

From: "Ingenito, Miriam@EPA" <Miriam.Ingenito@calepa.ca.gov>
To: William Preston Bowling <williamprestonbowling@yahoo.com>
Cc: "Raphael, Debbie@DTSC" <Debbie.Raphael@dtsc.ca.gov>; Holly Huff <hollyhuff1@aol.com>; Dawn Kowalski <dlizzie@roadrunner.com>; Cindi Gortner <cindigortner@gmail.com>; Bill Craven <william.craven@sen.ca.gov>; Louise Rishoff <louise.rishoff@asm.ca.gov>; Rebekah Rodriguez- Lynn <rebekah.rodriguez-lynn@sen.ca.gov>
Sent: Wednesday, August 15, 2012 3:57 PM
Subject: RE: Meeting Follow-up--Time Urgent for Resolution of Issues

Dear William, Cindi, Dawn, and Holly,
Thank you for taking the time to speak with me to discuss your concerns with the ongoing management of the SSFL cleanup project by DTSC. My impression from our meeting was that it was very positive and productive. I was quite surprised by your email indicating that you were disappointed with the outcome and felt you returned empty-handed from the meeting. What I had hoped you had taken away from our meeting were honest answers to your coalition's concerns, and a path forward on the remaining unanswered question. To recap our conversation:

You expressed concern that Rick Brausch had been removed from the project. I explained that because the project is now more focused on the cleanup aspects, Rick's day-to-day involvement is not required. The Director needs his focus to be on other policy issues facing the department. In fact, as the Director is undertaking a reorganization of key regulatory areas of the department; Rick's portfolio is being broadened to cover all hazardous waste policy for DTSC. I want to assure you that he continues to advise the Director and the rest of DTSC and Agency on matters related to SSFL. However, as I noted in our meeting, the day-to-day management and oversight of this cleanup and remediation project has shifted to Deputy Director Stewart Black and Project Manager Mark Malinowski.

With respect to your concerns about Boeing and its influence at DTSC, I tried to assure you that your concerns were unfounded. As I explained to you in the meeting, their role in the EIR starts and ends with writing a check for the costs of the consultant that is working with DTSC to prepare that document. They have no say in which contractor is selected, the scope of work to be completed, nor are they privy to any information regarding the findings or preparation of the document. It is DTSC's standard practice to have the responsible party or parties pay for CEQA contracting this way, instead of having the state procure the services of the contractor and then seek reimbursement. It is fiscally prudent for DTSC to take this path with respect to this EIR contract, and as I indicated, is the way that DTSC conducts its CEQA compliance activities in all other cleanups when an EIR is anticipated.

The other concern you raised in our meeting was with respect to the CAG petition that DTSC has received. I informed you that Director Raphael had heard your concerns and that DTSC was in the process of evaluating the petition and verifying that it meets the statutory requirements. My understanding is that if it meets the statutory requirements, the department is required under law to accept and act on the petition. I presented you with the notion that there is no specific format or operation of a CAG, and that can be organized and operated in any way the leadership of the CAG and the community decides they would like – if you, the community, wanted it to be a presentation style, it could be just that. If the signatures are valid and DTSC is required to help the community establish a CAG, DTSC anticipates using a neutral third party to assist the community in

selecting the membership and establishing its governance. At that point, once membership is established, the CAG is fully within its rights to decide what its format would be, how often it would meet, what types of issues it would like to focus on, and how it essentially would operate. It is a mechanism set forth in statute and I encouraged you and your coalition to consider a way to have your needs met through this process.

As for the working group, I tried to be very clear that we recognize and appreciate the work that the workgroup has accomplished, and that without the federal government present to convene the meetings, the state could not do so because we lack the legal authority to convene such a group. I provided you with two options if you felt that your needs could not be addressed through the CAG (1) go back to the federal government and ask that they continue to fund and convene the workgroup, or (2) ask your members of the Legislature to provide DTSC the statutory authority to convene this type of group. I appreciate the petition that you delivered to me, and I have forwarded it to DTSC so that it can decide how best to respond to the petitioners.

DTSC is committed to providing the highest quality public participation within the constraints of its authority provided by law.

At our meeting, I reiterated the full commitment of the Administration, Cal/EPA, and DTSC to cleaning up SSFL to the standards set forth in the AOCs. That is the path we are on. There is nothing in any of our actions that would lead to a logical conclusion to the contrary.

I look forward to continuing to assist DTSC in ensuring that SSFL is cleaned up to the standards set forth in the AOCs

Sincerely,
Miriam Barcellona Ingenito

From: William Preston Bowling
[mailto:williamprestonbowling@yahoo.com]
Sent: Sunday, August 12, 2012 9:56 PM
To: Ingenito, Miriam@EPA
Cc: Raphael, Debbie@DTSC; Holly Huff; Dawn Kowalski; Cindi Gortner; Bill Craven; Louise Rishoff; Rebekah Rodriguez- Lynn
Subject: Meeting Followup--Time Urgent for Resolution of Issues

Dear Deputy Secretary Ingenito,

Thank you for meeting with us Friday in Sacramento. You were very gracious and generous with your time. We hope this is the beginning of a constructive relationship that can help overcome some of the significant difficulties that have arisen in the last months.

We reported back to the larger coalition of groups and individuals with whom we have worked for years and need to candidly let you know that people are increasingly furious about the situation and ready to take action which will reflect poorly on the administration. We were unable to mollify their concerns since we essentially returned empty-handed from our meeting with you.

Regrettably, on none of the four key issues we raised—restoration of the Work Group, opposition to the illegal CAG, the pending decision to remove the only remaining DTSC official involved with creating the AOCs (Rick Brausch) as SSFL Project Director, and DTSC letting Boeing largely direct key decisions about the cleanup including selection of the state's EIR contractor - was there movement toward meeting the concerns of the great majority of the interested community.

We understand that you were not in a position Friday to make any commitments, and that you intend to meet with Debbie tomorrow to discuss the issues. We hope that discussion marks a turning point toward coming up with creative ways of avoiding a situation we all should try to avoid.

But you need to know that there is a widespread perception here that since the

change in Administration, DTSC's regulation of SSFL has returned to the old days where Boeing's lobbyists such as Winston Hickox, Bob Hoffman, and Peter Weiner are calling the shots, at the expense of the public whose health is at risk.

We know you realize that our concerns have merit. You yourself acknowledged that the process of EIR contracts being handled by Boeing is problematic since Boeing has tried to "pull some fast ones" that had to be spotted and corrected by the agency. Secondly, you acknowledged that there has been a troubled history of DTSC and CAL EPA officials working closely with Boeing and other similar polluters and subsequently going to work for them.

The community views the reversal of longstanding positions by DTSC as a sign that the polluter is once again in charge, and, unless strong action is taken, the long-promised full cleanup will never happen. People here perceive the four matters we discussed as crossing a point of no return. You and DTSC can avoid this, but there is almost no time left.

It is imperative that we speak immediately to collaborate on how to fix this situation. We need to work closely together to find a resolution. We cannot afford to fly to Sacramento again, but would request that Director Raphael meet with us in Los Angeles this week and if you can't join her on the trip, have you participate by phone.

We look forward to hearing from you.

William Preston Bowling
Cindi Gortner
Dawn Kowalski
Holly Huff