

MOTION

The California Department of Toxic Substances Control ("DTSC") has released a draft document entitled, "Closure Plan Hazardous Waste Management Facility" Building T029 and T133 ETEC, Santa Susana Field Laboratory, Area IV, Ventura County, California," ("Draft Closure Plan") concerning cleanup of a portion of the Santa Susana Field Lab ("SSFL") site located in Area IV and comments on this draft are due by October 12, 2018.

The SSFL site is divided into Areas I, II, III, and IV, plus two undeveloped boundary areas, the Northern Buffer Zone and the Southern Buffer Zone.

The Draft Closure Plan concerns activities located in Area IV and covers two structures and improvements located in the Energy Technology Engineering Center ("ETEC"). The ETEC structures are owned by the U.S. Department of Energy ("DOE"), on land currently owned by The Boeing Company (Boeing). Nuclear research and energy development was conducted at ETEC from the mid-1950's until the mid-1990s.

The Draft Closure Plan concerns only the clean-up of one aspect of the SSFL site and future proposed clean-up plans concerning the SSFL site can be anticipated to be prepared by responsible parties and agencies.

The overall site is the location of significant environmental hazards and contamination. One of its nuclear reactors experienced a partial nuclear meltdown in 1959, and two other reactors experienced accidents with significant fuel damage, causing releases of radioactivity into the air; this, in addition to napalm and dioxin incineration in open-air burn pits, dumping trichloroethylene and perchlorate, and other contamination from over the 50 years of operations, left the site highly polluted with radioactive and chemical contaminants.

The DTSC and DOE are charged with approving environmental review of proposed clean-up plans for the Santa Susana Field Lab site pursuant to the National Environmental Policy Act ("NEPA") and the California Environmental Quality Act ("CEQA").

In 2004, the City filed a lawsuit as one of the plaintiffs in the case of, *Natural Resources Defense Council v. Department of Energy*, United States District Court for the Northern District of California, Case No. C-04-04448 ("DOE Lawsuit"). The DOE Lawsuit challenged DOE's 2003 decision to clean up Area IV based on a NEPA determination that its clean-up would pose No Significant Impact. The City won the lawsuit and the Federal District Court for the Northern District of California ordered DOE to complete an Environmental Impact Statement pursuant to NEPA before undertaking any clean-up activities at the SSFL site. The Federal District Court retains jurisdiction to determine whether DOE has satisfied the Court's order to comply.

In 2010, NASA and the DOE entered into an Administrative Order on Consent ("AOC") with the DTSC which requires all of the detectible radioactive and chemical contamination at their SSFL operations be cleaned up to background levels similar to those before the site was contaminated, which would also be consistent with applicable land use designations for the site.

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DTSC's August 13, 2018 Notice concerning the Draft Closure plan concerning the ETEC buildings states that implementation of the plan is contingent on DTSC finalizing a Program Environmental Impact Report, pursuant to CEQA, and DOE finalizing an Environmental Impact Statement pursuant to NEPA; which documents are not currently finalized.

The following events have occurred concerning DOE's compliance with NEPA for the SSFL site:

a. In January 2017, DOE released for public comment a draft Environmental Impact Statement ("NEPA Draft EIS") pursuant to NEPA; and

b. On March 8, 2017, the City Council adopted a Resolution (CF 17-0002-S31) to sponsor/support administrative action by the DOE concerning the NEPA Draft EIS to incorporate the following comments:

1. The Environmental Impact Statement should be based on remediation of the Department of Energy's Santa Susana Field Lab site to the levels stipulated in the Administrative Order of Consent and not include consideration of alternatives that would violate this Order.

2. Ineligible exemptions utilized in the Draft Environmental Impact Statement that dramatically increase the risk of cancers should be excluded.

3. Alternate transportation plans should be analyzed that include direct conveyance of contaminated materials from the site to rail and other options including the use of fire roads and routes with less impact to residents and reduced traffic impact; and

c. On April 5, 2017, the City submitted public comments to DOE concerning the NEPA Draft EIS, identifying flaws and failures to meet the requirements of NEPA; and

d. As of the date of this Resolution, DOE has not responded to comments concerning the NEPA Draft EIS and has not made a final NEPA environmental determination concerning the SSFL site.

The following events have occurred concerning DTSC's compliance with CEQA for the SSFL site:

a. In September 2017, DTSC released for public comment a draft Program Environmental Impact Report ("CEQA Draft PEIR") concerning clean-up of the SSFL site; and

RESOLUTION

WHEREAS, Any official position of the City of Los Angeles with respect to legislation, rules, regulations, or policies proposed to or pending before a local, state or federal governmental body or agency must have first been adopted in the form of a Resolution by the City Council with the concurrence of the Mayor; and

WHEREAS, The California Department of Toxic Substances Control ("DTSC") has released a draft document entitled, "Closure Plan Hazardous Waste Management Facility" Building T029 and T133 ETEC, Santa Susana Field Laboratory, Area IV, Ventura County, California," ("Draft Closure Plan") concerning cleanup of a portion of the Santa Susana Field Lab ("SSFL") site located in Area IV and comments on this draft are due by October 12, 2018; and

WHEREAS, The SSFL site is divided into Areas I, II, III, and IV, plus two undeveloped boundary areas, the Northern Buffer Zone and the Southern Buffer Zone; and

WHEREAS, The Draft Closure Plan concerns activities located in Area IV and covers two structures and improvements located in the Energy Technology Engineering Center ("ETEC"). The ETEC structures are owned by the U.S. Department of Energy ("DOE"), on land currently owned by The Boeing Company (Boeing). Nuclear research and energy development was conducted at ETEC from the mid-1950's until the mid-1990s; and

WHEREAS, The Draft Closure Plan concerns only the clean-up of one aspect of the SSFL site and future proposed clean-up plans concerning the SSFL site can be anticipated to be prepared by responsible parties and agencies; and

WHEREAS, The overall site is the location of significant environmental hazards and contamination. One of its nuclear reactors experienced a partial nuclear meltdown in 1959, and two other reactors experienced accidents with significant fuel damage, causing releases of radioactivity into the air; this, in addition to napalm and dioxin incineration in open-air burn pits, dumping trichloroethylene and perchlorate, and other contamination from over the 50 years of operations, left the site highly polluted with radioactive and chemical contaminants; and

WHEREAS, The DTSC and DOE are charged with approving environmental review of proposed clean-up plans for the Santa Susana Field Lab site pursuant to the National Environmental Policy Act ("NEPA") and the California Environmental Quality Act ("CEQA"); and

WHEREAS, In 2004, the City filed a lawsuit as one of the plaintiffs in the case of, *Natural Resources Defense Council v. Department of Energy*, United States District Court for the Northern District of California, Case No. C-04-04448 ("DOE Lawsuit"). The DOE Lawsuit challenged DOE's 2003 decision to clean up Area IV based on a NEPA determination that its clean-up would pose No Significant Impact. The City won the lawsuit and the Federal District Court for the Northern District of California ordered DOE to complete an Environmental Impact Statement pursuant to NEPA before undertaking any clean-up activities at the SSFL site. The

Federal District Court retains jurisdiction to determine whether DOE has satisfied the Court's order to comply; and

WHEREAS, In 2010, NASA and the DOE entered into an Administrative Order on Consent ("AOC") with the DTSC which requires all of the detectible radioactive and chemical contamination at their SSFL operations be cleaned up to background levels similar to those before the site was contaminated, which would also be consistent with applicable land use designations for the site; and

WHEREAS, DTSC's August 13, 2018 Notice concerning the Draft Closure plan concerning the ETEC buildings states that implementation of the plan is contingent on DTSC finalizing a Program Environmental Impact Report, pursuant to CEQA, and DOE finalizing an Environmental Impact Statement pursuant to NEPA; which documents are not currently finalized; and

WHEREAS, The following events have occurred concerning DOE's compliance with NEPA for the SSFL site:

a. In January 2017, DOE released for public comment a draft Environmental Impact Statement ("NEPA Draft EIS") pursuant to NEPA; and

b. On March 8, 2017, the City Council adopted a Resolution (CF 17-0002-S31) to sponsor/support administrative action by the DOE concerning the NEPA Draft EIS to incorporate the following comments:

1. The Environmental Impact Statement should be based on remediation of the Department of Energy's Santa Susana Field Lab site to the levels stipulated in the Administrative Order of Consent and not include consideration of alternatives that would violate this Order.

2. Ineligible exemptions utilized in the Draft Environmental Impact Statement that dramatically increase the risk of cancers should be excluded.

3. Alternate transportation plans should be analyzed that include direct conveyance of contaminated materials from the site to rail and other options including the use of fire roads and routes with less impact to residents and reduced traffic impact; and

c. On April 5, 2017, the City submitted public comments to DOE concerning the NEPA Draft EIS, identifying flaws and failures to meet the requirements of NEPA

d. As of the date of this Resolution, DOE has not responded to comments concerning the NEPA Draft EIS and has not made a final NEPA environmental determination concerning the SSFL site; and

WHEREAS, The following events have occurred concerning DTSC's compliance with CEQA for the SSFL site:

- a. In September 2017, DTSC released for public comment a draft Program Environmental Impact Report ("CEQA Draft PEIR") concerning clean-up of the SSFL site; and
- b. On December 7, 2017, the City submitted public comments to DTSC concerning the CEQA Draft PEIR, identifying flaws and failures to meet the requirements of CEQA; and
- c. As of the date of this Resolution, DTSC has not responded to comments concerning the CEQA Draft PEIR and has not made a final CEQA determination concerning the SSFL site; and

WHEREAS, The expertise of an environmental legal specialist and counsel is necessary to assist the City Attorney's review of the new Draft Closure Plan and to assist the Bureau of Engineering in preparing its comments to ensure it is consistent with the City's prior legislative sponsorship and support of administrative actions of the DOE and the DTSC concerning the SSFL site;

NOW, THEREFORE, BE IT RESOLVED, with the concurrence of the Mayor, that by the adoption of this Resolution, the City of Los Angeles hereby includes in its 2018-2019 Federal and State Legislative Programs sponsorship and support of any administrative action by the US Department of Energy or the California Department of Toxic Substances Control relative to the cleanup of any portions of the SSFL site consistent with the City's prior comments submitted concerning the SSFL site and the City's position taken in the DOE Lawsuit.