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Sent: Tuesday, April 10, 2007 10:26 AM
To: Energy Technology Engineering Center
Subject: Comment letter from Senator Kuehl

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California State Senate

SENATOR
SHEILA JAMES KUEHL
TWENTY-THIRD SENATE DISTRICT
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April 9, 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

Comments on Building 4024 EE/CA

To the Department of Energy:

Thank you for the opportunity to comment on the Building 4024 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 Building 4024 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 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} .

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 site 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 4024 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,

A handwritten signature in black ink, reading "Sheila Kuehl". The signature is written in a cursive, flowing style.

SHEILA JAMES KUEHL
Member of the Senate
23rd District