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REPONSE TO COMMENTS ON SOUTHERN CALIFORNIA EDISON SAN ONOFRE NUCLEAR GENERATING STATION DRAFT HAZARDOUS WASTE FACILITY PERMIT

INTRODUCTION

This document constitutes the Response to Comments (RTC) by the Department of Toxic Substances Control (DTSC) on the draft Hazardous Waste Facility Permit (Draft Permit) for the San Onofre Nuclear Generating Station (SONGS), operated by Southern California Edison. A public comment period was held from January 7, 2016 through February 24, 2016 and a public hearing was held on February 11, 2016. No comments were received from the public at the hearing. During the public comment period, seven e-mails and one letter were received. Those e-mails and letters are included as attachments to this RTC document. Responses to the comments received during the public comment period are provided below.

DTSC has made changes to Special Condition #5 on page 15 of the Draft Permit. Those changes and the reason for them are stated below in DTSC's response to comment #2 from Mr. Brian Metz.

COMMENT FROM DR. KENNETH SCHULTZ (e-mail received by DTSC on 1/7/2016)

- COMMENT

I support the renewal of the SONGS Hazardous Waste Facility Permit and urge you to expedite the renewal of this permit, which will allow Southern California Edison to proceed with decommissioning of SONGS.

SONGS has been an exemplary neighbor and will be sorely missed.

- DTSC RESPONSE

Your comment is noted.

COMMENTS FROM MR. JAMES WALSH (letter received by DTSC on 2/23/2016)

- COMMENT #1

If there is a leak of toxic/radiation waste at the site, is the state financially responsible for paying for health related issues arising from leak, loss of business, and/or loss of property values of residents, business owners?

- DTSC RESPONSE

The owner and/or operator of the site would be primarily responsible for paying such costs. Under California Code of Regulations (CCR) Title 22, Division 4.5 section 66264.147, an owner or operator of a hazardous waste storage facility is required to maintain liability coverage for sudden accidental occurrences that result in bodily injury and property damage to third parties. The minimum amount of coverage that is required is \$1 million per occurrence with an annual aggregate of at least \$2 million, exclusive of legal defense costs. In this case, the owner and operator would be Southern California Edison.

Also, the Draft Permit states the following:

“The issuance of this Permit by DTSC does not release the Permittee from any liability or duty imposed by federal or state statutes or regulations or local ordinances, except the obligation to obtain this Permit.”

- COMMENT #2

Why is the state even considering granting a ten-year license to store toxic/radiation wastes when recent events in Porter Ranch, Flint, Michigan, Ohio, and Japan have demonstrated how adversely a toxic leak would affect the health and welfare of thousands of Orange County residents?

- DTSC RESPONSE

Hazardous waste will be generated periodically as SONGS goes through the decommissioning process. That waste is required to be managed and stored in accordance with all applicable Federal and State laws. The reason DTSC considers or issues permits for hazardous waste storage activities is to help ensure the permit applicant is following applicable hazardous waste control laws and to help ensure the protection of human health and the environment.

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- COMMENT #3

The Porter Ranch debacle prompted Senator Boxer to call for a private firm to be hired to oversee state agencies deemed to be ineffective. Will this plan be followed if [sic] the state licenses the San Onofre Plant to store toxic/radiation wastes?

- DTSC RESPONSE

DTSC is not familiar with the specific Senator Boxer request mentioned by the commenter. However, state laws and regulations give DTSC the authority to issue permits to hazardous waste storage facilities like SONGS. DTSC is the state department that oversees the regulation of hazardous waste. It is not clear from your question how issuance of the Draft Permit would deem DTSC as ineffective or as otherwise requiring oversight from a private firm. It also should be noted that DTSC first issued a hazardous waste facility permit to SONGS in 2005. The Draft Permit is a renewal of that prior permit.

- COMMENT #4

Would it not make more sense for the state to license the San Onofre Plant on a yearly basis which would include four unannounced inspections in light of all recent events?

- DTSC RESPONSE

DTSC issued a permit for hazardous waste storage for the SONGS facility in 2005 and that permit was effective for ten years. The inspections by DTSC that occurred during that ten-year period did not reveal any violations. Additionally, the law allows DTSC to issue permits for storage facilities like SONGS for a 10 year term. During the permit term, the facility can be inspected at any time unannounced. It is not clear in your comment how or why any recent events should reduce the duration of a permit for SONGS from ten years to one year.

- COMMENT #5

Why haven't local city councils been notified of meetings and been given regular reports related to the toxic waste storage? At the very least, all cities within a 25 mile radius should be updated on a regular basis.

- DTSC RESPONSE

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On January 6, 2016, DTSC sent the Community Update, which contained notification of the public comment period and the public hearing, to all of the San Clemente City Council members, the Mayor, and the City Manager. DTSC also sent the Community Update to the Commanding Officer of Camp Pendleton.

Section 66271.9 of Title 22 of the California Code of Regulations (CCR) requires DTSC to send notification to any unit of local government having jurisdiction over the area where the facility is located. SONGS is located entirely on land owned by the United States Navy and managed by the Marine Corps. The city closest to the facility that has jurisdiction outside the property owned by the Navy is San Clemente.

DTSC also sent notification to the two San Diego County Supervisors and the one Orange County supervisor representing unincorporated areas closest to SONGS in both counties.

- COMMENT #6

Have ALL mishaps at the San Onofre Nuclear Plant been made public? If so, how was the public notified?

- DTSC RESPONSE

Both the prior permit and the current Draft Permit require Southern California Edison to notify DTSC orally within 24 hours and in writing within 10 days when it discovers a release of hazardous waste. Southern California Edison has not submitted any such notices to DTSC since the 2005 permit was issued, nor is DTSC independently aware of any hazardous waste releases from the facility. Any future written notifications regarding hazardous waste releases will be made available to the public upon request.

- COMMENT #7

Is it true that some government agencies (Homeland Security) have provided funds to local cities to underground utility poles (especially communities that are close to possible terrorist targets)? If so, would my community be eligible for funds? Our community has only one way in and out; downed utility poles would prevent evacuation of our residents in the event of disaster.

- DTSC RESPONSE

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Unfortunately, DTSC does not have any information regarding Homeland Security funds for undergrounding utility poles. However, you may consider contacting the City of San Clemente regarding the existence or status of their underground utilities program.

- COMMENT #8

How were residents of San Clemente and surrounding areas notified of the public meeting regarding the Hazardous Waste Storage Permit San Onofre Nuclear Generating Station held at Concordia Elementary School on February 11, 2016? With regard to the reported 1200 notices sent out by your agency, how were recipients selected and what areas did they represent? Who decided what residents would be notified of this meeting? Why was this meeting held on a Thursday evening before a holiday weekend when many residents were out of town?

- DTSC RESPONSE

DTSC sent the Community Update containing the notice of the public comment period and public hearing to persons on the facility mailing list (1285 addresses). DTSC included on this list all those who had requested to be added to it and those who were participants in previous DTSC permit proceedings involving SONGS. DTSC also e-mailed the Community Update to 25 people who had corresponded with the department through e-mails in the past.

DTSC also mailed the Community Update to all homes within a 1 and $\frac{3}{4}$ quarter mile radius of the facility. DTSC published a public notice in the Orange County Register and ran a 60 second spot on KX 93.5 FM radio station on January 7, 2016 - the first day of the comment period.

Lastly, DTSC posted the Community Update to the following DTSC public websites:

https://apps.dtsc.ca.gov/calendar/search_db.cfm

http://www.dtsc.ca.gov/HazardousWaste/Projects/San_Onofre.cfm

<http://www.envirostor.dtsc.ca.gov/public/>

In regards to why the hearing was held on February 11th, many factors go into determining when a hearing will be held. Some of those factors include the availability of the venue where DTSC will hold the hearing, DTSC staff schedules, and the requirement that DTSC give at least a 30 day notice to the public before holding a Public Hearing on a Draft Permit.

COMMENTS FROM MR. BRIAN METZ (e-mail received by DTSC on 2/24/2016)

- COMMENT #1

Page 15 Part V. #4 reword the following:

...Collection events shall be documented in the operating record and shall note at a minimum, the date of discovery, the date of disposition and estimated volume....

- DTSC RESPONSE

The commenter requests that the words "the date of disposition" replace the words "collection date" in the Draft Permit. The collection date refers to the actual date that accumulated rainwater and washwater is removed from the permitted storage areas for waste classification. The draft permit requires this date of collection to be added to the operating record and requires that the collection take place within 24 hours of discovery. It is important for the date of actual collection to be included in the record because it helps ensure that the facility complies with the requirement to collect the water within 24 hours. The commenter does not provide an explanation as to why the collection date should be replaced with the date of disposition or how this change would affect the purpose of the requirement. In consideration of this comment, DTSC has determined that the Draft Permit should remain as is.

- COMMENT #2

Page 15 Part V #5

...repairs shall be initiated and completed as soon as possible. Recommend deletion of "and completed within one week of discovery", as a repair depending on magnitude make take several months. An additional condition could be: If an area was discovered with a crack, gap or tear, all waste within the area of concern would require secondary containment (over pack, and/or spill control pallets) until the area has been repaired.

The Permittee shall notify DTSC within 30 days of discovery, unless a release to the environment has occurred. In such case, the permittee shall notify DTSC within 24 hours. Last sentence change to.... The Permittee shall notify DTSC in writing of the corrective measures that have been taken, within 30 days of the completed repair.

- DTSC RESPONSE

The commenter states that the requirement specified under special condition 5 in the Draft Permit to complete repairs to any cracks, gaps, or tears within one week may not

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be feasible and that repairs, if severe, may take several months. The commenter requests that the condition be changed to allow for more flexibility and suggests language that could be added to meet this request.

DTSC understands the reason for the request and will therefore add language allowing the Permittee to request an extension to the one week period. Special Condition 5 on page 15 of the Draft Permit will be changed to the following:

As required under California Code of Regulations, title 22, section 66264.175(b)(1), a base shall underlie the containers which is free of cracks or gaps and is sufficiently impervious to contain leaks, spills, and accumulated precipitation. In the event that any cracks, gaps or tears are detected in a hazardous waste management unit or a secondary containment system or device, repairs shall be initiated as soon as possible and completed within one week of discovery of the problem. The Permittee shall notify DTSC within 24 hours whenever a crack, gap or tear is found. Within seven days of discovery of the problem, the Permittee shall notify DTSC in writing of the corrective measures that have been taken or the Permittee shall submit a request to extend the one week period for completing the repairs to DTSC. The requested time extension must be as short as practicable, and may not exceed 90 days from the date of discovery. The request must state the reason for the request and must propose a date by which the repairs will be completed. If the request is approved by DTSC, the deadline to complete the repairs shall be extended. The Permittee must store all containers holding hazardous waste on spill control pallets and containers holding hazardous wastes that contain free liquids must be over packed until the repairs are completed.

- COMMENT #3

Figure 1-2

Delete all reference to Mesa Property Boundary (North East of I-5), as this area has been/is being returned back to USMC/DoN and the area cannot be used to store licensed radioactive material; hence no mixed waste or combined waste is permitted.

- DTSC RESPONSE

The commenter requests that references to the Mesa Property be deleted in Figure 1-2 of the Draft Permit. There are two references to the Mesa Property portion of the facility in the Draft Permit. The first is on page 3 in the location description of the facility and the second is on a map (Figure 1-2) located in Attachment 1. Page 3 references the "Mesa operation" and "Main Site operations" and clarifies that hazardous waste storage operations covered under the permit are located at the Main Site, not the Mesa Property. Figure 1-2 contains a note that the Site Plan illustrated does not include changes made for decommissioning. The main purpose of Figure 1-2 is to show the

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location of the permitted areas within the facility. As indicated on Page 3 of the Draft Permit, DTSC understands that the Mesa Property is not permitted to store hazardous waste and that there will be no material impact on the enforceability or scope of the Draft Permit by not removing the references to the Mesa Property. In consideration of this comment, DTSC has determined that the Draft Permit should remain as is.

COMMENTS FROM MS. ELLEN HICKS RHODA (e-mail received by DTSC on 2/24/2016)

- COMMENT #1

As one of the two resident citizen attendees at the February 11, 2016, public hearing, I was initially struck by the fact that the attendance certainly did not accurately reflect the extent of the public's interest or concern regarding the importance of what you do, or the great impact of your responsible decision. It was suggested that your mailing list should be greatly expanded; we were unable to locate even one individual amongst our many concerned neighbors and co-activists who received the community update and notice of the meeting. No member of the City Council for the City of San Clemente recalled receiving it, and you told us that neighboring city's councils had not yet been included in notification.

- DTSC RESPONSE

The commenter states that the mailing list used by DTSC to notify the public of the public hearing on February 11, 2016 should have been expanded because other concerned neighbors and co-activists did not receive notice, no members of the San Clemente City Council recalled receiving it, and neighboring City Councils had not yet received it.

As noted in the response to Mr. James Walshe's Comment #5, DTSC mailed the Community Update, which contained notice of the public comment period and public hearing, to the San Clemente City Council members. DTSC also sent out the Community Update to persons on a facility mailing list, which included those who had requested to be added to it and those who were participants in previous DTSC permit proceedings involving SONGS. DTSC also mailed the Community Update to all homes within a 1 and 3/4 quarter mile radius of the facility. DTSC did not receive any requests from the public to be added to the mailing list during the public comment period. DTSC's public notice met and exceeded applicable regulatory requirements.

- COMMENT #2

Do you actually consider denying a renewal of a permit, or are they generally approved and granted as a matter of course?

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- DTSC RESPONSE

DTSC may consider denying a permit if it has cause to do so. Causes for denying a permit are contained in the California Health and Safety Code and California Code of Regulations. DTSC has determined that the SONGS facility does not meet the criteria for permit denial.

When considering a permit application, DTSC carefully evaluates a facility's compliance history to determine whether approval of the permit application is warranted. For all permit applicants, DTSC also considers the severity and pattern of any violations, potential for environmental or human health impact and the applicant's cooperation and timeliness in returning to compliance. The DTSC Enforcement and Emergency Response Division evaluated the compliance history for SONGS to determine if the facility meets the criteria for permit denial, and concluded the facts did not warrant such an action.

- COMMENT #3

If the disqualifying violations have not yet been quantified, as you indicated in response to my question, under what conditions would you choose to deny?

- DTSC RESPONSE

Aside from a repeating or recurring pattern of violations, another reason DTSC may deny a permit renewal request is if the facility is unable or unwilling to submit a permit application that meets all regulatory and technical requirements. In the case with SONGS, Southern California Edison submitted a complete application that met all the applicable requirements.

- COMMENT #4

You told us that you are not responsible for the management of radioactive wastes, but in your presentation you offered clear definitions for the amounts of radioactivity that classified the levels of mixed waste that you control.

This leads me to ask what are the determined effects of a breach of the hazardous wastes stored under this permit, particularly High Specific Activity Waste?

- DTSC RESPONSE

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As stated in the Draft Permit, DTSC regulates the hazardous component of Mixed Waste and Combined Waste. The radioactive component is regulated by the United States Nuclear Regulatory Commission. The ranges of radioactivity for the Mixed and or Combined Waste were listed in the Community Update document and mentioned in the public hearing simply to explain why the facility segregates and places the waste into specific permitted storage areas.

In regards to the effects from a breach or release of hazardous waste stored in the High Specific Activity Storage area, that area is located within an enclosed concrete building known as the Multi-Purpose Handling Facility. The building is designed with drainage that leads to a sump to collect any spills of waste should that occur. Therefore, a breach from the High Specific Activity Storage area would be contained within the Multi-Purpose Handling Facility and not affect the public.

DTSC would also like to note that the High Specific Activity Storage area has never been used because no hazardous waste with high enough levels of radioactivity has been generated at SONGS for it to be placed in that permitted area.

- COMMENT #5

What is the range in proximate distance for risk of contamination?

- DTSC RESPONSE

The scope of this question is not clear. If the commenter is referring to the risk from a spill of hazardous waste in one of the permitted storage areas, depending on the size of the spill, the facility would likely need to clean the immediate area of the spill or secondary containment sump within the storage area. Further, as determined in an Initial Study attached to the previous final negative declaration prepared for this project (collectively, the final negative declaration), the activities to be regulated by the Draft Permit will not create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials.

- COMMENT #6

What are the potential damages from spillage, explosion, fire—any disaster manmade or naturally occurring?

- DTSC RESPONSE

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The potential damages from an explosion or fire depend heavily on the size or magnitude of the incident. However, to reduce the possibility or extent of any damages, the hazardous waste storage areas at SONGS have automated sprinkler systems for fire suppression, an automated alarm system, approved secondary containment systems, and an agreement with Camp Pendleton fire department to provide emergency response.

As determined by DTSC in the previous final negative declaration prepared for this project, the routine transport, use or disposal of hazardous waste at SONGS will not have a significant adverse effect on public health or the environment. The underlying Initial Study noted the following circumstances that minimize accident potential:

- no flammable gas or highly flammable liquid existing inside or adjacent to the South Yard Facility Batch Plant (SYF-BP) or Multi-Purpose Handling Facility (MPHF);
- except for vehicle fuel there would be no flammable gas or liquid transported;
- the SYF-BP or MPHF has adequate fire protection system, including sprinklers, audible alarms, and automatic notification to the federal fire department;
- mixed waste will be stored and transported in sealed containers; and
- periodic inspections by SYF -BP or MPHF operators and the federal fire department ensure no extraneous or combustible materials are in the SYF-BP or MPHF.

- COMMENT #7

What percentage, if any, does the measurement of these risks for significant impact on human health and the environment weigh into your decisions to permit or deny?

- DTSC RESPONSE

It is the responsibility of DTSC to make sure that Southern California Edison operates the hazardous waste storage areas at SONGS in compliance with the all applicable laws and regulations. DTSC must set permit conditions necessary to protect human health and the environment. DTSC reviewed Southern California Edison's permit renewal application to ensure the hazardous waste storage operation is in compliance with the permit application regulations. DTSC then prepared the Draft Permit, which contains additional conditions necessary to protect human health and the environment.

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As determined in DTSC's previous final negative declaration for this project, the activities to be regulated by the Draft Permit will not have a significant adverse effect on the environment, or any substantial direct or indirect adverse effect on human beings.

Lastly, DTSC has the authority to inspect the hazardous waste storage areas at SONGS to ensure they remain in compliance.

- COMMENT #8

If the potential for contamination extends to population groups that surround a site, what are your defined parameters for "acceptable" risks?

- DTSC RESPONSE

The hazardous wastes stored in the storage areas at SONGS are kept in sealed containers and the containers are placed on a concrete pad containment system that has been engineering certified to contain leaks or spills. Additionally, Southern California Edison is required to maintain and follow a contingency plan to minimize risks for contamination to the surrounding population. As determined by DTSC in a final negative declaration for this project, the activities to be regulated by the Draft Permit will not have a significant adverse effect on the environment, or any substantial direct or indirect adverse effect on human beings.

- COMMENT #9

Ultimately, what justification could be produced for Edison International to continue to store radioactive hazardous wastes for ANY length of time throughout the completion of their decommissioning process?

- DTSC RESPONSE

Hazardous waste will be generated periodically as SONGS goes through the decommissioning process. That waste is required to be managed and stored in accordance with all applicable Federal and State laws. The reason DTSC considers or issues permits for hazardous waste storage activities is to make sure the facility requesting the permit is following the laws and overall, to ensure the protection of human health and the environment. As determined by DTSC in a final negative declaration for this project, the activities to be regulated by the Draft Permit will not have a significant adverse effect on the environment, or any substantial direct or indirect adverse effect on human beings.

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- COMMENT #10

Why should they not be required to follow the load-and-ship policy diligently, until the removal of all the hazardous materials can be completed as efficiently and expediently as possible?

- DTSC RESPONSE

The comment does not explain what a "load-and-ship policy" entails. The commenter may be referring to shipping out hazardous waste in a shorter time period, such as every 90 days. It should be noted that by law a facility is allowed to store hazardous waste for more than 90 days as long as they comply with all applicable laws and regulations, including obtaining a permit from DTSC. If storage of hazardous waste is conducted less than 90 days, this activity would not require the facility to obtain this type of permit from DTSC and there would be fewer requirements the facility must follow.

The hazardous wastes stored at SONGS are loaded onto trucks and shipped offsite. The Draft Permit, if approved, would allow SONGS to store waste up to one year unless DTSC approves an extension. Since the permit was issued in 2005, no extensions have been requested and in many circumstances the waste leaves the facility much sooner than the one year deadline. The commenter has not pointed to any problems with this existing regulatory framework, nor is DTSC independently aware of any problems.

- COMMENT #11

It is difficult to conceive of a way in which the site of the San Onofre Nuclear Generating Station could represent a greater magnitude of risk to human life or a more significant valuation of loss to environment and property. The 100-mile radius of its prime Southern California coastal location includes two of the most densely populated cities in the country.

The plant sits at sea level, susceptible to Fukushima-type tidal disasters, and atop major fault lines with constant seismic activity and the expert-predicted catastrophic earthquake perpetually imminent.

- DTSC RESPONSE

The comment expresses concern regarding potential impacts from a tsunami or earthquake similar to what occurred in Japan at SONGS.

The two hazardous waste storage areas, which contain the hazardous wastes with the higher amounts of radioactivity, are located within an enclosed concrete building. All

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three storage areas are located over 100 feet above sea level. As determined in DTSC's final negative declaration for this project, the activities to be regulated by the draft permit do not pose a significant risk of inundation by seiche, tsunami, or mudflow. Southern California Edison was required to show that the hazardous waste storage areas and their designs meet the seismic standard when they initially applied for a hazardous waste storage permit. Southern California Edison submitted a report demonstrating that they meet International Building Code, 2000 edition seismic design provisions. DTSC's final negative declaration for this project concluded that the project does not pose significant risk to people or the environment due to earthquake faults, strong seismic ground shaking, or seismic-related ground failure. Nothing in this comment triggers any conditions requiring DTSC to prepare a subsequent environmental impact report or that would otherwise invalidate the conclusions of the negative declaration.

- COMMENT #12

It offers an ideal target for a terrorist attack—an opportunity to achieve maximized devastation from a single destructive act.

- DTSC RESPONSE

The commenter expresses concern regarding the potential of a terrorist attack on SONGS.

Access to the SONGS facility is controlled by security fencing and guards. Southern California Edison is required to maintain security at SONGS in accordance with Nuclear Regulatory Commission requirements under Title 10 Chapter 1 of the Code of Federal Regulations and DTSC requirements under Title 22, Division 4.5, Chapter 14, Article 2 of the California Code of Regulations (commencing with section 66264.10).

For the hazardous waste storage areas, Southern California Edison is also required under Title 22 of the California Code of Regulations to establish and follow procedures to prevent hazards and maintain a contingency plan. A description of the procedures and a copy of the contingency plan were included in the permit application for SONGS. The Draft Permit, if approved, would require the facility to follow those procedures. Some of the procedures include maintaining automated alarm and sprinkler systems and establishing an agreement with Camp Pendleton for emergency fire response. The procedures reduce the risk from any damage that would result from a terrorist attack.

- COMMENT #13

If this site does not require your most stringent regulation, what site does?

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- DTSC Response

The hazardous waste storage areas at SONGS are required to be operated in accordance with all applicable laws and regulations.

- COMMENT #14

You stated that part of your process involves ensuring that the applicant has been “a good citizen” and consistently compliant, yet I am aware of sustained and increasing controversy regarding Edison International withholding information from the public, concealing violations, cutting cost corners resulting in materials failures—thereby mismanaging waste, improperly dispersing and disposing of toxic chemicals, and, as a corporation, repeatedly demonstrating a lack of ethical responsibility and good will toward neighboring residents and ratepayers, their safety, their land, their concerns...and they continue to bill the costs of decommissioning to these very ratepayers.

For neither their convenience nor their financial benefit should the safety of the long-suffering resident ratepayers be further compromised. Without mitigating compensation, we, the resident rate- and taxpayers, have lived under the enormous burden of inordinate risk every day for more than 45 years, and, even despite a now shut-down plant, are forced to continue to endure the uncertainty and fear—and costs!—throughout this protracted decommissioning process.

- DTSC Response

The commenter expresses concern and skepticism over SONGS's compliance history and includes a variety of concerns mainly over the past and present safety of operations at the facility.

DTSC has not issued any violations to Southern California Edison for its hazardous waste storage operations since the permit was issued in 2005. Also, please see DTSC's response to your second comment regarding the process DTSC follows to review compliance histories of applicants prior to making permitting decisions.

- COMMENT #15

If you truly do issue, renew or deny permits based on the weight of impact and risk, please consider extending SONGS' permit only with the modifications that they continue to follow load-and-ship policies, and for only the minimal duration of time required to dismantle and dispose of their toxic accumulation as rapidly as possible.

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- DTSC Response

Please see DTSC's response to your comment #10

COMMENT FROM MS. DONNA GILMORE (e-mail received by DTSC on 2/24/2016)

- COMMENT #1

We have not seen this permit renewal and were not aware of this hearing. Would you please extend the due date for comments and share links to the detailed information? We have been actively involved in San Onofre issues, but had no notice of this meeting from Southern California Edison or anyone else.

- DTSC RESPONSE

DTSC e-mailed the Community Update, which contained the information on the public hearing and the availability of the draft permit, to your e-mail address on January 6, 2016 – the day before the beginning of the public comment period. DTSC considered your request to extend the comment period and has decided not to grant the request. Please also see DTSC's responses to Mr. James Walshe's Comment #5, and Ms. Ellen Hicks Rhoda's Comment # 1, which explain how DTSC's public notice met and exceeded applicable regulatory requirements.

COMMENTS FROM MS. LYN HARRIS HICKS (3 e-mails received by DTSC on 2/24/2016)

- COMMENT #1

<http://www.cbsnews.com/news/tsunami-in-store-for-los-angeles-and-san-diego/>
[published May 29, 2015]

Example of changes during years since your 2004 Negative Declaration. Will you consider some, before your decision?

- DTSC RESPONSE

As described at Part III.3 of the Draft Permit, DTSC is relying upon the final Negative Declaration it prepared for this project in December 2004 to comply with the requirements of the California Environmental Quality Act (CEQA) for this permit renewal. DTSC has confirmed that the 2004 Negative Declaration adequately described facility operations to be regulated by the Draft Permit, and that the conditions requiring

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preparation of a subsequent environmental impact report are not present. Any of the following conditions, if present, would require preparation of a subsequent environmental impact report: (1) Substantial changes are proposed in the project which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; (2) Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or (3) New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous negative declaration was adopted, shows...the project will have one or more significant effects not discussed in the previous negative declaration." Cal. Code Regs., tit. 14, § 15162. Because DTSC determined that none of these conditions exist for the proposed project, no further environmental review is required by CEQA.

The commenter provided an article regarding a recently published study about the presence of faults off the southern coast of California. These faults were not mentioned in the 2004 Negative Declaration prepared by DTSC. Although the underlying study was not attached to the comment, DTSC located the study online and added a copy of the study to the administrative record. Presumably, the commenter is suggesting that the article provides "new information of substantial importance" within the meaning of 14 C.C.R. § 15162(a)(3), and therefore, that DTSC is required to prepare a subsequent Environmental Impact Report for this project.

DTSC disagrees that the study requires DTSC to prepare a subsequent environmental impact report. The 2004 Initial Study attached to the Negative Declaration discussed the presence of faults known to be within the vicinity of the SONGS facility. This discussion covers any impacts related to fault activity. Based on consideration of fault activity, DTSC's final negative declaration for this project concluded that the project does not pose significant risk to people or the environment due to earthquake faults, strong seismic ground shaking, or seismic-related ground failure. DTSC also concluded that the activities to be regulated by the Draft Permit do not pose a significant risk of inundation by seiche, tsunami, or mudflow. Neither the article provided by the commenter, nor the underlying study, invalidate the conclusions of the negative declaration.

While the study had not been published at the time of the 2004 Negative Declaration, much of the geological data that the study interprets did exist at the time the negative declaration was completed. It is therefore unlikely that the study, and the conclusions that it reaches, constitutes "new information of substantial importance that was not previously available" within the meaning of 14 C.C.R. §15162(a)(3). See *A Local and Regional Monitor (ALARM) v. City of Los Angeles* (1993) 12 Cal.App.4th 1773, 1802.

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Even if the study were to be considered "new information of substantial importance that was not previously available," it does not reveal any new significant effects of the project. The article and the underlying study do not predict the size or probability of a tsunami that would occur if an earthquake were to occur along one of the faults discussed in the study. Conversely, a 2005 Final Environmental Impact Report prepared by the California Public Utilities Commission (CPUC) regarding the replacement of the steam generators at SONGS did conclude that an offshore earthquake could potentially generate a tsunami with a wave height of 6 feet. That conclusion is consistent with the information submitted by the facility with its permit application, which relies upon a report from 2015 containing an estimated tsunami wave height of 6 feet. This information is included in the administrative record for the current permit application.

Overall, the two storage areas, which contain the hazardous wastes with the higher amounts of radioactivity, are located within an enclosed concrete building. All three storage areas are located over 100 feet above sea level, which is well above the 6 foot tsunami wave height estimated by the 2005 CPUC Final Environmental Impact Report. In summary, not only does the study not indicate any new adverse impacts of the project regarding potential inundation by seiche, tsunami or mudflow, but the study is not the type of information that must be considered under 14 C.C.R. §15162(a)(3).

Based on the above information, none of the conditions described in 14 C.C.R. §15162 requiring a subsequent environmental impact report exist for this project. The conclusions of the 2004 Negative Declaration remains valid.

- COMMENT #2

We ask that you consider the negative impacts of potential earth movement or resulting large waves on the process of sorting and loading behind and below the wall, that rises only about 17 feet above high tide on the front side. We have experienced 60ft waves on the northern California coast already this season.

- DTSC RESPONSE

The permitted storage areas are located at the southern end of the facility in an area that is positioned approximately 100 feet above high tide (information in the administrative record indicates that the maximum high tide observed near the site was in 1968 was 7 feet above sea level).

Regarding the assertion regarding 60 foot waves, it is unclear how the size of ocean waves along the Northern California coast would be relevant to hazardous waste storage activities located in Southern California. What is relevant, however, is the

SONGS
Response to Comments
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evidence in the administrative record indicating that wave action will not generate water levels above the elevation at the top of the seawall.

In regards to the concern about sorting and loading, the commenter has not specified what activities constitute "sorting and loading behind and below a wall that rises only 17 feet above high tide on the front side." In fact, the Draft Permit, if approved, would only authorize storage of hazardous wastes in accordance with the terms and conditions therein; any management of hazardous wastes not specifically authorized by the permit is strictly prohibited. Draft Permit, Part III, Section 2(b).

- COMMENT #3

Most comprehensive negative impacts should be added: site specific assessments: over the years increases in population densities as close as a mile away on other side of the freeway, a family housing town on base, and north of county line of Orange county two miles away of tourist and Christopher Shays, that have not been considered. Thank you, for considering a fragment of our examples.

- DTSC RESPONSE

DTSC's previous negative declaration for this project disclosed the presence and approximate distances of residential populations near SONGS on Camp Pendleton and in the City of San Clemente. The distance to the nearest residences was approximately one to two miles and that has not changed, nor has the conclusion that the operation of the hazardous waste storage areas would cause any significant impacts to any nearby residents. In summary, none of the conditions described in 14 C.C.R. §15162 requiring a subsequent environmental impact report exist for this project. The conclusions of the 2004 Negative Declaration remain valid.

- COMMENT #4

Please end by comment with Plea for one comprehensive public participation session.

- DTSC RESPONSE

DTSC followed the public participation requirements for hazardous waste facilities, including a public hearing. On February 11, 2016, DTSC held a public meeting and hearing at Concordia Elementary School in San Clemente to answer questions and to receive comments regarding the Draft Permit. The hearing took place during the comment period, which began on January 7, 2016 and ended on February 24, 2016. A total of 5 people attended the hearing.

SONGS
Response to Comments
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- COMMENT #5

Return to load and ship requirement for additional security!

- DTSC RESPONSE

Hazardous Waste at SONGS is loaded onto trucks and shipped offsite. Please see response to comment #10 from Ms. Ellen Hicks Rhoda above.

From: Ken Schultz [<mailto:ken-schultz@cox.net>]

Sent: Thursday, January 07, 2016 6:55 PM

To: Schumacher, Nathan@DTSC

Subject: Permit Renewal for Hazardous Waste Management at the San Onofre Nuclear Generating Station

Dear Mr. Schumacher:

I live in Leucadia, about 25 miles downwind of San Onofre Nuclear Generating Station (SONGS). I support the renewal of the SONGS Hazardous Waste Facility Permit and urge you to expedite the renewal of this permit, which will allow Southern California Edison to proceed with decommissioning of SONGS.

SONGS has been an exemplary neighbor and will be sorely missed.

Kenneth R. Schultz, Ph.D, PE

ken-schultz@cox.net

760-753-3502

1870 Wilstone Ave.

Leucadia CA 92024

COMMENT FORM

State of California
Department of Toxic Substances Control's
Draft Permit and CEQA Negative Declaration for the
San Onofre Nuclear Generating Station

Comments must be postmarked by **February 24, 2016** to be considered as DTSC makes the final permit decision. Comments may be submitted at the public hearing, or mailed, faxed or e-mailed to the address below.

Please Print

Date: FEB. 19, 2016

(ATTACHED)

Name: JAMES T. WALSH

Affiliation (if applicable): _____

Mailing Address: 4021 CALLE LISA
SAN CLEMENTE, CA 92672

Email Address: _____

Please give this form to one of the project team representatives or submit by **February 24, 2016** to:

Sam Coe, Project Manager
Department of Toxic Substances Control
8800 Cal Center Drive, Sacramento, CA 95826

Fax: 916-255-3734

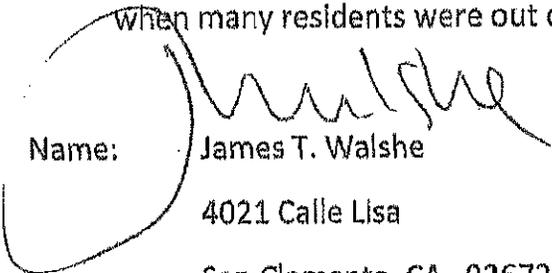
Email: Sam.Coe@dtsc.ca.gov

DTSC mailings are solely for the purpose of keeping persons informed of DTSC activities. Mailing lists are not routinely released to outside parties. However, they are considered public records, and if requested, may be subject to release.

- If there is a leak of toxic / radiation waste at the site, is the state financially responsible for paying for health related issues arising from leak, loss of business, and / or loss of property values of residents, business owners?
- Why is the state even considering granting a ten-year license to store toxic / radiation wastes when recent events in Porter Ranch, Flint, Michigan, Ohio, and Japan have demonstrated how adversely a toxic leak would affect the health and welfare of thousands of Orange County residents?
- The Porter Ranch debacle prompted Senator Boxer to call for a private firm to be hired to oversee state agencies deemed to be ineffective. Will this plan be followed if the state licenses the San Onofre Plant to store toxic / radiation wastes?
- Would it not make more sense for the state to license the San Onofre Plant on a yearly basis which would include four unannounced inspections in light of all recent events?
- Why haven't local city councils been notified of meetings and been given regular reports related to the toxic waste storage? At the very least, all cities within a 25 mile radius should be updated on a regular basis.
- Have ALL mishaps at the San Onofre Nuclear Plant been made public? If so, how was the public notified?
- Is it true that some government agencies (Homeland Security) have provided funds to local cities to underground utility poles (especially communities that are close to possible terrorist targets)? If so, would my community be eligible for funds? Our community has only one way in and out; downed utility poles would prevent evacuation of our residents in the event of disaster.

- How were residents of San Clemente and surrounding areas notified of the public meeting regarding the Hazardous Waste Storage Permit San Onofre Nuclear Generating Station held at Concordia Elementary School on February 11, 2016? With regard to the reported 1200 notices sent out by your agency, how were recipients selected and what areas did they represent? Who decided what residents would be notified of this meeting? Why was this meeting held on a ~~Friday~~^{Thursday} evening before a holiday weekend when many residents were out of town?

Name:

James T. Walsh

4021 Calle Lisa

San Clemente, CA 92672

Cc

Bob Baker, Mayor of San Clemente

Pat Bates, State Senator

Dianne Feinstein, U.S. Senate

Barbara Boxer, U.S. Senate

Lisa Bartlett, Chairwoman, Orange County Board of Supervisors

Mimi Walters, U.S. Representative

From: [BRIAN METZ](#)
To: [Coe, Sam@DTSC](#)
Cc: [BRIAN METZ](#); [SYEF M HOQUE](#)
Subject: SONGS Storage Facility Comments
Date: Wednesday, February 24, 2016 2:48:00 PM
Importance: High

Mr. Coe;

The following comments are being submitted during the comment period which end on February 24, 2016 to be considered by DTSC prior to the final permit decision:

Page 15 Part V. #4 reword the following:

...Collection events shall be documented in the operating record and shall note at a minimum, the date of discovery, the date of disposition and estimated volume....

Page 15 Part V #5

...repairs shall be initiated and completed as soon as possible. Recommend deletion of "and completed within one week of discovery", as a repair depending on magnitude make take several months. An additional condition could be: If an area was discovered with a crack, gap or tear, all waste within the area of concern would require secondary containment (over pack, and/or spill control pallets) until the area has been repaired.

The Permittee shall notify DTSC within 30 days of discovery, unless a release to the environment has occurred. In such case, the permittee shall notify DTSC within 24 hours. Last sentence change to... The Permittee shall notify DTSC in writing of the corrective measures that have been taken, within 30 days of the completed repair.

Figure 1-2

Delete all reference to Mesa Property Boundary (North East of I-5), as this area has been/is being returned back to USMC/DoN and the area cannot be used to store licensed radioactive material; hence no mixed waste or combined waste is permitted.

Thank you for your consideration, and if you have any questions regarding the above comments please do not hesitate to call me.

Brian Metz

Schumacher, Nathan@DTSC

From: Donna Gilmore <dgilmore@cox.net>
Sent: Wednesday, February 24, 2016 6:46 PM
To: Schumacher, Nathan@DTSC
Cc: Decommission San Onofre; Ace Hoffman
Subject: San Onofre Draft Hazardous Waste Facility Permit Renewal

We have not seen this permit renewal and were not aware of this hearing. Would you please extend the due date for comments and share links to the detailed information?

We have been actively involved in San Onofre issues, but had no notice of this meeting from Southern California Edison or anyone else.

Thank you,

Donna Gilmore
SanOnofreSafety.org
949-204-7794

https://apps.dtsc.ca.gov/calendar/event_details.cfm?event_id=4794&cur_date=02/11/2016

Southern California Edison Co San Onofre Nuclear Generating Station - San Clemente, Orange County 2/11/16 – p.m. at Concordia Elementary School, 3120 Avenida Del Presidente, San Clemente. DTSC is holding a public hearing on the Hazardous Waste Facility Permit Renewal and accept public comment. Contact: Nathan Schumacher (916) 255-3000

COMMENT FORM
State of California Department of Toxic Substance's Controls'
RE: San Onofre Nuclear Generating Station

February 23, 2016

As one of the two resident citizen attendees at the February 11, 2016, public hearing, I was initially struck by the fact that the attendance certainly did not accurately reflect the extent of the public's interest or concern regarding the importance of what you do, or the great impact of your responsible decision. It was suggested that your mailing list should be greatly expanded; we were unable to locate even one individual amongst our many concerned neighbors and co-activists who received the community update and notice of the meeting. No member of the City Council for the City of San Clemente recalled receiving it, and you told us that neighboring city's councils had not yet been included in notification.

As a 58-year resident within the 3-mile radius of SONGS, I took materials for review, listened to the presentation by the DTSC representatives, and came away with the following questions and thoughts:

Do you actually consider denying a renewal of a permit, or are they generally approved and granted as a matter of course?

If the disqualifying violations have not yet been quantified, as you indicated in response to my question, under what conditions would you choose to deny?

You told us that you are not responsible for the management of radioactive wastes, but in your presentation you offered clear definitions for the amounts of radioactivity that classified the levels of mixed waste that you control.

This leads me to ask what are the determined effects of a breach of the hazardous wastes stored under this permit, particularly High Specific Activity Waste?

What is the range in proximate distance for risk of contamination?

What are the potential damages from spillage, explosion, fire—any disaster manmade or naturally occurring?

What percentage, if any, does the measurement of these risks for significant impact on human health and the environment weigh into your decisions to permit or deny?

If the potential for contamination extends to population groups that surround a site, what are your defined parameters for "acceptable" risks?

Ultimately, what justification could be produced for Edison International to continue to store radioactive hazardous wastes for ANY length of time throughout the completion of their decommissioning process?

Why should they not be required to follow the load-and-ship policy diligently, until the removal of all the hazardous materials can be completed as efficiently and expediently as possible?

It is difficult to conceive of a way in which the site of the San Onofre Nuclear Generating Station could represent a greater magnitude of risk to human life or a more significant valuation of loss to environment and property. The 100-mile radius of its prime Southern California coastal location includes two of the most densely populated cities in the country. The plant sits at sea level, susceptible to Fukushima-type tidal disasters, and atop major fault lines with constant seismic activity and the expert-predicted catastrophic earthquake perpetually imminent. It offers an ideal target for a terrorist attack—an opportunity to achieve maximized devastation from a single destructive act.

If this site does not require your most stringent regulation, what site does?

You stated that part of your process involves ensuring that the applicant has been "a good citizen" and consistently compliant, yet I am aware of sustained and increasing controversy regarding Edison

International withholding information from the public, concealing violations, cutting cost corners resulting in materials failures—thereby mismanaging waste, improperly dispersing and disposing of toxic chemicals, and, as a corporation, repeatedly demonstrating a lack of ethical responsibility and good will toward neighboring residents and ratepayers, their safety, their land, their concerns...and they continue to bill the costs of decommissioning to these very ratepayers. For neither their convenience nor their financial benefit should the safety of the long-suffering resident ratepayers be further compromised. Without mitigating compensation, we, the resident rate- and taxpayers, have lived under the enormous burden of inordinate risk every day for more than 45 years, and, even despite a now shut-down plant, are forced to continue to endure the uncertainty and fear—and costs!—throughout this protracted decommissioning process.

If you truly do Issue, renew or deny permits based on the weight of impact and risk, please consider extending SONGS' permit only with the modifications that they continue to follow load-and-ship policies, and for only the minimal duration of time required to dismantle and dispose of their toxic accumulation as rapidly as possible.

Most sincerely,

Ellen Hicks Rhoda
Concerned Resident of San Clemente
17 Via Adelia
San Clemente, CA 92672
erhoda@cox.net

From: creedmail@cox.net
To: [Coe, Sam@DTSC](mailto:Coe_Sam@DTSC); [Schumacher, Nathan@DTSC](mailto:Schumacher_Nathan@DTSC); [Nax, Sandy@DTSC](mailto:Nax_Sandy@DTSC)
Cc: joseph.street@energy.gov
Subject: Fwd: Fwd: CBS News: Tsunami in store for Los Angeles and San Diego?
Date: Wednesday, February 24, 2016 11:45:38 PM

Addenda Example for official comments at bottom
Thank you for our opportunity to participate in the "life and death" issue of "control" of radiated mixed waste! We have many suggestions for "modification" and issues of concern to be probed. I will have some sent to you, even though they will be after the fact of your decision making deadline tomorrow. If you can find that your decision include possible consideration of any request that we send, we will be most grateful. Lyn Harris Hicks, In Peace Process

From: lynharrishicks@cox.net
Date: Thu Aug 20 19:19:19 PDT 2015
Subject: Fwd: CBS News: Tsunami in store for Los Angeles and San Diego?
To: creedmail@cox.net;

----- Forwarded message -----

From: torgenjohnson@hotmail.com
Date: Mon Jun 01 10:03:07 PDT 2015
Subject: CBS News: Tsunami in store for Los Angeles and San Diego?
To: dgilmore@cox.net; decommission@sanonofre.com;

Donna,
This article appeared online today. It is not news for many of us but it does spell out the large magnitude quake and tsunami risks more clearly. The original study can be found online.

High-resolution mapping of two large-scale transpressional fault zones in the California Continental Borderland: Santa Cruz-Catalina Ridge and Ferrello faults. *Journal of Geophysical Research: Earth Surface*, 2015; DOI: [10.1002/2014JF003322](https://doi.org/10.1002/2014JF003322)

Torgen

<http://www.cbsnews.com/news/tsunami-in-store-for-los-angeles-and-san-diego/>

Californians can be forgiven for being obsessed with the **San Andreas Fault**, especially while a new disaster movie showcases its potential for devastation.

But just off the coast, scientists say another danger lurks: several major faults capable of producing major earthquakes that could send **tsunamis** crashing into Los Angeles and San Diego.

In a study published Friday in the *Journal of Geophysical Research: Earth*

Surface, a journal of the American Geophysical Union, researchers identified a little known, fault-riddled undersea landscape off of Southern California and northern Baja, California with the capability of producing magnitude 7.9 to 8.0 earthquakes.

"There is no need to panic and worry but you should be prepared now that we know there is a local tsunami potential," said geologist Mark Legg, the study's lead author and a geologist at Legg Geophysical in California.

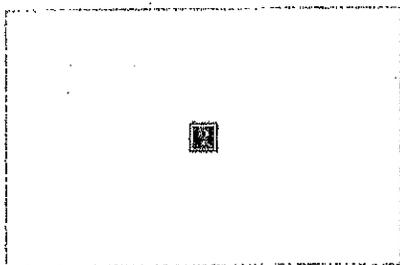
"We know in the recent past, probably in the last few hundred years, there have been large magnitude 7-plus earthquakes on these offshore faults," he continued. "So, we should not be surprised if we have another one."

But Legg said scientists don't have the data to say when the next big one could hit and whether it would produce a deadly tsunami. The last big quake generated by these faults was the magnitude 7 Lompoc earthquake in 1927 that generated a 6-foot tsunami. That was mostly a remote area at the time and is located about 100 miles west of Santa Barbara.

He said scientists are working toward a detailed seismic forecast, but that they don't yet have the data they need to make one.

And it may be some time before they get it.

"Offshore studies are more expensive," he said.



NOAA animation shows how a tsunami happens

Play VIDEO

Plans to map the Pacific seafloor within 200 miles of the coast were shelved in the 1990s due to federal budget cuts. There are no plans to revive them.

"We've got high resolution maps of the surface of Mars," Legg said, "yet we still don't have decent bathymetry (seafloor depth measurements) for our own backyard."

But even without the detailed forecast, Legg said it is necessary to send out a warning about these offshore faults.

"It's a serious problem and we need to be prepared," he said, adding that a 6-foot tsunami would have the potential to wreak havoc on California's ports and even have implications for the national economy since 25 percent of imports come through the Port of Long Beach.

"We should not ignore the faults off shore," he continued. "Yes, we should put our priorities on the faults onshore that go directly through cities and have the highest slip rates and most likely to produce large earthquakes ... But the offshore faults are a major player in the movement of the Pacific plate along the North American coast."

Legg, who has spent decades trying to understand the seismic picture off California's famous beaches, described a tectonic slugfest between the North American tectonic plate and the Pacific plate.

"We're dealing with continental collision," Legg said. "That's fundamental. That's why we have this mess of a complicated logjam."

Blocks of the Earth's crust are wedged together all the way from the **San Andreas Fault** on the east, to the edge of the continental shelf on the west, from 150 to 200 kilometers (90 to 125 miles) offshore. These chunks of crust get squeezed and rotated as the Pacific plate slides northwest, away from California, relative to the North American plate. The mostly underwater part of this region is called the California Continental Borderland, and includes the Channel Islands.

To get a closer look at the structure of the larger seafloor faults in the Borderland - the Santa Cruz-Catalina Ridge Fault and the Ferrello Fault, Legg and his colleagues combined older seafloor data and digital seismic data from earthquakes, along with 4,500 kilometers (2,796 miles) of new seafloor depth measurements.

Along the Santa Cruz-Catalina Ridge Fault, they found ridges, valleys and other clear signs that the fragmented, blocky crust has been lifted upward. They also found evidence it was slipping sideways like the plates along the San Andreas Fault.

Further out to sea, the Ferrello Fault zone showed thrust faulting, which is an upward movement of one side of the fault. The vertical movement means that blocks of crust are being compressed as well as sliding horizontally relative to

each other - what Legg describes as "transpression."

Coupled with that are the plate movements that build up seismic stress on the San Andreas, sending additional stress to the long Santa Cruz-Catalina Ridge and Ferrelo Faults.

"Such large faults could even have the potential of a magnitude 8 quake," said geologist Christopher Sorlien of the University of California at Santa Barbara, who was not part of the study. And unlike most continental shelves in the world, he said this one is one of the least mapped and understood.

Example of changes during years since your 2004 Negative Declaration. Will you consider some, before your decision?

(continued submission of official comments)

We ask that you consider the negative impacts of potential earth movement or resulting large waves on the process of sorting and loading

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.d.

From: creedmail@cox.net
To: Coe, Sam@DTSC
Subject: Final Plea for comment of Lyn Harris Hicks
Date: Wednesday, February 24, 2016 11:51:06 PM

Sam Coe: Please end by comment with Plea for one comprehensive public participation session. Thanks

From: creedmail@cox.net
To: Coe_Sam@DTSC
Subject: Fwd: Fwd: Fwd: CBS News: Tsunami in store for Los Angeles and San Diego?
Date: Wednesday, February 24, 2016 11:58:08 PM

please add final appeal: Return to load and ship requirement for additional security!-----
Forwarded message -----

From: creedmail@cox.net
Date: Wed Feb 24 23:45:33 PST 2016
Subject: Fwd: Fwd: CBS News: Tsunami in store for Los Angeles and San Diego?
To: Sam.Coe@dtsc.ca.gov; nathan.schumacher@dtsc.ca.gov; sandy.nax@dtsc.ca.gov;

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