

SSFL Building Demolition and Disposal



Area IV of the Santa Susana Field Laboratory - June 2013



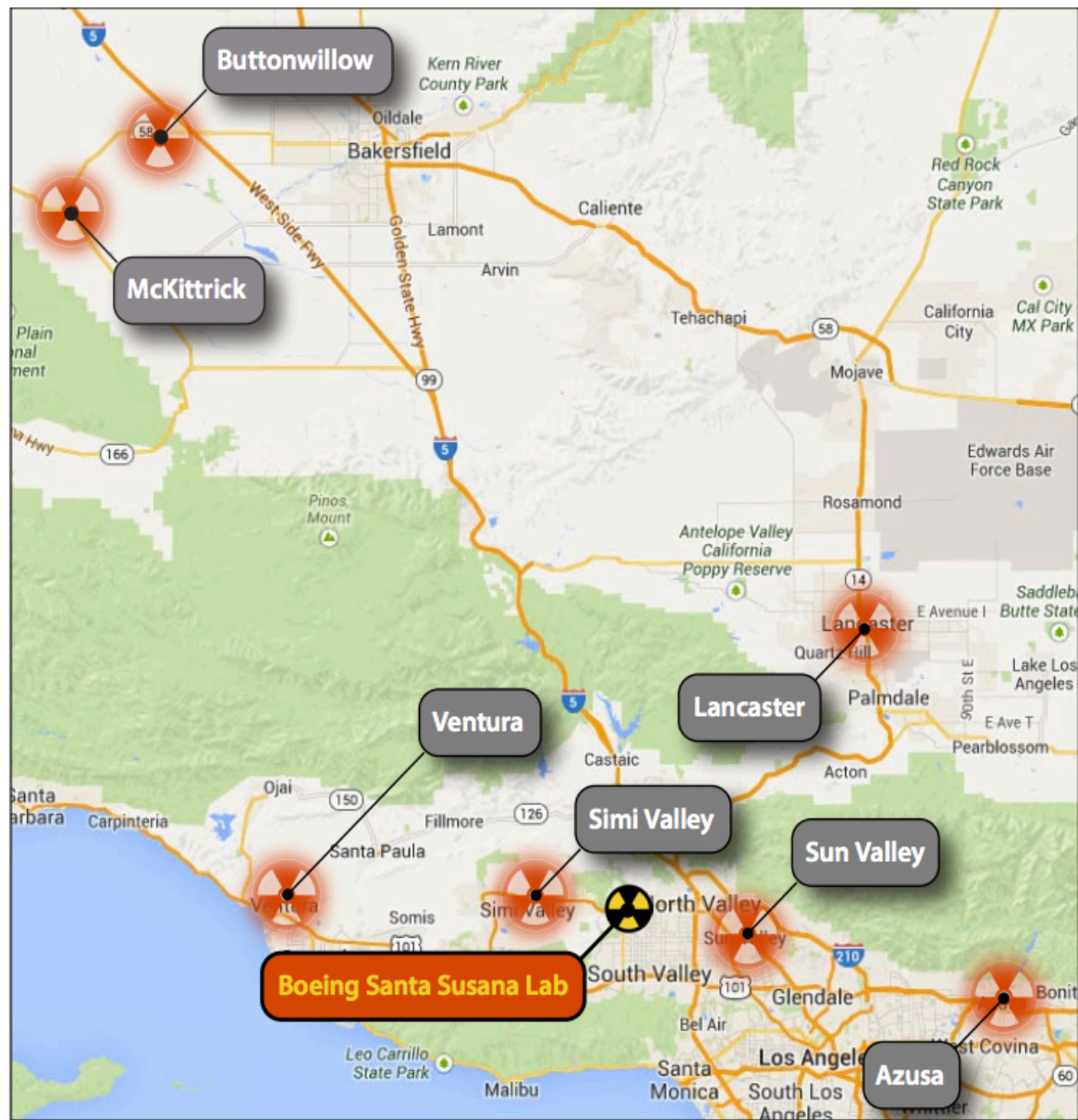
Over a decade ago, community members protested radioactive waste from SSFL being sent to Buttonwillow, CA, to a site that was not properly licensed for such waste.

SSFL Building Demolition - 2012



In all, according to a DTSC document, Boeing dumped a total of 1,963 tons of waste into sites not designed for radioactive waste, and it recycled 2,925 tons of contaminated debris.

- 1153 tons were disposed of in Class I landfills designed only for chemical, not radioactive waste
- 568 tons were disposed of in Class II landfills, designed for industrial, not radioactive waste, and
- 242 tons were disposed of in Class III landfills, regular municipal trash dumps
- 493 tons of metal were recycled into the commercial metal supply
- 2432 tons of asphalt and concrete were sent for recycling



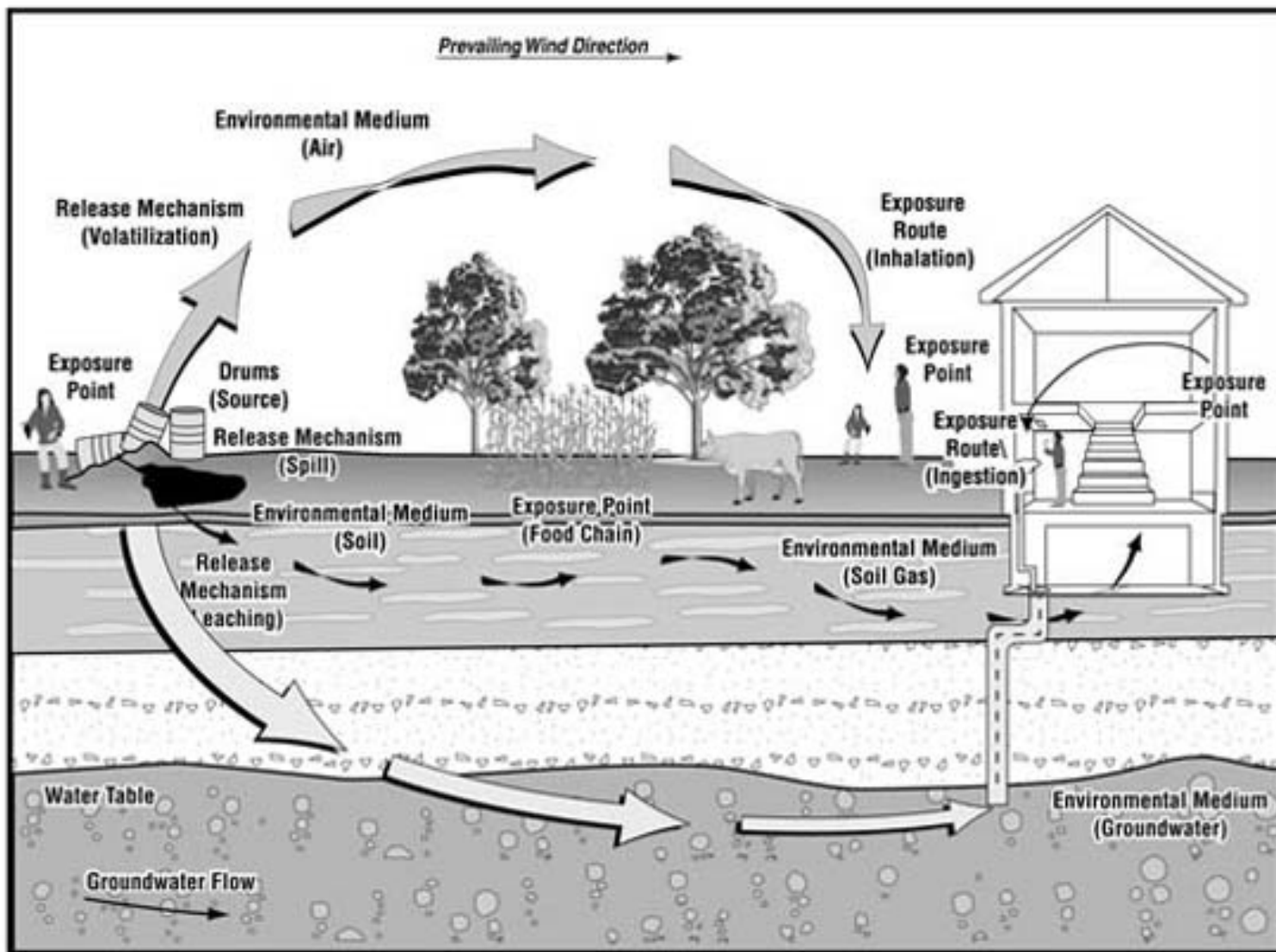
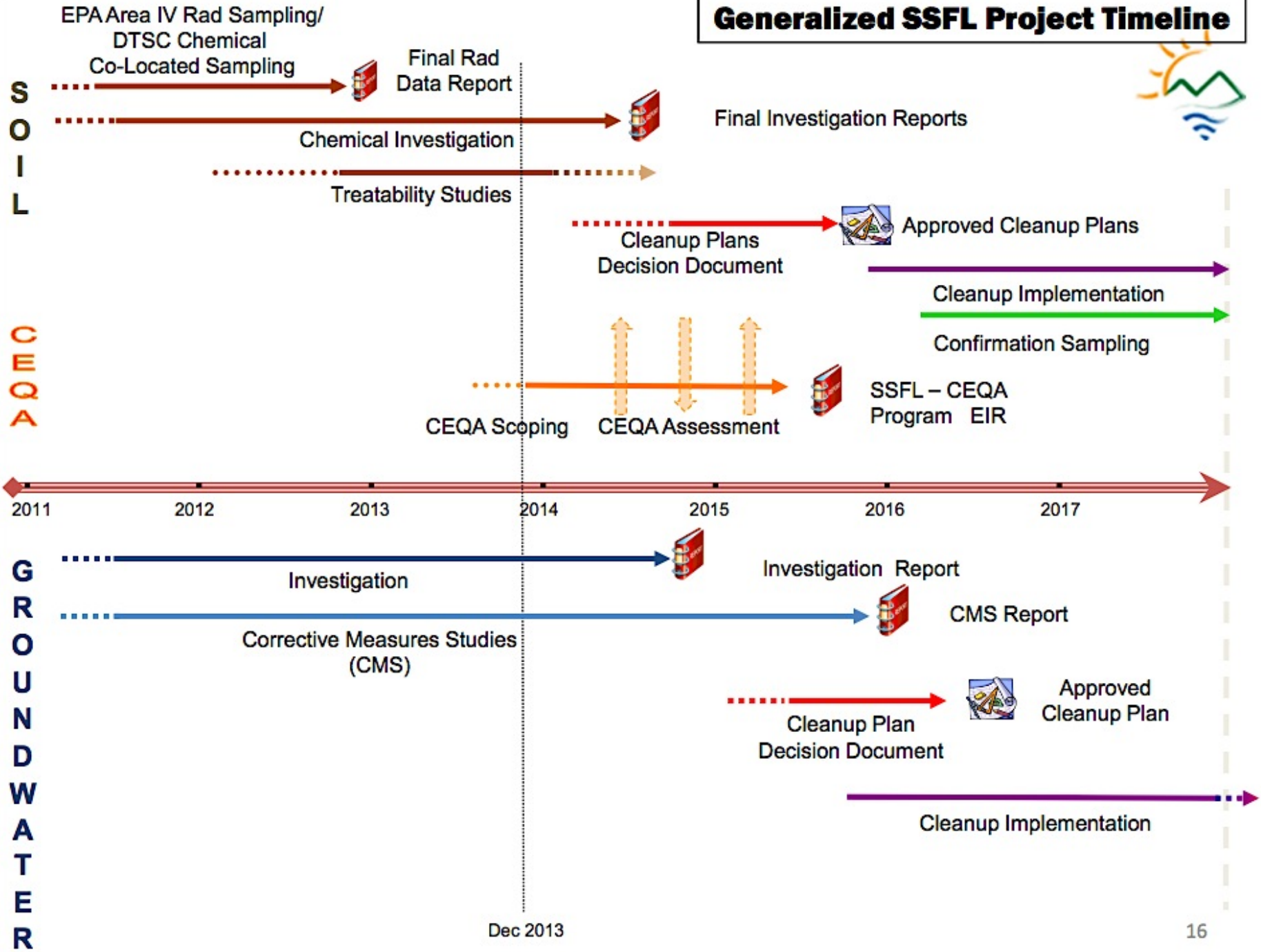
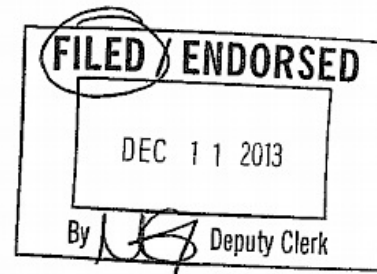


Figure 6-2. Site Conceptual Model—Exposure Pathway Schematic

Generalized SSFL Project Timeline





SUPERIOR COURT OF CALIFORNIA
COUNTY OF SACRAMENTO

PHYSICIANS FOR SOCIAL
RESPONSIBILITY-LOS ANGELES, et al.

Petitioners,
v.

DEPARTMENT OF TOXIC
SUBSTANCES CONTROL, et al.,

Respondents.

THE BOEING COMPANY, et al.

Real Party in Interest

Case No.: 34-2013-80001589

**ORDER AFTER HEARING GRANTING,
IN PART, MOTION FOR PRELIMINARY
INJUNCTION**

Petitioner's motion for preliminary injunction against the Department of Toxic Substance
Control ("DTSC") is GRANTED.

From: Weiner, Peter H. [mailto:peterweiner@paulhastings.com]
Sent: Monday, August 06, 2012 2:43 PM
To: Black, Stewart@DTSC
Subject: Update on Demo

Stewart, this does not seem consistent with your and my discussion. And I see that various folks we've mentioned are cc'd, but not you. Nor do I see ANY basis for the decision referenced below.

**PAUL
HASTINGS**

**Peter Weiner | Partner, Environment and Energy | Paul Hastings LLP | 55 Second Street, Twenty-Fourth Floor, San Francisco, CA 94105 | Direct: +1.415.856.7010 | Main: +1.415.856.7000 | Fax: +1.415.856.7110 | Cell: 415.518.5000
peterweiner@paulhastings.com | www.paulhastings.com**

From: Paulson, Roger@DTSC [mailto:Roger.Paulson@dtsc.ca.gov]
Sent: Monday, August 06, 2012 12:16 PM
To: Fischer, Steven D
Cc: Carpenter, Paul@DTSC; Lenox, Arthur J; Malinowski, Mark@DTSC; Bothwell, Nancy@DTSC
Subject: RE: Boeing Area IV Radiological Screening for Demolition Waste Characterization

Good afternoon Steve.

I was out of the office last week. I'm sorry it took a few days to reply.

The department is in the process of determining the regulatory status and authorities for the disposition of Boeing's demo materials from Area IV.

Mark Malinowski has notified Randy Ueshiro of the decision of Cal EPA Secretary Rodriguez and DTSC Director Raphael that materials from Area IV with radiation levels above background cannot be routed for recycle or for non-rad disposal in California. We will keep Boeing informed of the regulatory status and B4015 review as progress occurs. We are working to schedule a meeting with DTSC, California Dept of Public Health and Boeing to discuss the disposition of Boeing's Area IV building materials.

Roger

Via FedEx

March 20, 2014

In reply, refer to SHEA-114610



Mark Malinowski
Department of Toxic Substances Control
8800 Cal Center Drive
Sacramento, CA 95825

Dear Mr. Malinowski:

Subject: Building Demolition and Debris Disposal Activities at the Santa Susana Field Laboratory

The purpose of this letter is to set forth The Boeing Company's ("Boeing") approach to building demolition and debris disposal activities at the Santa Susana Field Laboratory ("SSFL"), and the application of the Boeing policy entitled "Standard Operating Procedures: Building Demolition Debris Characterization and Management" ("SOP") pertaining to those activities, as amended on April 19, 2013.

As you know, Boeing's building demolition and associated debris disposal activities in Area IV of SSFL are the subject of pending litigation. In that litigation, the court has issued a preliminary injunction enjoining DTSC from "approving" Boeing's demolition and disposal activities in Area IV without first complying with CEQA. The legal briefs filed with the court on behalf of DTSC clearly stated that Boeing's demolition and disposal activities "do not require DTSC's prior authorization," and that the SOP is "merely advisory" and "neither creates or modifies legal obligation." Boeing agrees with DTSC's legal interpretations, and that Boeing's SOP was never intended to create an approval requirement.

Boeing intends to proceed as follows with regard to future demolition. Boeing will voluntarily refrain from building demolition activities in Area IV during the pendency of the preliminary injunction action against DTSC. Accordingly, Boeing hereby withdraws the notification packages previously sent to DTSC regarding planned demolition activities associated with Buildings 4005, 4009, 4011, 4055, the water line to former Building 4015, and the Conservation Yard.

Boeing argues Petitioners have not established Boeing cannot demolish the buildings without DTSC approval. But as the party moving for summary judgment, Boeing “bears the burden of persuasion that there is no triable issue of material fact and that [it] is entitled to judgment as a matter of law. That is because of the general principle that a party who seeks a court’s action in his favor bears the burden of persuasion thereon.” (*Aguilar v. Atlantic Richfield Co.* (2001) 25 Cal.4th 826, 850.) Boeing fails to meet its burden.

Accordingly, Boeing’s motion fails to establish it does not require DTSC’s approval to demolish its buildings, or that its March 14 letter rendered this action moot.

Moreover, even if moot, the court may still decide this case if it raises issues of “substantial and continuing public interest.” (*In re J.G.*, *supra*, 159 Cal.App.4th at 1062.) Whether CEQA requires DTSC to approve Boeing’s demolition and disposal activities is an issue of substantial and continuing public interest. By its motion for summary judgment, Boeing concludes it has rendered the question of DTSC’s approval moot. But this is not Boeing’s decision to make, much less by unilateral action. This issue will be decided when the court rules on the merits of Petitioners’ claims.

Boeing’s ripeness argument is the flipside of its mootness argument. Again, Boeing states it does not intend to seek DTSC’s approval for future demolition activities. It is thus speculative to litigate how DTSC may react should Boeing someday proceed to demolish its buildings without approval. Any challenge to possible future demolition activities is not ripe. But Boeing’s ripeness argument fails for the same reasons as its mootness theory, discussed above.



Santa Susana Field Laboratory Work Group

Working to ensure
a full cleanup
of the contamination
at SSFL



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Court denies Boeing request to dispose of radioactive debris without agency oversight

On January 5 the Sacramento Superior Court of California denied Boeing's motion to summarily grant judgment for them and allow them to dispose of radioactive waste from dismantlement of contaminated SSFL buildings wherever they chose, and without getting approval from state agencies. [Click here to read the court's ruling.](#)

The lawsuit was brought by Strumwasser and Woocher in July 2013 on behalf of and Consumer Watchdog, Physicians for Social Responsibility-Los Angeles, Committee to Bridge the Gap, and the Southern California Federation of Scientists. It charged that the state Department of Toxic Substances Control (DTSC) failed to perform required environmental review for the demolition of Boeing-owned structures at Area IV prior to authorizing their demolition and disposal. Some debris from these structures was found to be radioactively contaminated and had already been disposed in municipal landfills, hazardous waste landfills like Buttonwillow in Kern County, and at metal, concrete, and asphalt recycling facilities.

SSFL Cleanup Updates

- [Proposed water board permit will allow more migration of contaminants from SSFL](#)
- [Court denies Boeing request to dispose of radioactive debris without agency oversight](#)

SSFL Work Group Meeting Reports

- [Eyewitness to SSFL Meltdown and Whether Site Will Ever Be Cleaned Up](#) - October 1, 2014 Meeting Report
- [Data on Offsite Migration of Contamination from SSFL](#) - June 18, 2014 Meeting Report
- [Contamination, Cleanup, and Questions](#)