



## Department of Energy

Washington, DC 20585

October 10, 2008

The Honorable Susan Bodine  
Assistant Administrator  
Office of Solid Waste and Emergency Response  
U.S. Environmental Protection Agency  
Washington, DC 20460

Dear Ms. Bodine:

The U.S. Department of Energy (DOE) supports a comprehensive cleanup at the Santa Susana Field Laboratory (SSFL) in Ventura County California and has become increasingly concerned about the inability of the multiple parties to coordinate and make progress toward environmental remediation at the site. DOE is responsible for environmental remediation of a portion of the SSFL as a result of DOE sponsored nuclear energy research at its Energy Technology Engineering Center (ETEC) in SSFL's Area IV. This past summer, DOE and the U.S. Environmental Protection Agency (EPA) entered into an Interagency Agreement, as directed by Congress in P.L. 110-161, in which DOE provided funding for EPA to develop a radiological background study at SSFL and to draft a proposed scope, schedule and cost estimate for a radiological survey of SSFL Area IV. DOE and EPA staff have worked together and consulted with each other over the past 18 months on these and other issues at SSFL.

In December 2007, the results of EPA's hazard ranking survey of the entire SSFL site indicated that the site qualifies for listing on the National Priority List (NPL) as a Superfund site. Since that time, the State of California has twice requested that EPA defer listing the site on the NPL while discussions are held with the site owners (the Boeing Company and the National Aeronautics and Space Administration), DOE, EPA and selected community representatives. EPA has granted both deferral requests and stated in its September 2008 letter to the Secretary of the California Environmental Protection Agency that EPA would not consider listing the site until spring 2009. In DOE's estimation, these ongoing discussions are unlikely to resolve all of the issues that currently inhibit comprehensive and timely cleanup of the SSFL.

The September 2008 letter from Mr. Wayne Nastri, EPA's Regional Administrator, for Region IX granting the second deferral, contained the following statement:

At this time, four laws (state hazardous waste law, state Superfund law, NEPA and CERCLA) and their attendant process are being used to address this site. Multiple parties are conducting investigations in different parts of the site without the coordinated review and approval of a single regulatory agency. Absent listing SSFL, it is not clear who will be held accountable for all site contaminants and implement a fully protective cleanup at SSFL.



DOE agrees with this statement and believes the most effective approach is for EPA to list SSFL on the NPL with site-wide cleanup under EPA's Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) authority, coordinated with state Resource Conservation and Recovery Act (RCRA) authority (e.g., using a Federal Facility Agreement). This approach provides EPA oversight of cleanup activities by DOE, as well as by landowners Boeing and NASA. Additionally, it provides an opportunity for a comprehensive cleanup to proceed in a more efficient and effective manner by eliminating some of the overlap and duplication of cost and effort that appears unavoidable under the current regulatory regime.

The Superfund program also provides an orderly way to comprehensively evaluate the site and determine appropriate cleanup methods and goals and thus would provide a way to resolve current controversies over cleanup in a fashion that is well understood by both DOE and EPA. DOE has worked effectively with EPA as the CERCLA regulator and various state entities as the RCRA regulator under federal facility agreements at a number of environmental remediation sites across the country. This type of regulatory regime also succeeds by including considerable public participation and community involvement, which is an essential element of the cleanup of SSFL.

DOE recommends listing SSFL on the NPL as soon as feasible and supports EPA in taking this step. Ultimately, NPL listing will expedite a comprehensive cleanup of SSFL and should result in a more efficient cleanup.

If you have any questions, please contact me at (202) 586-7709.

Sincerely,



James A. Rispoli  
Assistant Secretary for  
Environmental Management

cc: Mark Batkin, NASA  
W. James Biederman, U.S. General Services Administration  
Steven Rogers, The Boeing Company



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Mr. Wayne Natri  
Regional Administrator  
U.S. Environmental Protection Agency, Region IX  
75 Hawthorne Street  
San Francisco, CA 94105-3901

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