



Department of Toxic Substances Control

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Santa Susana Field Lab Cleanup Frequently Asked Questions

The Department of Toxic Substances Control is working on ways to improve its public participation outreach efforts on the Santa Susana Field Lab cleanup project. Part of our effort is to become more responsive to numerous questions the public has about the site and ongoing cleanup efforts. For us to try to answer each question individually is impossible, and that can be frustrating for the public whose questions are not answered. Some community members have had to seek answers through other informal information sources.

In an effort to be more proactive and efficient, and to better serve the community, we are turning questions that we receive from individuals in the community into a set of “Frequently Asked Questions.” Our first compilation is listed below. In those you can see that we eliminated reference to those who may have asked the question, and have provided a response that we hope is informative and responsive to the questions. We intend this to be a living and ever-expanding compilation. So if you have additional questions you would like to see included, or a response that you feel needs better explanation, please send that feedback to Zenzi Poindexter, Public Participation Specialist, at uzenzile.poindexter@dtsc.ca.gov

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Involvement of Former Employees

Q: Can DTSC prohibit or prevent former employees from representing responsible parties or other private companies on matters that are before DTSC?

A: As long as former DTSC and Cal/EPA employees comply with all legal limitations regarding their relationship with their former department, they have a right to gainful legal employment and have a right to represent any client’s interests before DTSC.

Q: How does DTSC prevent former employees from having undue influence over its decisions and instill public confidence in its decisions?

A: Former DTSC and Cal/EPA employees representing outside interests before their former colleagues can create inaccurate perceptions. However, they do not and cannot

have influence on department decisions. Public confidence in DTSC and its public health and environmental protection role demand it. DTSC management and staff are committed to this standard.

Changing project staff

Q: Is Rick Brausch still the SSFL Project Director? If not, why?

A: Rick Brausch's role has changed over the past year primarily because his skills and abilities have been needed in other aspects of DTSC. Although he no longer holds a title of "Project Director," his role as a project advisor will continue.

Q: Rick is the only one on DTSC's executive management team that helped to negotiate the AOCs. If Rick is not the SSFL Project Director, how does DTSC ensure the consistent interpretation and application of the AOCs?

A: Rick Brausch is an invaluable resource to the entire project team. His leadership, advice and vision on this project have guided the negotiation of the Agreements of Consent (AOCs) and the investigation and cleanup efforts at SSFL through many challenges. The project team will continue to look to him for guidance and advice on the implementation of the AOCs and the many facets of this project.

Q: Does DTSC change key project staff on other projects like SSFL?

A: DTSC assigns a staff member based on their expertise and the need for that expertise on a project. Sometimes this means shifting staff members between projects.

Q: How does DTSC ensure continuity of decisions and meeting project deadlines in a long-term project such as the cleanup of SSFL?

A: DTSC taps the department's institutional knowledge and expertise on all cleanup projects, and a project record is maintained. In the case of the SSFL cleanup, Rick consults on a regular basis with Project Manager Mark Malinowski, Deputy Director Stewart Black and others on the team. That will continue. It is essential the technical project team is provided the resource, technical and managerial support needed to manage a project of this complexity with a project team this large and diverse, to accomplish an aggressive 2017 project deadline. More generally speaking, DTSC maintains continuity on long-term projects in a systemic way. Continuity comes from good record keeping and strong, engaged management who support consistent decision making and policy objectives. The success of a project is not based on an individual. We operate as a department with management providing clear direction to knowledgeable technical staff.

Q: How many staff members does DTSC have assigned to work on the SSFL project?

A: SSFL is a priority cleanup site for DTSC. There are 22 DTSC staff members working on the cleanup of this site, far more than any other DTSC cleanup project in the history of the department. This does not include the staff who contribute to this effort from other regulatory agencies, including the regional water quality control board and the US Environmental Protection Agency.

California Environmental Quality Act (CEQA)

Q: How are CEQA documents prepared for projects that DTSC oversees? If it is DTSC's responsibility to conduct a CEQA analysis, why does DTSC have responsible parties involved in a contract with a CEQA consultant?

A: DTSC is the Lead Agency for all of the cleanup activities to be conducted at SSFL under CEQA, and DTSC has determined that an Environmental Impact Report ("EIR") will be required. Under the state regulations that govern the CEQA process (the CEQA guidelines) a Lead Agency is authorized to execute a Memorandum of Understanding (or Memorandum of Agreement) with the applicant to govern the preparation of a draft EIR, or similar environmental analysis, by an independent contractor. In this case, DTSC executed a Memorandum of Agreement with The Boeing Company (Boeing), as the principle landowner, while the federal agencies are responsible for their National Environmental Policy Act (NEPA) analysis.

Q: How does DTSC prevent the responsible party from influencing the CEQA consultant? How does DTSC ensure that the analysis prepared by the CEQA consultant isn't influenced by the responsible party that is paying the bills?

A: Boeing only pays the bills – the consultant reports to and takes direction only from DTSC. DTSC is sensitive to concerns that any responsible party might be able to influence or control an analysis as important as an EIR. In the case of the planned EIR for SSFL, DTSC ensures, through the terms of a Memorandum of Agreement, that DTSC is making the decisions, even if the consultant performing the EIR receives reimbursement from Boeing. That MOA clearly lays out the reimbursement relationship between Boeing and the consultant and the contractual reporting relationship between DTSC and the consultant, and limits the contact and communication between Boeing and the consultant. DTSC has used this mechanism successfully at many of its cleanup sites, and is confident that the MOA and the exclusion of Boeing - or any responsible parties - from the CEQA work products and decision making will continue to prevent Boeing from having any influence over DTSC's decisions. In addition, all CEQA documents are public records and will be made available for public review.

Q: What consultant was selected to prepare CEQA documents for SSFL?

A: DTSC chose to perform the CEQA work in two stages: the first to devise a strategy for managing the numerous individual parts of a complex cleanup that could accommodate different timing for each piece but that could also manage the cumulative impacts of all activities combined. For this first phase, DTSC chose a consultant, AECOM, to provide recommendations for how to prepare the EIR for the SSFL cleanup. DTSC is currently negotiating a second Memorandum of Agreement with Boeing to secure a consultant to prepare the actual EIR documents.

Q: We heard that Boeing violated the Memorandum of Agreement and selected AECOM, a consultant they liked, rather than letting DTSC select a contractor on its own.

A: After DTSC signed the original Memorandum of Agreement with Boeing, Boeing took it upon itself to identify and suggest a list of consultants they felt were qualified to perform the work. Independently, Mark Malinowski, DTSC's SSFL Project Manager, had been asking other project managers in DTSC for a list of consultants with which we have had successful relationships on similar CEQA efforts. Mark also developed a set of criteria that DTSC used to assess the qualifications of the consultants being considered. AECOM, the consultant that DTSC identified, met DTSC's evaluation criteria, even though it was on both the DTSC list and the Boeing list. Regardless of the selection process, the Memorandum of Agreement prevented Boeing from having any further role with AECOM and its work, and DTSC is confident that the recommendations provided by AECOM were not influenced by Boeing or the other responsible parties.

Public Outreach

Q: Why doesn't DTSC continue to operate the Interagency Workgroup as USEPA has in the past?

A: The Workgroup has served an important role for more than 20 years, but there are some fundamental changes DTSC needs to make to its involvement with this group. We have asked the group's community members to become a community-led group rather than being led by the oversight agency. DTSC has met with the community members of the Workgroup to share our thinking with them and to offer to negotiate a positive working relationship for the future.

Q: What is a Community Advisory Group?

A: The purpose of a Community Advisory Group (CAG) is to provide the community another arena to discuss issues and concerns relating to environmental projects under DTSC's direct oversight.

Q: Is DTSC required to help the community form a CAG? Who pays for the CAG?

A: Because DTSC received a valid petition to form a CAG from members of the SSFL community, we are legally obligated to assist in its formation. Proponents of a CAG initially submitted an online petition to DTSC. Since then, we have received a second CAG petition that clearly stated its purpose and contained physical signatures from more than 70 people who live in and near the community. Well over 50 of those signatures were from addresses within a short distance of the site. Our Public Participation Specialist Supervisor assigned to the project has reviewed the petition and determined that it meets the requirements in law. The CAG is responsible for securing its own funding and meeting venues. DTSC will contribute two email meeting announcements for the group each year and participate in the meetings.

Q: Who can be on the CAG? Are the same people who signed a petition automatically on the CAG? Who decides? And how many people can be on the CAG?

A: A CAG is made up of members who represent the diverse interests of the community including political or local government agency representatives, environmental groups, community groups and the general public. The California Health and Safety Code outlines how a CAG will form and who will be on it. (See the DTSC Community Advisory Group Handbook at www.dtsc.ca.gov/GetInvolved/upload/PP_Guidance_CAG.pdf) The size depends on the community interest and complexity of the community. There is no set number for membership.

Q: Who is in charge of the CAG? Who runs the meetings? Who sets the agenda? Is DTSC required to attend the CAG meeting?

A: Members of the CAG will elect a Chairperson who will run meetings and work with members to set the agenda. DTSC is required to serve as resource for the CAG.

Q: Why doesn't DTSC continue to operate the Public Participation Group instead of helping to form a CAG?

A: Because DTSC resources are limited and since the roles and goals of a CAG and the PPG are nearly identical, it does not make sense for us to continue to operate the PPG. We have notified its members that DTSC will discontinue PPG meetings. The CAG is to be community led, not managed by DTSC.

Q: With such a technically complex project like the cleanup of SSFL, with the amount of activities going on to meet a 2017 cleanup deadline, how can the community hope to keep up with the project?

A: We feel that the modified Workgroup, the CAG and other outreach activities meet the information and interaction needs of the community. DTSC plans to continue its many other information sharing efforts (technical roundtable discussions, open houses, community meetings, monthly updates, etc.). These efforts will provide members of the community with information about ongoing site investigation and cleanup activities as well as an opportunity to ask questions and provide feedback. In addition, we plan to enhance our website and provide more information via electronic mail.