feasible. The EE/CA, however, declares its objective to be anywhere in the range of risk, between  $10^{-4}$  and  $10^{-6}$ .

Representing the cities of Agoura Hills, Beverly Hills, Calabasas, Hidden Hills, Malibu, Oxnard, Port Hueneme, Santa Monica, West Hollywood and Westlake Village and the communities of Bel Air, Brentwood, Canoga Park, Encino, Hollywood, Mt. Olympus, Port Hueneme, Pacific Palisades, Sherman Oaks, Studio City, Tarzana, Topanga, West Los Angeles, West Hills, Westwood and Woodland Hills.

The issues set forth above, taken together, mean that DOE is contemplating leaving behind contaminants up to 10,000 times higher in concentration than CERCLA guidance and public health concerns would allow. This is completely unacceptable.

3. The EE/CA, in a chillingly casual aside, with no analysis of the potential environmental impacts involved, proposes shipping radioactively contaminated wastes from the cleanup to the Kettleman Hills landfill, a landfill neither designed for, nor licensed for, radioactive wastes. This is also unacceptable from an environmental and public health standpoint.

4. The EE/CA proposes not to undertake the EPA site characterization that DOE had previously committed to permit. This is baffling, since the mid-1990s characterization by Rocketdyne was summarily dismissed by the EPA as technically flawed and the DOE agreed to have the EPA characterize the site correctly. The EE/CA however, now proposes closure of the RMHF area without the characterization by EPA which was agreed to.

5. The EE/CA proposes that the site be released for unrestricted residential use. I would strongly submit that, given both the inadequate characterization of the site and the extremely lax cleanup standards being employed, such a use would be a serious threat to public health.

Sincerely,



SHEILA JAMES KUEHL  
Member of the Senate  
23<sup>rd</sup> District