

State Water Resources Control Board

August 22, 2016

Office of Chief Counsel

Adrianna M. Crowl

P.O. Box 100

Sacramento, CA 95812-0100

FAX: (916)-341-5199

Phone: (916)-341-5156

Email: waterqualitypetitions@waterboards.ca.gov

RE: REQUEST FOR A HEARING AND PETITION FOR REVIEW OF THE FINAL INITIAL STUDY / MITIGATED NEGATIVE DECLARATION SOIL MANAGEMENT PLAN OF THE UNITED TECHNOLOGIES CORPORATION CANOGA AVENUE SITE CANOGA PARK, CALIFORNIA – July 2016 AND REPORT ON FINAL SOIL MANAGEMENT PLAN FOR ASSESSMENT, REMEDIATION AND CONFIRMATION SAMPLING OF VADOSE ZONE SOILS UNITED TECHNOLOGIES CORPORATION CANOGA AVENUE FACILITY 6633 CANOGA AVENUE CANOGA PARK, CALIFORNIA LARWQCB CASE #0237A SITE ID NO. 2040214

REQUEST FOR A HEARING

Dear Ms. Crowl,

Thank you for sending the appropriate document which enabled me to file this Petition for Review and Request for a Hearing on the “Final Initial Study / Mitigated Negative Declaration Soil Management Plan of the United Technologies Corporation Canoga Avenue Site, Canoga Park, California , and the “REPORT ON FINAL SOIL MANAGEMENT PLAN FOR ASSESSMENT, REMEDIATION AND CONFIRMATION SAMPLING OF VADOSE ZONE SOILS UNITED TECHNOLOGIES CORPORATION CANOGA AVENUE FACILITY 6633 CANOGA AVENUE CANOGA PARK, CALIFORNIA LARWQCB CASE #0237A SITE ID NO. 2040214”

released by the Los Angeles Regional Water Quality Control Board on July 21st, 2016. It is my understanding that this Petition for Review is due on August 22nd, 2016,

“What must be included in the petition?”

Below, the nine criteria for filing a petition or appeal will be numbered and identified as stated on your website

1.) Name, address, telephone number and e-mail address (if available) of the petitioner.

Petitioner: Christine L. Rowe

6732 Faust Avenue

West Hills, California 91307

Phone: (818)-704-7693 after 1:00 PM Please

Email: CRWHNC@gmail.com

- 2.) **The action or inaction of the Regional Water Board being petitioned, including a copy of the action being challenged or any refusal to act, if available. If a copy of the regional board action is not available, the petitioner must explain why it is not included.**

The Action of the Regional Board which is being appealed is the “Final Initial Study / Mitigated Negative Declaration Soil Management Plan of the United Technologies Corporation Canoga Avenue Site, Canoga Park, California” and the “REPORT ON FINAL SOIL MANAGEMENT PLAN FOR ASSESSMENT, REMEDIATION AND CONFIRMATION SAMPLING OF VADOSE ZONE SOILS UNITED TECHNOLOGIES CORPORATION CANOGA AVENUE FACILITY 6633 CANOGA AVENUE CANOGA PARK, CALIFORNIA LARWQCB CASE #0237A SITE ID NO. 2040214”

a. “Final Initial Study / Mitigated Negative Declaration Soil Management Plan of the United Technologies Corporation Canoga Avenue Site, Canoga Park, California” – this document will be referenced as the MND.

b. “REPORT ON FINAL SOIL MANAGEMENT PLAN FOR ASSESSMENT, REMEDIATION AND CONFIRMATION SAMPLING OF VADOSE ZONE SOILS UNITED TECHNOLOGIES CORPORATION CANOGA AVENUE FACILITY 6633 CANOGA AVENUE CANOGA PARK, CALIFORNIA LARWQCB CASE #0237A SITE ID NO. 2040214 - this document will be referred to as the SMP.

These documents can be included via email if you require their submission or they can be provided via website on these links:

https://geotracker.waterboards.ca.gov/profile_report.asp?global_id=SL204281528

The MND is 305 pages and it appears on this Geotracker link:

https://geotracker.waterboards.ca.gov/esi/uploads/geo_report/6361730992/SL204281528.PDF

The SMP is 1894 pages and it appears on this Geotracker link:

https://geotracker.waterboards.ca.gov/esi/uploads/geo_report/4629889786/SL204281528.PDF

WaterBoard staff should have hard copies of these documents available to your office.

c. United Technologies Corporation, Canoga Avenue Site, Canoga Park, CA – this will be referenced as UTC.

d. Los Angeles Regional Water Quality Control Board will hereafter be referenced as the WaterBoard.

e. Warner Center 2015 Specific Plan will hereafter be referenced as the WC2035 Plan.

The actions that are being challenged are the following:

- 1) Inaccuracies of the MND which will be spelled out in detail further in this letter;
- 2) Inadequate mitigation for the surrounding community;
- 3) Failure to file a complete Environmental Impact Report for the Demolition of the UTC facilities and the SMP.
- 4) Failure to consider the cumulative impacts of this project, other local projects including the demolition of structures at the Santa Susana Field Laboratory which are currently being demolished and for which trucks run within about ½ mile from the project site at this time.
- 5) Failure to consider that the release of an industrial facility for unrestricted use does not deem it clean below surface. This is in reference to Building 38 of the project site which was a former North American Aviation Nuclear facility which was under the control of the Atomic Energy Commission (AEC), but later became under the control of the Department of Energy (DOE).
- 6) Failure to determine if this site which was used by Rocketdyne, North American Aviation, and other entities including The Boeing Company, Pratt Whitney, and United Technologies, had adequate sampling below surface for any leakage of drainages which may contain nuclear and other materials which are not referenced in the SMP .
- 7) Failure to recognize that cement may also contain radionuclides and that by crushing cement on site, there is a potential to release radionuclides and other particulate matter to the community.
- 8) Failure to recognize that there is an Environmental and Agricultural Magnet School program at Canoga Park High School where the farm is actually within about 250 feet of the project site at Vanowen and Owensmouth.
- 9) Failure to recognize that there is a farm within approximately ½ mile of the project site due east from the corner of Victory and Canoga Avenue.
- 10) Failure to recognize that a recently released study states that Los Angeles Air Quality is the worst in the Nation, and it is necessary to comply with the appropriate measures to prevent poor air quality.
- 11) Failure to consider the Cumulative Impact of the proposed crushing of cement for the purposes of back fill with the end result being that when this site is deemed clean by the WaterBoard staff, this site will be built on per the WC2035 Plan. Backfill that is placed in to fill holes may be required to be dug up for future use under the WC2035 plan.
- 12) Failure to consider or reference in the MND the other agency involvement in detail which would allow the reader to be confident that the only contamination on site is primarily Contaminants of Concern which has or will impact the groundwater below, and the potential for runoff to impact the Los Angeles River about 500 feet to the north.
- 13) Failure to consider that this demolition of the structure and parking area, removal of soil in the vadose zone, is based upon drinking water standards calculated as Maximum Contaminant Levels (MCLs) and on National Permit Discharge Elimination System (NPDES) permitted numbers without consideration of Federal Environmental Protection Agency (EPA) remediation protocols for end use to a residential standard.

- 14) Failure to use Federal EPA Multi- Agency Radiation Survey and Site Investigation Manual (MARSSIM Protocol) for Radionuclides at the project site.
- 15) Failure to recognize all of the schools within 1 mile of the project site which should be considered for the traffic study.
- 16) Failure to consider the surrounding census tract areas as an Environmental Justice Community.
- 17) Failure to consider the current "Pollution Burden" in the project site's census tracts and adjacent census tracts as per the comments submitted for the Draft MND by me from the Office of Environmental Health and Hazard Assessment (OEHHA) Cal EnviroScreen 2.0 Pollution Burden Maps.
- 18) Failure to do community outreach on this project site. WaterBoard staff recognizes that the Woodland Hills Warner Center Neighborhood Council (WHWCNC) has jurisdiction over this project site as an advisory body to the City of Los Angeles. Yet to the best of my knowledge, at no time, was there any outreach to the WHWCNC, the Canoga Park Neighborhood Council (CPNC), or any other group which may have been able to assist with community outreach for this project. If there had been historic outreach, it is possible that WaterBoard staff may have considered the community member's concerns related to this project, and they may have been better reflected in the Draft MND.
- 19) Failure to recognize that this project site is on the Cortese List on this link:
http://www.dfg.ca.gov/mlpa/pdfs/finalimpact_sc/appendix_g.pdf
"SOUTH COAST MARINE PROTECTED AREAS PROJECT FINAL ENVIRONMENTAL IMPACT REPORT P:\28907149 RLFF South Coast MPA EIR\600 DLVR\601 - URS Prepared__FEIR 11-2010\Appendices\APPENDIX A-G Covers.doc X-1 APPENDIX G CORTESE LIST"
On this list the project address is listed three times.
Boeing North American, Inc. 6633 Canoga Avenue Canoga Park CA 91309 LOS ANGELES Tiered Permit 71002566
PRATT & WHITNEY ROCKETDYNE INC 6633 CANOGA AVE CANOGA PARK CA 913032703 LOS ANGELES Corrective Action 80001667
ROCKWELL INTERNATIONAL; ROCKETDYNE DIV. 6633 CANOGA AVENUE CANOGA PARK CA 91304 LOS ANGELES Historical 19370329
- 20) Failure by the WaterBoard staff to request and publish for public review a list of historic chemicals and materials that may have been used on the project site for materials research. The materials include but are not limited to refractory metals. These metals include but are not limited to Tantalum, Niobium, Columbium, Molybdenum, Tungsten, Rhenium, Titanium, Vanadium, Chromium, Zirconium, Hafnium, Ruthenium, Rhodium, Osmium, and Iridium.
https://en.wikipedia.org/wiki/Refractory_metals
A GOOGLE search for this facility finds research related to some of these materials.
A GOOGLE search for this facility with the search terms: refractory metals, tantalum, and alloys of the refractory materials above leads to research at that site.
A GOOGLE search for Fansteel with this site also leads to materials from Fansteel being used in research.

“0 - Defense Technical Information Center

handle.dtic.mil/100.2/ADB277269

Dec 12, 2005 - This progress report was prepared by the **Rocketdyne**. Research Melted. **Fansteel**. 1/2-inch-. Yes. In Process diameter rod. **Fansteel**. 3/4-inch- North American Aviation, Inc., **6633 Canoga Avenue**, 2b anOUP. Canoga ..”

3.) The date the Regional Water Board acted, refused to act, or was requested to act.

By adopting the MND and the SMP on July 21st, 2016, the WaterBoard failed to act on the above related issues.

4.) A statement of the reasons the action or inaction was inappropriate or improper.

From review of the WaterBoard website related to this project, there has been no outreach to the public other than a Fact Sheet dated December 2014.

https://geotracker.waterboards.ca.gov/regulators/deliverable_documents/8254198968/Final%20Fact%20Sheet%20December%202014.pdf

It is clear from a review of the website that this project has been under review for groundwater contamination since as early as 2003, with at least one leak detected in 1965.

https://geotracker.waterboards.ca.gov/profile_report.asp?global_id=SL204281528

Only someone familiar with environmental remediation would know how to access the Geotracker System of the WaterBoard. Very few documents except fact sheets or Executive Summaries are written at the level of the average stakeholder.

While the California Environmental Quality Act (CEQA) is the law in California, there is the potential since the projects on this site were for the Atomic Energy Commission (AEC) or NASA contracts, in other words, the work on this site was Federal in nature, there may have been the need for a National Environmental Policy Act (NEPA) review of this site.

The fact that NASA did a Section 106 Consultation is an implication of that Federal nature of this site. The fact that this project is listed on the Department of Energy (DOE) Santa Susana Field Laboratory Energy Technology Energy Technology Center (ETEC) website as the Canoga Avenue Facility indicates that this was also a DOE site and thus a Federal project site.

<http://www.etec.energy.gov/Library/Canoga.html>

It is my opinion that both CEQA and NEPA as well as other required notices that would have come from Federal, State, and local agencies are poor at outreach. These laws or Acts often require limited posting of a project, sometimes only outreach to the 500 foot radius of a project when it is possible that a project, depending upon its nature, can impact hundreds if not millions of people. This is the case on this project in my opinion – the WaterBoard was only required to notice the 500 foot radius of the project. While this may be the letter of the law under CEQA and NEPA?, it is in my opinion this minimal outreach is not in the spirit of those laws.

Again, the MND fails to recognize that there is an active high school population not only at Canoga Park High School less than 500 feet away, but also the Owensmouth Continuation High School is less than 1000 feet due north – just across the headwaters of the Los Angeles River. It fails to recognize that just over one mile to the west on Van Owen a private school, de Toledo High School, has a traffic plan which shows Vanowen as one of their studied routes. The MND fails to recognize that these streets are also a potential route to Los Angeles Pierce College, less than ½ mile due east of the project on Victory.

The MND fails to recognize that the Orange Line station is across the street, and that there are regular passengers that park in that station on a daily basis.

The MND discusses that the noise and vibrations from demolition does not meet certain thresholds and it reduces these issues to basically minor annoyances. The MND fails to recognize that people who have resided in the San Fernando Valley as I have for more than 22 years may react to truck noise and vibrations as if they are a potential earthquake. The MND implies that these vibrations are barely noticeable more than 50 feet away. Yet at my home, I regularly detect the rumblings of trucks on Vanowen Street which I believe is more than 100 feet from my home.

While the MND is correct, there is no farm or forest land on the project site, what will the impact be on the wildlife or the crops in the Canoga Park High School Agricultural area? What will the potential impact be to the crops – the feed grown on the Pierce College Farm to feed their livestock? How will dogs, cats, and other domestic pets in the local residences be impacted by the noise and vibrations?

How will this project with its noise and emissions impact the horses, cows, and other livestock on both agricultural sites?

While the MND references applicable State and Federal laws regarding recycling and limiting the impact on landfills, how does the WaterBoard staff guarantee that the backfill is safe if it is not sampled for radionuclides and other COCs that may have been used on site but are not listed?

Radionuclides could potentially be found in both the structures and parking lot materials due to both the project history as well as from atmospheric deposition. In order to accurately inform the public of the adequacy of the sampling plan, the sampling plan must consider radionuclides.

<https://www.astm.org/Standards/C998.htm>

In reference to this document from the DOE website, sampling below grade should include the radionuclides which are listed in this document:

<http://www.etec.energy.gov/Library/Main/Vanowen.pdf>

While groundwater may not be impacted by these radionuclides, soil where drains were removed could have been impacted.

It should be questioned whether radium was also used historically on dials and control panels in the rest of the Canoga Avenue facility. Radium from this use is a known COC at the SSFL site.

The fact that there were radionuclides reported in the x-ray facility of this project site makes the reader question the SMP. Why were these radionuclides not broken down?

Air quality monitoring for the West San Fernando Valley by the South Coastal Air Quality Management District is modeled by projecting from a monitoring site in Reseda which is probably more than five miles from the project site. This summer, the AQMD alerts have frequently shown exceedances for the West San Fernando Valley for both Ozone and Particulate Matter – PM 2.5.

5.) How the petitioner is aggrieved.

I am aggrieved as a resident within 1 mile of the project site with a history of cancer, multiple autoimmune disorders, and asthma. One of my autoimmune disorders is correlated with Superfund sites and with Trichloroethylene (TCE) which is one of the primary contaminants of concern at this project site. <http://www.ncbi.nlm.nih.gov/pmc/articles/PMC2685868/>

Several years back, soil was stockpiled on the Vanowen side of the project site in the area of or around the former Building 38. I have no way to know if this soil was contaminated with TCE, PCE, or other chemicals of concern.

I will be aggrieved if the WaterBoard does not adequately bound the TCE plume at this and other local sites. I will be aggrieved if soil that is known to be contaminated with TCE and PCE is not containerized immediately to reduce the amount of TCE, PCE, and their daughters that is released to the air.

I am also speaking on behalf of all of the sensitive receptors in the area that are not familiar with this project site – the children in the community, students and faculty at the high school,

visitors and employees at the stores surrounding the facility. I speak for the seniors in the project within 500 feet of the site who do not have any other advocate for them. I speak for the residents in the apartment buildings who were probably not individually noticed of the project who also may not know how to respond.

I speak for everyone taking public transportation or riding a bike or an open car near the project site.

I live within the WC2035 Protection Plan area:

<http://planning.lacity.org/complan/specplan/pdf/warnerc.pdf>

“8.2 Goals and Objective of the NPP. The primary goal of the Neighborhood Protection Program shall be to minimize the intrusion of through traffic into the residential neighborhoods adjacent to this Specific Plan area} with nearby streets and intersections given high priority for proposed traffic impact mitigation measures. **A secondary goal shall be to facilitate vehicular and pedestrian egress from local streets in the adjacent residential neighborhoods onto the primary arterial street and highway system. Additional goals include reduction in crime and noise.**” Page 112 Adobe

To the best of my knowledge, no local stakeholders were noticed of NASA’s Section 106 process for the Pacific Scientific Furnace. As a NASA Section 106 Consulting Party for the NASA SSFL site, I believe I and other local stakeholders should have been made aware of this consultation.

6.) The action the petitioner requests the State Water Board to take.

- I am requesting a local hearing on this project for WaterBoard members and staff. The WaterBoard has taken its Board members to the Santa Susana Field Laboratory (SSFL) site to see the project and the actions taken by WaterBoard staff, and to hear community testimony.
- The vast majority of the people that I know who are aware of this site are former Atomics International employees, members of the Neighborhood Councils, or members of the SSFL community. Most of these people are either quite elderly, or they work during regular WaterBoard meeting hours.
- If the WaterBoard staff could hold a meeting near the project site - for example at the Canoga Park High School Auditorium, then Staff could explain the project to the Board, and stakeholders would have an opportunity to comment.
- If there is not some form of outreach to the community in this manner by WaterBoard personnel, members of the public who believe many myths related to this site may potentially bring this project to the media and propagate the myths related to radiological contamination onsite that I have heard. Or they may litigate as some groups

have done in PSR-LA et al v DTSC et al regarding the demolition of structures in AREA IV of the SSFL site and in regards to where the SSFL waste is being shipped.

http://www.dtsc-ssfl.com/files/lib_physocrespvsdtsc/courtdocuments/66273_2013_08_08SSFLlettertoStrumwawasser.pdf

- I am requesting that the Regional Board request a permanent AQMD monitoring station at or near Canoga Park High School at Vanowen between Topanga and Owensmouth to monitor the air quality near this project site.
- I am requesting a Marssim protocol sampling for both known radionuclides that were used on site which I believe to be uranyl sulfate as well as fallout radionuclides and any other potential radionuclides that could be in the facilities, the pavement, or in the soil around drains, etc. I am requesting a similar sampling for refractory metals.
- I am requesting that no crushing be done on site to prevent the noise, vibrations, the emissions from the equipment, and the potential to release particulate matter to the environment.
- I am requesting that all soil that is known to be contaminated be containerized in the appropriate containers on the day it is excavated to prevent airborne contamination of Volatile Organic Compounds (VOCs) and that all uncontaminated soil shall be tarped as a Best Management Practice (BMP).
- This project was scheduled for the 2015 – 2016 year. However, the MND states that the traffic study estimated the traffic for 2016. It is my understanding from the MND that this work should not occur during the rainy season. Therefore, with the exception of work in the interior, the project should not begin until Spring 2017.
- Fish and game or other advisory agencies should be consulted on the impact to the animals that may be at Canoga Park High School and Pierce College. It may be necessary to avoid seasons when domestic animals give birth?
- As stated in the MND, the lowest emission trucks should be employed for this project.
- Truck travel time should not begin until after the 8:00 AM start time of most schools, and should cease before the 3:00 PM end of day of most local schools.

7) A statement of points and authorities for any legal issues raised in the petition, including citations to documents or hearing transcripts that are referred to.

<http://resources.ca.gov/ceqa/guidelines/art6.html>

15072. Notice of Intent to Adopt a Negative Declaration or Mitigated Negative Declaration

“a) A lead agency shall provide a notice of intent to adopt a negative declaration or mitigated negative declaration to the public, responsible agencies, trustee agencies, and the county clerk of each county within which the proposed project is located, sufficiently prior to adoption by

the lead agency of the negative declaration or mitigated negative declaration to allow the public and agencies the review period provided under Section 15105.

(b) The lead agency shall mail a notice of intent to adopt a negative declaration or mitigated negative declaration to the last known name and address of all organizations and individuals who have previously requested such notice in writing and shall also give notice of intent to adopt a negative declaration or mitigated negative declaration by at least one of the following procedures to allow the public the review period provided under Section 15105:

(1) Publication at least one time by the lead agency in a newspaper of general circulation in the area affected by the proposed project. If more than one area is affected, the notice shall be published in the newspaper of largest circulation from among the newspapers of general circulation in those areas.

(2) Posting of notice by the lead agency on and off site in the area where the project is to be located.

(3) Direct mailing to the owners and occupants of contiguous property shown on the latest equalized assessment roll.

(c) The alternatives for providing notice specified in subdivision (b) shall not preclude a lead agency from providing additional notice by other means if the agency so desires, nor shall the requirements of this section preclude a lead agency from providing the public notice at the same time and in the same manner as public notice required by any other laws for the project.

(d) The county clerk of each county within which the proposed project is located shall post such notices in the office of the county clerk within 24 hours of receipt for a period of at least 20 days.

(e) For a project of statewide, regional, or area wide significance, the lead agency shall also provide notice to transportation planning agencies and public agencies which have transportation facilities within their jurisdictions which could be affected by the project as specified in Section 21092.4(a) of the Public Resources Code. "Transportation facilities" includes: major local arterials and public transit within five miles of the project site and freeways, highways and rail transit service within 10 miles of the project site.

(f) A notice of intent to adopt a negative declaration or mitigated negative declaration shall specify the following:

(1) A brief description of the proposed project and its location.

(2) The starting and ending dates for the review period during which the lead agency will receive comments on the proposed negative declaration or mitigated negative declaration. This shall include starting and ending dates for the review period. If the review period has been shortened pursuant to Section 15105, the notice shall include a statement to that effect.

(3) The date, time, and place of any scheduled public meetings or hearings to be held by the lead agency on the proposed project, when known to the lead agency at the time of notice.

(4) The address or addresses where copies of the proposed negative declaration or mitigated negative declaration including the revisions developed under Section 15070(b) and all documents referenced in the proposed negative declaration or mitigated negative declaration are available for review. This location or locations shall be readily accessible to the public during the lead agency's normal working hours.

(5) The presence of the site on any of the lists enumerated under Section 65962.5 of the Government Code including, but not limited to lists of hazardous waste facilities, land designated as hazardous waste property, and hazardous waste disposal sites, and the information in the Hazardous Waste and Substances Statement required under subdivision (f) of that section.

(6) Other information specifically required by statute or regulation for a particular project or type of project.

Note: Authority cited: Section 21083, Public Resources Code; Reference: Sections 21091, 21092, 21092.2, 21092.4, 21092.3, 21092.6, and 21151.8, Public Resources Code.

Discussion: Section 15072 prescribes the notice requirements for a Negative Declaration. Although most of these requirements are contained in Section 21092 of the statute, the Guidelines provide additional explanation and interpretation. In the interest of clarity, the requirements are combined in one place. Subsection (a)(1) explains what is required by the cross-reference in Section 21092 to Section 6061 of the Government Code. Section 6061 requires publication of a notice at least one time in a newspaper of general circulation.

Public Resources Code section 21092 requires that the notice specify the period during which comments will be received, the date, time, and place of any public meetings or hearings on the project, a brief description of the project and its location, and the address where copies of the negative declaration and all documents referenced in the negative declaration are available for review. Section 21092.3 of the Public Resources Code establishes additional requirements for the filing of notice with the County Clerk for posting during the review period."

[http://resources.ca.gov/ceqa/docs/2014 CEQA Statutes and Guidelines.pdf](http://resources.ca.gov/ceqa/docs/2014_CEQA_Statutes_and_Guidelines.pdf) -
"§ 21094.5.5.

(a) On or before July 1, 2012, the Office of Planning and Research shall prepare, develop, and transmit to the Natural Resources Agency for certification and adoption guidelines for the implementation of Section 21094.5 and the Secretary of the Natural Resources Agency, on or before January 1, 2013, shall certify and adopt the guidelines.

(b) The guidelines prepared pursuant to this section shall include statewide standards for infill projects that may be amended from time to time and promote all of the following:

(1) The implementation of the land use and transportation policies in the Sustainable Communities and Climate Protection Act of 2008 (Chapter 728 of the Statutes of 2008).

(2) The state planning priorities specified in Section 65041.1 of the Government Code and in the most recently adopted Environmental Goals and Policy Report issued by the Office of Planning and Research supporting infill development.

(3) The reduction of greenhouse gas emissions under the California Global Warming Solutions Act of 2006 (Division 25.5 (commencing with Section 38500) of the Health and Safety Code).

(4) The reduction in per capita water use pursuant to Section 10608.16 of the Water Code.

(5) The creation of a transit village development district consistent with Section 65460.1 of the Government Code.

(6) Substantial energy efficiency improvements, including improvements to projects related to transportation energy.

(7) Protection of public health, including the health of vulnerable populations from air or water pollution, or soil contamination.

(c) The standards for projects on infill sites shall be updated as frequently as necessary to ensure the protection of the environment."

<https://ceq.doe.gov/nepa/regs/ceq/1502.htm#1502.19>

"Sec. 1502.24 Methodology and scientific accuracy.

Agencies shall insure the professional integrity, including scientific integrity, of the discussions and analyses in environmental impact statements. They shall identify any methodologies used and shall make explicit reference by footnote to the scientific and other sources relied upon for conclusions in the statement. An agency may place discussion of methodology in an appendix."

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<https://www.epa.gov/nepa/national-environmental-policy-act-review-process>

<http://www.achp.gov/106q&a.html>

**“How and when should the public provide its views when ACHP is preparing its comments?
Does ACHP have a responsibility to solicit such views independent of agency actions?”**

When ACHP prepares formal comments under Section 800.7(c), it will arrange for public input. This is over and above previous public involvement and will be tailored to the specific circumstances of the case. In some instances, ACHP may hold a public meeting; in others, solicitation of written comments may suffice.”

8.) A statement that copies of the petition have been sent to the Regional Water Board and to the discharger, if different from the petitioner.

Copies of this petition will be circulated to all parties on the Distribution list by WaterBoard staff which included representatives of United Technologies Corporation.

9.) A statement that the issues raised in the petition were presented to the regional board before the regional board acted, or an explanation of why the petitioner could not raise those objections before the regional board.

The THE FINAL INITIAL STUDY / MITIGATED NEGATIVE DECLARATION SOIL MANAGEMENT PLAN OF THE UNITED TECHNOLOGIES CORPORATION CANOGA AVENUE SITE CANOGA PARK, CALIFORNIA – July 2016 AND REPORT ON FINAL SOIL MANAGEMENT PLAN FOR ASSESSMENT, REMEDIATION AND CONFIRMATION SAMPLING OF VADOSE ZONE SOILS UNITED TECHNOLOGIES CORPORATION CANOGA AVENUE FACILITY 6633 CANOGA AVENUE CANOGA PARK, CALIFORNIA LARWQCB CASE #0237A SITE ID NO. 2040214 were actions taken by the Los Angeles Regional Water Quality Board Executive Action to the best of my understanding. To the best of my understanding, there has been no hearing at the Regional Board related to this project site.

Therefore, there has been no opportunity to address this project with the Regional Board.

Respectfully submitted,

Christine L. Rowe

Los Angeles Regional Water Quality Control Board September 7, 2016
320 West Fourth Street, Suite 200
Los Angeles, CA 90013
Phone: (213) 576-6600
FAX: (213) 576-6640

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CANOGA AVENUE FACILITY 6633 CANOGA AVENUE CANOGA PARK, CALIFORNIA LARWQCB
CASE #0237A SITE ID NO. 2040214

Dear Chair Munoz and Honorable Board members and WaterBoard Staff,

I would like to thank the Chair and Executive Director Unger for making it possible for me to be heard on the issue of my appeal as stated above. I have an important medical appointment tomorrow, and chronic health problems prevent me from attending early morning Board meetings as I have done in the past.

I believe only two current Board members would recognize me from my almost ten year history with the Santa Susana Field Laboratory project. It is because of the knowledge that I have gained from WaterBoard staff related to that site, related to the LA River TMDLs for Metals program, and other local Surface Water meetings that I have learned the very little I know about permitting. I defer to WaterBoard staff and their experts – for example at the Santa Susana Field Lab site – the Boeing Expert Storm Water Panel to educate us at WaterBoard hearings and meetings relative to that site.

I live within 1 mile of the UTC Rocketdyne site. I work with the Woodland Hills Warner Center Neighborhood Council (WHWCNC) on this project within their new Environment Committee.

Last year in December, the Regional Board circulated their Mitigated Negative Declaration (MND) and Soil Management Plan (SMP) for this project site – UTC Rocketdyne. Within the constraints of the Winter holidays, I read what I could to prepare our committee and the WHWCNC to take action on this project. But as a Brown Act required body, when we lost a quorum, the Board could not vote on the letter I had drafted for them. As a result, six of the twelve comments on the MND and SMP were from me. This year, the WHWCNC held elections,

and we have a new Committee in which only one member was around during that public comment process.

On July 21st, 2016, the approvals of the MND and SMP were circulated by the Regional Board staff. However, the large files of these documents were not uploaded until about July 26th?

As I began to read these documents, I found errors of substance related more to my community than to WaterBoard related issues. I decided that I needed to appeal that Final Initial MND and SMP, and it took me until August 22, 2016 to complete that appeal.

At that time, I was not aware that the Los Angeles Department of Building and Safety had already issued a demolition permit – actually several permits – on August 9th, 2015.

On about August 25th, I learned that the demolition had already begun and a considerable amount of demolition had already occurred. That evening, I took my first of three walks around the UTC site.

This historic project site has been allowed to become urban blight. If this project were in a residential area, neighbors would be complaining to code compliance regarding the lack of maintenance on the project site particularly on the north and west sides of the property, and most specifically in the area of the Former Building 38 which was a North American Nuclear Facility that came online at about the same time as AREA IV of the Santa Susana Field Laboratory for nuclear research.

While the Water Board references the release of Building 38 for unrestricted use, and that the NRC inspected this facility before it was demolished in 2005-2006, this is what a White Paper by Phil Rutherford of Boeing (Boeing was one of the former owners of this site) stated:

Environmental Surveys

3.1 Soil & Vegetation

Routine environmental sampling of soil and vegetation surrounding the Vanowen facility was conducted prior to, during, and after radiological operations (Reference 7). Monthly analysis of gross alpha and gross beta radioactivity soil and vegetation show the normal expected distribution of environmental background radioactivity. As an example, beta activity of soil ranged from 6 to 23 pCi/gram as a result of naturally occurring potassium-40, uranium daughters, and thorium daughters. The trend over a 6-year period, from December 1954 through the end of 1960, is flat, indicating no increase in environmental contamination due to Vanowen operations.

3.2 Groundwater

In October 1989, 20 groundwater wells were sampled and analyzed for radioactivity. Eight wells surrounded the Vanowen building perimeter (including one inside the building). Twelve wells surrounded the Vanowen building at larger distances ranging from 200 to 2,000 feet. Reference 8 documents the results. No man-made fission products or activation products, which would have indicated contamination, were detected. Uranium isotopes were detected in isotopic ratios indicating non-enriched, naturally occurring material. Combined radium-226 and radium-228 met drinking water limits of less than 5 pCi/L. All strontium-90 results were less than detection limits. All gamma emitting cesium-137 results were less than the detection limits. Gross beta levels all met drinking water limits of less than 50 pCi/L. All gross alpha levels were commensurate with the levels of naturally occurring uranium found and met the 15 pCi/L drinking water limit when uranium was excluded.

Nuclear Regulatory Commission Verification Inspection/Survey

In 1995, the NRC toured the Vanowen facility, performed a radiation survey, and reviewed Rocketdyne's documentation on the facility. The NRC documented their visit in Reference 9, and stated that ...

- "... the former reactor room was visited and surveyed for radioactive contamination and none was identified."
- "No readings above background were identified in or around the former reactor room."

The NRC goes on to conclude,

- "The former Reactor Room was toured and was found to be free of radioactive materials which indicated that the area had been successfully

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Rocketdyne Propulsion & Power
The Boeing Company

remediated by either Atomics International or Rockwell International in the past."

- "No further action is planned by the Region for this license file

My point to the Regional Board, to the California Department of Health Radiological Health Branch, and others has been that surveying a room for unrestricted use at an industrial site – in the 1990's - does not clear the property below that facility as being clean.

References have been made to accidents and spills in this structure including a uranium fire. Former employees that I have interviewed that worked there were concerned about what went down the drains.

Furthermore, this site is due for end use as mixed commercial and residential construction. It is extremely important to all of the elected officials in my opinion that they can say that the appropriate sampling has been done in both the structures and the soil based on end use. Therefore, I had proposed the use of EPA guidance which is based upon risk to future residents.

In the meantime, I have been contacting all of the appropriate agencies for guidance on this project. I have many unanswered questions related to this project.

1. Let's begin with the historical. Why has the WaterBoard issued a statement that the mitigation for the historical aspects of this site – essentially a video – is not due to City Planning until 180 days after the demolition permits are issued? Why didn't the historic department of City Planning require this documentation to be in their possession in the Draft form before demolition begins?

“Recordation: Perform a Level II Historic American Buildings Survey/Historic American Engineering

Record (HABS/HAER) documentation of the Rocketdyne plant (interior and exterior of all structures). Documentation shall include narrative text and appropriate photographs per HABS/HAER requirements describing existing conditions and summarizing the relevant construction

history and use of the resources. Documentation shall be prepared by a qualified historic preservation consultant who meets the Secretary of the Interior's Professional Qualifications Requirements in history and/or architectural history. Documentation shall be provided to the Library of Congress where it will be appropriately archived and publically accessible. The HABS/HAER documentation shall be completed and submitted to the Library of Congress within 180days of issuance of the first demolition permit issued by the City of Los Angeles for removal of a building at the plant.”

2) Why would the Regional Board issue and MND and SMP when, in my opinion, the UTC site is non-compliant in terms of Federal, State, and local laws regarding the Clean Water Act, the Porter Cologne Water Quality Control Act, local National Pollutant Elimination Discharge System requirements, and possibly the MS 4 permits for the State of California.

It is my opinion that this project site lacks Best Management Practices around its full perimeter in terms of dust mitigation fencing, and waddles to protect against storm water runoff.

Trash is inside the fence line and on the outside of the fence line which will allow the sediment and trash to reach the storm drains in the next rain event. Therefore, the project could be in violation of TMDLs for trash, sediment, and potentially metals.

3) In a photo by the Los Angeles Daily News, two workers are standing next to a crane and a stockpile of debris. They are not even wearing masks. Should these employees be wearing HAZMAT gear since all of these debris are going to landfills designed for hazardous waste?



Rocketdyne was a rocket engine manufacturing plant that began in 1955. Buildings at the site contain some asbestos, and soil at the site has to be cleaned of the chemicals associated with the manufacturing process. The site is being razed for development. Canoga Park, CA. August 24, 2016. (Photo by John McCoy/So Cal News Group)

4) In my search for information, I have learned that there should be a dust mitigation plan that has been approved by the South Coastal Air Quality Control District for asbestos remediation and for lead paint. Yet to date, I am unable to put my hands on that document.

It is my understanding that the removal of the paint and asbestos is considered soft demolition. I do not know how these structures could have had their soft mitigation done when their demolition permits were just issued on August 9th.

5) References are made in the SMP to pile height. What are the regulations regarding how large stockpiles can be onsite?

In summary, these are 12 points that I have submitted to the elected officials for this project site:

It is my opinion that:

- 1) We need the appropriate contacts posted at the site.
- 2) The workers need to be in the appropriate protective gear.
- 3) There may need to be weed abatement - are they in compliance for LAFD in terms of weeds?
- 4) The old vines should be removed as a hazard?
- 5) The debris on the sidewalk needs to be cleaned up.
- 6) Dust mitigation fencing should be put into place.
- 7) There should be what are called BMPs - Best Management Practice - barriers placed inside the fence line to prevent storm water runoff.
- 8) It is my understanding that demolition is not supposed to occur in the rainy season which I believe begins October 1st.

- 9) We need to know if the SCAQMD has those reports for dust mitigation.
- 10) We should have air monitoring for diesel, particulate matter, and ozone. And in the future, for TCE and PCE if possible just like the Aliso Canyon site is monitored for methane.
- 11) The Water Board should be requiring further sampling for radionuclides because in my opinion, based upon the documents I read on the DOE website for the structure known as Building 38, they NRC only cleared the interior of the structure, and sampled the vegetation outside. I do not believe that they sampled the drains below the structure. And, the EPA changes their standards for radionuclides and other contaminants every year. Furthermore, we have better sampling technology today than when the limited sampling was done in the 1990's,
- 12) As I mentioned in the past, the soil should also be sampled for refractory metals and maybe for special paints that are used for things that need to withstand high temperatures.
- 13) There is no evidence of any containment around any facilities that may need asbestos and other types of abatement.

Finally, the WaterBoard is inspecting this facility for demolition but not based on end use of this site which is mixed use - commercial and residential. In my opinion, this requires the EPA protocols which I referenced in my appeal.

The WaterBoard is, in my opinion, focused on the TCE and PCE the primary contaminants of concern in the groundwater.

It is my hope that the Regional Board will accept my appeal. It was my hope to file a Stay by today, but due to time constraints, it seemed more important to address this letter to the Board than to file the Stay.

My appeal is designed to protect the workers on this project, the agency inspectors, the local residents some of whom live less than 300 feet away from the demolition site, and people who ride the Orange Line like I used to do to attend meetings at the Met. It is designed to protect the users of the local businesses, the children that attend Canoga Park High and Owensmouth Continuation School which are both within about 1000 feet of the project area.

Respectfully submitted,

Christine L. Rowe

6732 Faust Ave

West Hills, CA 91307

(818)-704-7693 after 1:00 PM please

Email: CRWHNC@gmail.com