

**STATE OF CALIFORNIA  
ENVIRONMENTAL PROTECTION AGENCY  
DEPARTMENT OF TOXIC SUBSTANCES CONTROL**

In the Matter of:

Docket No. HSA-FY21/22-148

Santa Susana Field Laboratory  
Area I Burn Pit Area  
Simi Valley, Ventura County, CA

IMMINENT AND SUBSTANTIAL  
ENDANGERMENT DETERMINATION  
AND CONSENT ORDER

Respondent:

The Boeing Company

Health and Safety Code  
Sections 25355.5(a)(1)(B) and (C), and  
25358.3(a)

**I. INTRODUCTION**

1.1. Parties. The California Environmental Protection Agency, Department of Toxic Substances Control (DTSC) and The Boeing Company, a Delaware corporation doing business in California (Respondent) hereby enter into this Consent Order (Order) and agree to its terms and conditions. DTSC and Respondent are referred to collectively herein as the Parties.

1.2. Property/Site. This Order applies to property located in Ventura County, California, encompassing the area known as the former Area I Burn Pit (the “Site”) at the Santa Susana Field Laboratory (SSFL). A map showing the location of the Site relative to the SSFL, which is the subject of an existing Consent Order for Corrective Action between Respondent and DTSC (2007 Consent Order),<sup>1</sup> is attached as Figure 1.

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<sup>1</sup> Consent Order for Corrective Action, Docket No. P3-07/08-003, In the Matter of the Santa Susana Field Laboratory, Ventura County, California (August 2007), *available at* [https://www.envirostor.dtsc.ca.gov/public/deliverable\\_documents/4615513682/SSFL%20Consent%20Order%202007.pdf](https://www.envirostor.dtsc.ca.gov/public/deliverable_documents/4615513682/SSFL%20Consent%20Order%202007.pdf) (hereinafter “2007 Consent Order”).

The Area I Burn Pit is located in the southern portion of Area I of the SSFL. The Site historically consisted of two burn pits, several earthen and concrete-lined ponds, a control center, and two explosives storage sheds. The burn pits were operated intermittently from about 1958 through 1971. The burn pits were granted interim status as a waste pile under RCRA in 1980. A request was made in 1985 to revise the operations under the RCRA Hazardous Waste Part A permit application from a waste pile to a thermal treatment facility (TTF). The EPA concurred with that request in 1988. Operations at the TTF ceased in 1990. This Order applies to the Site and the areal extent of contamination that resulted from the former activities at the Site.

1.3. Jurisdiction. This Order is entered by DTSC and Respondent pursuant to DTSC's authority under Health and Safety Code sections 25358.3(a), and 25355.5(a)(1)(B) and (C).

Health and Safety Code section 25358.3(a) authorizes DTSC to take various actions, including issuance of an Imminent and Substantial Endangerment Determination and Order, when DTSC determines that there may be an imminent or substantial endangerment to the public health or welfare or to the environment, because of a release or a threatened release of a hazardous substance.

Health and Safety Code section 25355.5(a)(1)(B) authorizes DTSC to issue an order establishing a schedule for removing or remedying a release of a hazardous substance at a site, or for correcting the conditions that threaten the release of a hazardous substance. The order may include, but is not limited to requiring specific dates by which the nature and extent of a release shall be determined and the site adequately characterized, action plan(s) prepared and submitted to DTSC for approval, and a removal or remedial action completed.

Health and Safety Code section 25355.5(a)(1)(C) authorizes DTSC to enter into an enforceable agreement with a potentially responsible party for the site that requires the party to take necessary corrective action to remove the threat of the release, or to determine the nature and extent of the release and adequately characterize the site, prepare action plan(s), and complete the necessary removal or remedial actions, as required in the approved action plan(s).

## II. FINDINGS OF FACT

2.1. Liability of Respondent. Soil sampling conducted at the Site found elevated levels of dioxins in soil about 100 feet away from the drainage that leads to Outfall 1 in the southern part of the SSFL. Sampling also indicated cadmium, mercury, molybdenum, nickel, zinc, polychlorinated biphenyls (PCBs), pentachlorophenol, and trichloroethene (TCE) have been found at the Site at levels that exceed risk-based thresholds for ecological receptors. Radionuclides have been detected above the January 30, 2013 Draft Provisional Radiological Lookup Table Values ("LUTVs").

Respondent is a Responsible Party at the Site and agrees to undertake the removal actions set forth in this Order to address contamination at the Site that resulted from activities at the Area I Burn Pit.

## 2.2. Physical Description of the Site.

The Area I Burn Pit Area formerly consisted of two burn pits, three earthen ponds, three concrete-lined ponds including an acid pit, a former Fire Department Demonstration Area, an entrance shack and related storage area, a control center and two explosives storage sheds. The six ponds ranged in volume from approximately 200 to approximately 10,000 gallons. The Site is approximately 5.8 acres in size and is located in the southern portion of Area I of the SSFL. Elevations across the Site range from approximately 1,785 to 1,730 feet above mean sea level (MSL), and the topography generally slopes towards the southeast. Surface water flow is intermittent, and the majority of the surface water flow is towards the southeast corner. Surface water in the western portion flows into the western drainages. Surface water ultimately flows south to Outfall 001, located approximately 0.6 miles southwest of the Site. The Site is situated on Quaternary alluvium and outcroppings of the Chatsworth Formation, and bedrock ranges in depth from 0 to approximately 13 feet.

Portions of the Site, including the TTF, are covered by non-woven polypropylene geotextile fabric to prevent contaminant migration. Other erosion control measures, such as silt fencing, straw wattles, sandbag barriers, and hydromulch have been implemented to control erosion.

## 2.3 Site History and Current Status.

The burn pits were established in 1958 for the destruction of chemicals by combustion and detonation. Overall, the burn pits were operated intermittently from about 1958 through the early 1980s. The Area I Burn Pit has been identified as Solid Waste Management Unit 4.8 (SWMU 4.8) in the RCRA Facility Assessment (RFA),<sup>2</sup> and was listed as such in Attachment 4 of the 2007 Consent Order.

Since the early 1980's, multiple remedial investigations and removal actions have been conducted at the Site. In 1981, buried debris, disturbed soil, and localized subsurface anomalies were identified. In 1981 and 1982, approximately 1,600 cubic yards of debris materials (including empty cylinders and drums, concrete, rebar, ash, and steel fragments/pipes) and soils were excavated and removed, of which 1,300 cubic yards were designated as non-hazardous waste, and 300 cubic yards were designated as hazardous waste. Confirmation soil samples were collected from the excavation sites and analyzed for organic constituents and selected metals.

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<sup>2</sup> Science Applications International Corporation, Final RCRA Facility Assessment Report for Rockwell International Corporation, Rocketdyne Division, Santa Susana Field Laboratory, Ventura County, California (May 1994), available at [https://www.dtsc-ssfl.com/files/lib\\_rcra\\_soils/group3/historicaldocs/pdf\\_files/HDMS00120063.pdf](https://www.dtsc-ssfl.com/files/lib_rcra_soils/group3/historicaldocs/pdf_files/HDMS00120063.pdf).

Numerous investigations and activities at the Site have occurred since 1990. Such investigations have identified concentrations of cadmium, mercury, molybdenum, nickel, zinc, PCBs (Aroclor-1248 and Aroclor-1254), dioxins, pentachlorophenol, and TCE in soil above ecological risk-based screening levels (EcoRBSLs) such that they indicate potential risks to ecological receptors, as well as detections of radionuclides at levels that exceed the LUTVs.

Portions of the Site are currently covered with geotextile fabric. While the geotextile fabric, which is not intended to serve as a permanent solution, has performed well to date, it is an interim measure. Predicted changes to regional weather patterns due to climate change, including the potential for more severe precipitation events and storms, wildfires and high wind events may potentially damage or destroy the geotextile fabric, which would expose wildlife and other ecological receptors to the covered soils and render the fabric ineffective to protect against the run-off and migration of hazardous substances from the Site.<sup>3</sup>

#### 2.4 Hazardous Substances Found at the Site.

Activities at the Area I Burn Pit resulted in the combustion of solvents and fuels generated at the SSFL. Analytical results collected from the Site indicate the presence of elevated concentrations of multiple contaminants in soil, including cadmium, mercury, molybdenum, nickel, zinc, PCBs (Aroclor-1248 and Aroclor-1254), dioxins, pentachlorophenol, and TCE above EcoRBSLs at levels that pose a risk to ecological receptors. Radionuclides have also been detected at levels that exceed the LUTVs.

#### 2.5 Ecological Effects.

Potential ecological risks in sitewide soil have been evaluated for exposures to ecological receptors, including terrestrial plants, soil invertebrates, birds and mammals. Contaminants driving the ecological cleanup (“Chemicals of Ecological Concern”), including, but not limited to, metals (e.g., cadmium), PCBs, and dioxins, were identified in the Data Summary and Findings Report<sup>4</sup> at levels that exceed EcoRBSLs. Given the predicted severe and accelerated weather changes and increased fire risk due to climate change, and the resulting threats to cause damage to the geotextile fabric that covers portions of the Site, DTSC finds that there is an imminent and substantial threat to ecological receptors and a clear need to conduct soil remediation, in order to prevent harmful run-off and migration of hazardous substances from the Site. The ecological effects of these contaminants are discussed below.

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<sup>3</sup> See California Natural Resources Agency, California’s Fourth Climate Change Assessment: Los Angeles Region Report 12-15 (2018), *available at* <https://www.climateassessment.ca.gov/regions/>; *see also* Amir Agha Kouchak et al., Projected Changes in California’s Precipitation Intensity-Duration-Frequency Curves, California’s Fourth Climate Change Assessment 13 (2018).

<sup>4</sup> RCRA Facility Investigation Data Summary and Findings Report, Area I Burn Pit RFI Site, Boeing RFI Subarea 1B Southwest, Santa Susana Field Laboratory, Ventura County, California, March 2021.

- 2.5.1. Cadmium Effects on Wildlife. Adverse effects resulting from ingestion of contaminated soil and food items may result in adverse effects to reproduction, as well as harmful effects on kidney, liver, lung, immune system, and nervous system functions. In light of Site data showing that cadmium levels at the Site are above screening thresholds such that exposure could result in adverse health effects for wildlife, a timely response action is warranted to prevent harmful exposure and protect the wildlife species that are present on the Site.
- 2.5.2. PCB Effects on Wildlife. The adverse effects of PCBs on wildlife are well studied. Animal studies provide conclusive evidence that exposure to PCBs cause a number of serious health impacts, including effects on the immune system, reproductive system, nervous system, endocrine system, as well as other health effects. In light of Site data indicating that PCB levels are above screening thresholds such that exposure could cause adverse health effects for wildlife, a timely response action is warranted to prevent harmful exposure and protect the wildlife species that are present at the Site.
- 2.5.3. Dioxin Effects on Wildlife. Dioxins are highly toxic to animals and exposure has been found to cause developmental toxicity, reproductive impairment and, compromised immune system function in many species of mammals, birds and fish. Dioxins are persistent in the environment, accumulate in the fatty tissue of animals and bioaccumulate through the food web. In light of Site data indicating that dioxin levels are above screening thresholds such that this exposure may cause adverse health effects for animals, a timely response action is warranted to prevent harmful exposure and protect the wildlife species that are present at the Site.

2.6. Routes of Exposure for Wildlife. Plants can be exposed to chemicals by root contact, by particle adsorption/absorption on leaf and stem surfaces, and by foliar transport. Ecological exposure of soil invertebrates occurs via direct soil contact and ingestion, and to birds and mammals via incidental ingestion of contaminated soil and food chain uptake of contaminated food items.

2.7. Ecological Risk. Operations at the Site have ceased, public access to the site is limited, and public visitation to the Site is prohibited. As a result, there is limited current onsite risk of human exposure.<sup>5</sup> However, total concentrations of contaminants, including certain metals (cadmium, mercury, molybdenum, nickel, and zinc), PCBs (Aroclor-1248, Aroclor-1254), dioxins, pentachlorophenol, and TCE exceed EcoRBSLs developed for the SSFL. Cadmium, PCBs, and dioxins may result in ecologically significant effects and therefore pose an unacceptable risk to ecological receptors utilizing these areas. Radionuclides also exceed local

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<sup>5</sup> Potential risk to anticipated human receptors at the Site will be addressed through the RCRA Corrective Action.

background<sup>6</sup> in certain areas of the Site. Furthermore, the potential for exposure is anticipated to become more significant in the future due to expected severe storm, wind, rain, and fire events, especially to the degree that such future events may damage, destroy, or render ineffective the existing geotextile fabric.

### III. CONCLUSIONS OF LAW

3.1. Respondent is a potentially responsible party as the phrase is used in Health and Safety Code section 25355.5(a)(1)(C), for purposes of the actions and work required by this Order.

3.2. Each of the substances listed in Section 2.4 is a “hazardous substance” as defined in Health and Safety Code section 25316.

3.3. There is a “threatened release” of hazardous substances listed in Section 2.4 at the Site, as defined in Health and Safety Code section 25320.

3.4. The threatened release of hazardous substances at the Site may present an imminent and substantial endangerment to the public health or welfare or to the environment, specifically to ecological receptors.

3.5. Response action is necessary to protect public health and the environment from exposures to chemicals identified in Section 2.5 of this Order.

### IV. DETERMINATION

4.1. Based on the foregoing findings of fact and conclusions of law, DTSC hereby determines that response action is necessary at the Site because there has been a release and/or there is a threatened release of a hazardous substance.

4.2. Based on the foregoing findings of fact and conclusions of law, DTSC hereby determines that there is an imminent and substantial endangerment to the public health or welfare or to the environment because of the release and/or the threatened release of the hazardous substances at the Site.

### V. CONSENT ORDER

Based on the foregoing IT IS HEREBY AGREED AND ORDERED THAT Respondent conduct the following response actions in the manner specified herein, and in accordance with a schedule specified by DTSC as follows:

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<sup>6</sup> Draft Provisional Radiological Look-Up Table Values (LUTVs), DTSC, January 30, 2013, [https://www.envirostor.dtsc.ca.gov/public/deliverable\\_documents/999999999/SSFL/lib\\_look-uptables/radiological//66513\\_65861\\_Draft\\_Provisional\\_Radiological\\_Look-Up\\_Table\\_Values\\_1-30-13.pdf](https://www.envirostor.dtsc.ca.gov/public/deliverable_documents/999999999/SSFL/lib_look-uptables/radiological//66513_65861_Draft_Provisional_Radiological_Look-Up_Table_Values_1-30-13.pdf)

5.1. All response actions taken pursuant to this Order shall be consistent with the requirements of Division 20, Chapters 6.5 and 6.8 (commencing with sections 25100 and 25300) of the Health and Safety Code and any other applicable state or federal statutes and regulations.

5.1.1. Site Remediation Strategy. The purpose of this Order is to require for the Site: preparation of a Removal Action Workplan (RAW), design and implementation of the removal actions approved in the RAW, and implementation of any appropriate removal actions. An overall Site cleanup strategy shall be developed by Respondent in conjunction with DTSC which reflects program goals, objectives, and requirements. Knowledge of Site contamination sources identified to date and any potential additional knowledge identified prior to completing preparation of the RAW, exposure pathways, and receptors shall be used in developing this strategy.

5.1.2. Removal Action Objectives. Based on available information, DTSC has determined that the removal action objectives for the Site under this Order shall be for the protection of ecological receptors. Respondent will undertake removal actions to remove: (1) soil that has radionuclide concentrations in excess of the LUTVs to a depth of one foot greater than each exceedance; (2) soil within Corrective Measures Study (CMS) areas as necessary to address Chemicals of Ecological Concern that present potential risk to ecological receptors as identified in the Area I Burn Pit Ecological Risk Assessment Report which shall be based on the RCRA Facility Investigation Human Health and Ecological Risk Assessment Report, Boeing RFI Subarea 1B Southwest, Santa Susana Field Laboratory, Ventura County, California, conditionally approved by DTSC; and (3) between six inches and two feet of soil underneath all areas covered by the geotextile fabric as shown in Figure 1, as necessary to stabilize the site until the final cleanup is completed. Removal actions to be taken are delineated on Figure 1.

5.1.3. Removal Actions. Respondent shall undertake removal actions because DTSC has determined that they are necessary to mitigate the threatened release of hazardous substances at or potentially emanating from the Site. Reports and workplans for implementing the following removal actions shall be submitted by the specified dates in a schedule approved by DTSC. In addition to the other requirements of this Order, Respondent shall implement the following removal actions:

5.1.3.1. Fence and Post. The Respondent shall ensure the existing fencing and signage are maintained to prevent public access to the Site. Further, the existing fencing shall be expanded if a larger area is needed, to complete the work required by this Order, for staging or stockpiling.

5.1.3.2. Drainage Control. The appropriate erosion and sediment control Best Management Practices (BMPs) shall be implemented for all proposed

work for the Site. The BMPs shall be designed, installed, and maintained in accordance with the Los Angeles Regional Water Quality Control Board (LARWQCB) requirements and all other applicable laws and permitting and regulatory requirements. Respondent will maintain and monitor existing BMPs, to prevent contaminated soil and sediment from entering the Southern Drainage.

5.1.3.3. Contaminated Soil Removal. Respondent shall prepare and submit a RAW to remove contaminated soil. The RAW shall plan to bring cadmium, mercury, molybdenum, nickel, zinc, PCBs, dioxins, pentachlorophenol, and TCE below their respective high EcoRBSLs, and radionuclides below the LUTVs, in the areas delineated on Figure 1.

5.1.4. Site Remediation Strategy Meeting. Respondent, including the Project Coordinator (Section 6.1) and Project Engineer/Geologist (Section 6.2), shall meet with DTSC within 15 days from the date DTSC approves the Area I Burn Pit Ecological Risk Assessment Report (see Section 5.1.2). (and concurrent with the development of the RAW) to discuss the Site remediation strategy. These discussions will address topics including Site risks and priorities, project planning, phasing and scheduling, data quality objectives, and the RAW. Results of the discussions will be documented in the RAW.

5.2. Public Notice. The DTSC SSFL Public Participation Specialist shall receive a copy of this Order and any revisions made to its language. The SSFL Public Participation Plan will be reviewed to identify portions applicable to this interim action. Respondent shall work cooperatively with DTSC in providing public notice of these response actions.

5.3. California Environmental Quality Act (CEQA). DTSC finds that, due to the unique and special circumstances currently posed at this site, a timely response action is needed at the site to prevent clear and imminent threats to ecological receptors, particularly in light of the toxicity of certain metals (cadmium, mercury, molybdenum, nickel, zinc), PCBs, and dioxins to ecological health, as well as the levels of radionuclides in the soil. Accordingly, DTSC finds that the work needed to implement this order is exempt from CEQA as an emergency pursuant to sections 21060.3 and 21080(b)(4) of the Public Resources Code. The costs incurred by DTSC in complying with CEQA, including but not limited to any litigation costs, are response costs and Respondent shall reimburse DTSC for such costs pursuant to Section 6.18.

5.4. Removal Action Workplan. DTSC has determined a RAW is appropriate to address the appropriate removal actions on the Site. Respondent will prepare and submit to DTSC a draft RAW no later than 75 days after DTSC's approval of the Area I Burn Pit Ecological Risk Assessment Report prepared pursuant to Section 5.1.2. The draft RAW will



be prepared in accordance with Health and Safety Code sections 25323.1 and 25356.1, and will include:

- (a) A description of the onsite contamination;
- (b) The goals to be achieved by the removal action;
- (c) A list of the alternative options considered and rejected in selecting the proposed removal action;
- (d) A description of the techniques and methods to be used in the removal action, including any excavating, storing, handling, transporting, treating, and disposing of material on or off the site;
- (e) Sampling and Analysis Plan with corresponding Quality Assurance/Quality Control (QA/QC) Plan to confirm the effectiveness of the RAW, if applicable;
- (f) A brief overall description of methods that will be employed during the removal action to ensure the health and safety of workers and the public during the removal action.
- (g) A construction air monitoring plan to be executed in coordination with the ongoing site-wide air monitoring program.

5.5. Removal Action Work Implementation Plan (RAWIP). Respondent shall include in the RAW submitted pursuant to Section 5.4 a RAWIP describing in detail the technical and operational plans for implementation of the removal action work which includes the following elements, as applicable:

- (a) Design criteria and final plans and specifications for facilities to be constructed.
- (b) Description of equipment used to excavate, handle, and transport contaminated material.
- (c) A field sampling and laboratory analysis plan addressing sampling during implementation and to confirm achievement of the performance objectives of the RAW.
- (d) A transportation plan identifying routes of travel and final destination of wastes generated and disposed.
- (e) An updated health and safety plan addressing the implementation activities.
- (f) Identification of any necessary permits and agreements.
- (g) An operation and maintenance plan including any required monitoring.

- (h) A detailed schedule for implementation of the removal action consistent with the schedule contained in the approved RAW including procurement, mobilization, construction phasing, sampling, facility startup, and testing.

5.6. Implementation of Final RAW. DTSC shall review the draft RAW/RAWIP and either approve it or provide comments to Respondent. If comments are provided, Respondent shall submit to DTSC for review within thirty (30) days a revised draft RAW/RAWIP that addresses the comments. Once approved by DTSC, the Final RAW/RAWIP will be implemented in accordance with the approved schedule in the RAW/RAWIP. Within sixty (60) days of completion of field activities and receipt of all validated analytical data, Respondent shall submit an implementation report (“Implementation Report”) documenting the implementation of the Final RAW and RAWIP.

5.7. Changes During Implementation of the Final RAW. During the implementation of the Final RAW, DTSC may specify such additions, modifications, and revisions to the Final RAW and/or RAWIP as DTSC deems necessary to protect public health and safety or the environment or to implement the Final RAW.

5.8. Stop Work Order. In the event that DTSC determines that any activity, whether or not pursued in compliance with this Order, may pose an imminent or substantial endangerment to the health or safety of people on the Site or in the surrounding area or to the environment, DTSC may order Respondent to stop further implementation of this Order for such period of time needed to abate the endangerment. In the event that DTSC determines that any Site activities, whether or not pursued in compliance with this Order, are proceeding without DTSC authorization, DTSC may order Respondent to stop further implementation of this Order or activity for such period of time needed to obtain DTSC authorization, if such authorization is appropriate. Any deadline in this Order directly affected by a Stop Work Order, under this Section, shall be extended for the term of the Stop Work Order.

5.9. Emergency Response Action/Notification. In the event of any action or occurrence (such as a fire, earthquake, explosion, or human exposure to hazardous substances caused by the release or threatened release of a hazardous substance) during the course of this Order, Respondent shall immediately take all appropriate action to prevent, abate, or minimize such emergency, release, or immediate threat of release and shall immediately notify the DTSC Project Manager. Respondent shall take such action in consultation with the DTSC Project Manager and in accordance with all applicable provisions of this Order. Within seven days of the onset of such an event, Respondent shall furnish a report to DTSC, signed by Respondent’s Project Coordinator, setting forth the events which occurred, and the measures taken in the response thereto. In the event that Respondent fails to take appropriate response and DTSC takes the action instead, Respondent shall be liable to DTSC for all costs of the response action. Nothing in this Section shall be deemed to limit any other notification requirement to which Respondent may be subject.

## VI. GENERAL PROVISIONS

6.1. Respondent Project Coordinator. Within ten (10) days from the date the Order is signed by DTSC, Respondent shall submit to DTSC in writing the name, address, and telephone number of a Project Coordinator whose responsibilities will be to receive all notices, comments, approvals, and other communications from DTSC. Respondent shall promptly notify DTSC of any change in the identity of the Project Coordinator. Respondent shall obtain approval from DTSC before the new Project Coordinator performs any work under this Order.

6.2. Respondent Project Engineer/Geologist. The work performed pursuant to this Order shall be under the direction and supervision of a qualified professional engineer or geologist in the State of California, with expertise in hazardous substance site cleanups. Within fifteen (15) calendar days from the date this Order is signed by DTSC, Respondent shall submit: a) The name and address of the project engineer or geologist chosen by Respondent; and b) in order to demonstrate expertise in hazardous substance cleanup, the resumé of the engineer or geologist, and the statement of qualifications of the consulting firm responsible for the work. Respondent shall promptly notify DTSC of any change in the identity of the Project Engineer/Geologist. Respondent shall obtain approval from DTSC before the new Project Engineer/Geologist performs any work under this Order.

6.3. Monthly Summary Reports. Within thirty (30) days from the date this Order is signed by DTSC, and on a monthly basis thereafter, Respondent shall submit a Monthly Summary Report of its activities under the provisions of this Order. The report shall be received by DTSC by the 15th day of each month and shall describe:

- (a) Specific actions taken by or on behalf of Respondent during the previous calendar month;
- (b) Actions expected to be undertaken during the current calendar month;
- (c) All planned activities for the next month;
- (d) Any requirements under this Order that were not completed;
- (e) Any problems or anticipated problems in complying with this Order; and
- (f) All results of sample analyses, tests, and other data generated under this Order during the previous calendar month, and any significant findings from these data.

6.4. Quality Assurance/Quality Control (QA/QC). All sampling and analysis conducted by Respondent under this Order shall be performed in accordance with the QA/QC Plan, which Respondent shall submit to DTSC for approval as part of the RAW per Section 5.4(e).

6.5. Submittals. All submittals and notifications from Respondent required by this Order shall be sent simultaneously by hard copy and electronic copy to:

Mr. Steven Becker, P.G.  
SSFL Project Coordinator  
Department of Toxic Substances Control  
8800 Cal Center Drive  
Sacramento, CA 95826-3200  
steven.becker@dtsc.ca.gov

Ms. Mindy Mathias, P.E., Unit Chief  
SSFL Unit  
Department of Toxic Substances Control  
8800 Cal Center Drive  
Sacramento, CA 95826-3200  
mindy.mathias@dtsc.ca.gov

6.6. Communications. All approvals and decisions of DTSC made regarding submittals and notifications will be communicated to Respondent in writing by the SSFL Project Director, or his/her designee. No informal advice, guidance, suggestions, or comments by DTSC regarding reports, plans, specifications, schedules, or any other submittals of Respondent, shall be construed to relieve Respondent of the obligation to obtain such formal approvals as may be required.

6.7. DTSC Review and Approval.

- (a) All response actions taken pursuant to this Order shall be subject to the approval of DTSC. Respondent shall submit all deliverables required by this Order to DTSC. Once the deliverables are approved by DTSC, they shall be deemed incorporated into, and where applicable, enforceable under this Order.
- (b) If DTSC determines that any report, plan, schedule, or other document submitted for approval pursuant to this Order fails to comply with this Order or fails to adequately protect public health or safety or the environment, DTSC may:
  - (1) Modify the document as deemed necessary and approve the document as modified; or
  - (2) Return comments to Respondent with recommended changes and a date by which Respondent must submit to DTSC a revised document incorporating the recommended changes.
- (c) Any modifications, comments or other directives issued pursuant to (a) and (b) above, are incorporated into this Order. Any noncompliance with these modifications or directives shall be deemed a failure or refusal to comply with this Order.

6.8. Compliance with Applicable Laws. Nothing in this Order shall relieve Respondent from complying with all other applicable laws and regulations, including but not limited to compliance with all applicable waste discharge requirements issued by the State Water Resources Control Board or a California Regional Water Quality Control Board. Respondent shall conform all actions required by this Order with all applicable federal, state and local laws and regulations.

6.9. Respondent Liabilities. Nothing in this Order shall constitute or be construed as a satisfaction or release from liability for any conditions or claims arising as a result of past, current or future operations of Respondent. Nothing in this Order is intended or shall be construed to limit the rights of either Party with respect to claims arising out of or relating to the deposit or disposal at any other location of substances removed from the Site. Nothing in this Order is intended or shall be construed to limit or preclude DTSC from taking any action authorized by law to protect public health or safety or the environment and recovering the cost thereof. Notwithstanding compliance with the terms of this Order, Respondent may be required to take further actions as are necessary to protect public health and the environment.

6.10. Site Access. Respondents shall provide access across property owned by Respondents as reasonably necessary for DTSC, its representatives, and contractors to access the SSFL and the Site as necessary to effectuate this Order. Nothing in this Section is intended or shall be construed to limit in any way the right of entry or inspection that DTSC or any other agency may otherwise have by operation of any law.

6.11. Sampling, Data and Document Availability. Respondent shall permit DTSC and its authorized representatives to inspect and copy all available and validated sampling, testing, monitoring, or other data generated by Respondent or on Respondent's behalf in any way pertaining to work undertaken pursuant to this Order. Respondent shall submit all such available and validated data upon the request of DTSC. Copies shall be provided within 7 days of receipt of DTSC's written request. Respondent shall inform DTSC at least 7 days in advance of all field sampling under this Order and shall allow DTSC and its authorized representatives to take duplicates of any samples collected by Respondent pursuant to this Order. Respondent shall maintain the data, reports, and other documents prepared pursuant to this Order in a central depository.

6.12. Record Retention. All data, reports, and other documents prepared for or otherwise relevant to work performed under this Order shall be preserved by Respondent for a minimum of ten (10) years after the conclusion of all activities under this Order. Such preservation may be in electronic format. If DTSC requests that some or all of these documents be preserved for a longer period of time, Respondent shall either comply with that request, deliver the documents to DTSC prior to the conclusion of the ten (10) year period, or permit

DTSC to copy the documents prior to destruction. Respondent shall notify DTSC in writing at least six months prior to destroying any documents relating to this Order.

6.13. Government Liabilities. The State of California shall not be liable for any injuries or damages to persons or property resulting from acts or omissions by Respondent, or related parties specified in Section 6.25, Parties Bound, in carrying out activities pursuant to this Order, nor shall the State of California be held as party to any contract entered into by Respondent or its agents in carrying out activities pursuant to this Order.

6.14. Additional Actions. By issuance of this Order, DTSC does not waive the right to take any further actions authorized by law.

6.15. Extension Requests. If Respondent is unable to perform any activity or submit any document within the time required under this Order, Respondent may submit a written request for extension with the reasons for the delay and the proposed new due date at least five (5) business days before the due date. If the extension is not approved by DTSC or there is no response from DTSC prior to the relevant deadline, the request is deemed denied.

6.16. Extension Approvals. If DTSC determines that good cause exists for an extension, it will grant the request and specify a new schedule in writing. Such good cause includes but is not limited to delays caused by factors outside of Respondent's control, such as inclement weather which affects Respondent's ability to perform work. Respondent shall comply with the new schedule incorporated in this Order.

6.17. Liability for Costs. Subject to any dispute rights Respondent may have under applicable laws or regulations, Respondent is liable for all DTSC costs incurred in taking the response actions at the Site specified in this Order and corresponding work, implementation and review plans (including but not limited to costs of overseeing response actions performed by Respondent), including future costs that are related to such response actions under this order.

6.18. Payment of Costs. DTSC may submit to Respondent a one-time bill for costs incurred in taking response actions at the Site prior to the effective date of this Order, if applicable. DTSC will thereafter bill Respondent quarterly for its response costs incurred after the effective date of this Order. Respondent shall pay DTSC within sixty (60) days of receipt of any DTSC billing. Any billing not paid within sixty (60) days is subject to interest calculated at the rate of 7 percent per annum from the date the billing was issued. All payments made by Respondent pursuant to this Order shall be by cashier's or certified check made payable to "Department of Toxic Substances Control" and shall bear on the face the project code of the Site (Site Code 300232) and the Docket number of this Order. Payments shall be sent to:

Department of Toxic Substances Control  
Accounting/Cashier  
1001 I Street, 21st Floor  
P.O. Box 806  
Sacramento, California 95812-0806

A photocopy of all payment checks shall also be sent to the persons designated by DTSC to receive submittals under this Order as specified in Section 6.5.

6.19. Severability. The requirements of this Order are severable, and Respondent shall comply with each and every provision hereof, notwithstanding the effectiveness of any other provision. Further, if any provision of this Order is found by a court to be unenforceable, the remainder of this Order shall remain valid.

6.20. Incorporation of Plans, Schedules and Reports. All plans, schedules, reports, specifications and other documents that are submitted by Respondent pursuant to this Order are incorporated into this Order upon DTSC's approval, or as modified pursuant to Section 6.7, DTSC Review and Approval, and shall be implemented by Respondent. Any noncompliance with the documents incorporated into this Order shall be deemed a failure or refusal to comply with this Order.

6.21. Modifications. This Order may be modified by the mutual agreement of the Parties. Any agreed-upon modification(s) shall be in writing, shall be signed by both Parties, and shall be effective upon the date the modification is signed by DTSC and shall be deemed incorporated in this Order; however, nothing in this Section 6.21 shall be interpreted to limit or undermine the rights reserved to DTSC under Section 6.27.

6.22. Time Periods. Unless otherwise specified, time periods begin from the effective date of this Order and "days" means calendar days.

6.23. Termination and Satisfaction. Except for Respondent's obligations under Sections 6.12 Record Retention, 6.17 Liability for Costs, and 6.18 Payment of Costs, Respondent's obligations under this Order shall terminate and be deemed satisfied upon Respondent's receipt of written notice from DTSC that Respondent has complied with all the terms of this Order.

6.24. Calendar of Tasks and Schedules. This Section is merely for the convenience of listing in one location the submittals required by this Order. If there is a conflict between the date for a scheduled submittal within this Section and the date within the Section describing the specific requirement, the latter shall govern.

#### **TASK**

#### **SCHEDULE**

- |   |  |
|---|--|
| 1. Identify Project Coordinator;<br>Section 6.1;        | Within 10 days from the date this Order is signed by DTSC. |
| 2. Identify Project Engineer/Geologist;<br>Section 6.2; | Within 15 days from the date this Order is signed by DTSC. |

- |   |   |
|---|---|
| 3. Submit Monthly Summary Reports; Section 6.3;   | Within 30 days from the date this Order is signed by DTSC.  |
| 4. Submit Area I Burn Pit Ecological Risk Assessment Report; Section 5.1.2.   | Within 60 days from the date this Order is signed by DTSC   |
| 5. Attend Site Remediation Strategy Meeting; Section 5.1.4;   | Within 15 days from the date DTSC approves the Area I Burn Pit Ecological Risk Assessment Report (see Section 5.1.2).       |
| 6. Submit Draft RAW/RAWIP; Sections 5.4 and 5.5;  | Within 75 days from the date DTSC approves the Area I Burn Pit Ecological Risk Assessment Report (see Section 5.1.2)        |
| 7. Submit revised RAW/RAWIP (if necessary); Section 5.6;  | Within 30 days of receipt of DTSC's comments.   |
| 8. Submit Implementation Report; Section 5.6;   | Within 60 days of completion of field activities and receipt of all final laboratory reports.                               |
| 9. Submit Emergency Response Action Report; Section 5.19;   | Within 7 days of an emergency response action.  |
| 10. Provide copies of sampling, data, and documentation; Section 6.11;  | Within 7 days of receipt of DTSC's request.   |
| 11. Provide prior notice before conducting field sampling;  | Inform DTSC 7 days in advance of sampling.  |
| 12. Maintain data, reports, documentation in a central depository; and  | Maintain central depository for a minimum of ten years after conclusion of all activities conducted pursuant to this Order. |
| 13. Provide prior written notice before destroying any documentation prepared pursuant to this Order; Section 6.12. | Notify DTSC at least six months prior to destroying any documents.  |

6.25. Parties Bound. This Order is binding upon Respondent and its officers, agents, trustees, and successors. Respondent shall provide a copy of this Order to all contractors, subcontractors, laboratories, and consultants which are retained to conduct any work performed under this Order within 15 days after the effective date of this Order or the date of retaining their services, whichever is later. Respondent shall condition any such contracts upon satisfactory compliance with this Order. Notwithstanding the terms of any contract, Respondent is responsible for compliance with this Order and for ensuring that its subsidiaries, employees, contractors, consultants, subcontractors, and agents comply with this Order.

6.26. Enforceable Agreement; Waiver. Respondent acknowledges and agrees that this Order is an "enforceable agreement" as the phrase is used in Health and Safety Code section 25355.5(a)(1)(C), and hereby waives any right to contest the enforceability of this Order.



6.27. Reservation of Rights. By issuance of this Order, DTSC does not waive the right to take further enforcement actions, and no omissions in this Order shall impair or prejudice DTSC's rights against Respondent available under applicable law. Except as otherwise provided in this Order, including but not limited to Section 6.26, (a) the Parties reserve all of their statutory, regulatory, and common law rights, remedies, and defenses, if any, that may pertain to this Order, and (b) the Order shall not be construed as a covenant not to sue, release, waiver, or limitation on any rights, remedies (including as may be provided by Health and Safety Code sections 25359, 25359.2, 25359.4, and 25367), powers, or authorities, civil or criminal, that DTSC or Respondent, as applicable, may have under any statutory, regulatory, or common law authority.

6.28. Change in Ownership. No change in ownership or corporate or partnership status relating to the SSFL or the Site shall in any way alter Respondent's responsibility under this Order. No conveyance of title, easement, or other interest in the Site, or a portion of the Site, shall affect Respondent's obligations under this Order. Unless DTSC agrees that such obligations may be transferred to a third party, Respondent shall be responsible for and liable for any failure to carry out all activities required of Respondent by the terms and conditions of this Order, regardless of Respondent's use of employees, agents, contractors, or consultants to perform any such tasks. Respondent shall provide a copy of this Order to any subsequent owners or successors before ownership rights or stock or assets in a corporate acquisition are transferred.

6.29. Dispute Resolution. The Parties agree to use their best efforts to resolve all disputes informally. The Parties agree that the procedures contained in this Section are the required administrative procedures for resolving disputes arising under this Order. If Respondent fails to follow the procedures contained in this Section, it shall have waived its right to further contest the disputed issue. Respondent reserves its legal rights to contest or defend against any final decision rendered by DTSC under this Section. Disputes regarding DTSC billings shall follow the procedures set forth in Section 6.29.3.

6.29.1. Respondent shall first seek resolution with DTSC's assigned Project Manager and Unit Chief. If the issue is not resolved after review by the Unit Chief, Respondent shall seek resolution with the DTSC Branch Chief/Project Director by presenting in a letter the issues in dispute, the legal or other basis for Respondent's position, and the remedy sought. The Branch Chief/Project Director shall issue a written decision with an explanation for the decision within thirty (30) business days after receipt of the letter from Respondent.

6.29.2. If Respondent disagrees with the Branch Chief/Project Director's decision, Respondent may appeal to DTSC's Division Chief. To appeal to the Division Chief, Respondent must prepare a letter stating the reasons why the Branch Chief/Project Director's decision is not acceptable. Attached to the letter shall be (1) Respondent's original statement of dispute, (2) supporting documents, and

(3) copies of any responses prepared by the Project Manager, Unit Chief, and Branch Chief/Project Director. This letter and attachments shall be sent to the Division Chief within ten (10) business days from the date of Respondent receipt of the Branch Chief/Project Director's response. The Division Chief or designee shall review Respondent's letter and supporting documents, consider the issues raised and render a written decision to Respondent within thirty (30) business days of receipt of Respondent letter. The decision of the Division Chief, or designee, shall constitute DTSC's administrative decision on the issues in dispute.

6.29.3. If Respondent disputes a DTSC billing, or any part thereof, Respondent shall notify DTSC's assigned Project Manager and attempt to informally resolve the dispute with DTSC's Project Manager and Branch Chief. If Respondent desires to formally request dispute resolution with regard to the billing, Respondent shall file a request for dispute resolution in writing within 45 days of the date of the billing in dispute. The written request shall describe all issues in dispute and shall set forth the reasons for the dispute, both factual and legal. If the dispute pertains only to a portion of the costs included in the invoice, Respondent shall pay all costs which are undisputed in accordance with Section 6.18. The filing of a notice of dispute pursuant to this Section shall not stay the accrual of interest on any unpaid costs pending resolution of the dispute. The written request shall be sent to:

Special Assistant for Cost Recovery and Reimbursement Policy  
Department of Toxic Substances Control  
P.O. Box 806  
Sacramento, CA 95812-0806

A copy of the written request for dispute resolution shall also be sent to the persons designated by DTSC to receive submittals under this Order. A decision on the billing dispute will be rendered by the Special Assistant for Cost Recovery and Reimbursement Policy or other DTSC designee. The decision of the Special Assistant for Cost Recovery and Reimbursement Policy, or designee, shall constitute DTSC's administrative decision on any billing dispute.

6.29.4. The existence of a dispute shall not excuse, stay, or suspend any other compliance obligation or deadline required pursuant to this Order, unless the resolution of the disputed matter is a condition precedent to another compliance obligation or deadline.

VII. EFFECTIVE DATE

7.1. The effective date of this Order shall be the date on which this Order is signed by the Parties.

VIII. SIGNATORIES

8.1. Each undersigned representative of the parties to this Order certifies that he or she is fully authorized to enter into the terms and conditions of this Order and to execute and legally bind the Parties to this Order.


8.2. This Order may be executed and delivered in counterparts, each of which when executed and delivered shall be deemed to be an original, but such counterparts shall together constitute one and the same document.

IT IS HEREBY AGREED AND ORDERED.

DATE: \_\_\_\_\_

Steven L. Shestag  
Senior Director, Environmental Sustainability,  
Global Enterprise Sustainability  
The Boeing Company

DATE: 5/9/2022

  
\_\_\_\_\_  
Steven Becker  
SSFL Project Coordinator  
Branch Chief  
Site Mitigation and Restoration Program  
Department of Toxic Substances Control

cc: Site Mitigation and Restoration Program  
Headquarters, Planning & Policy

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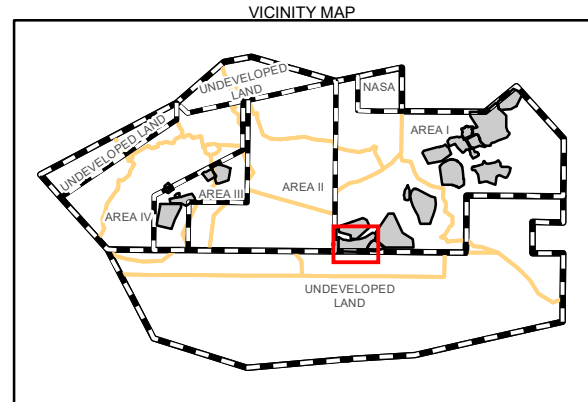
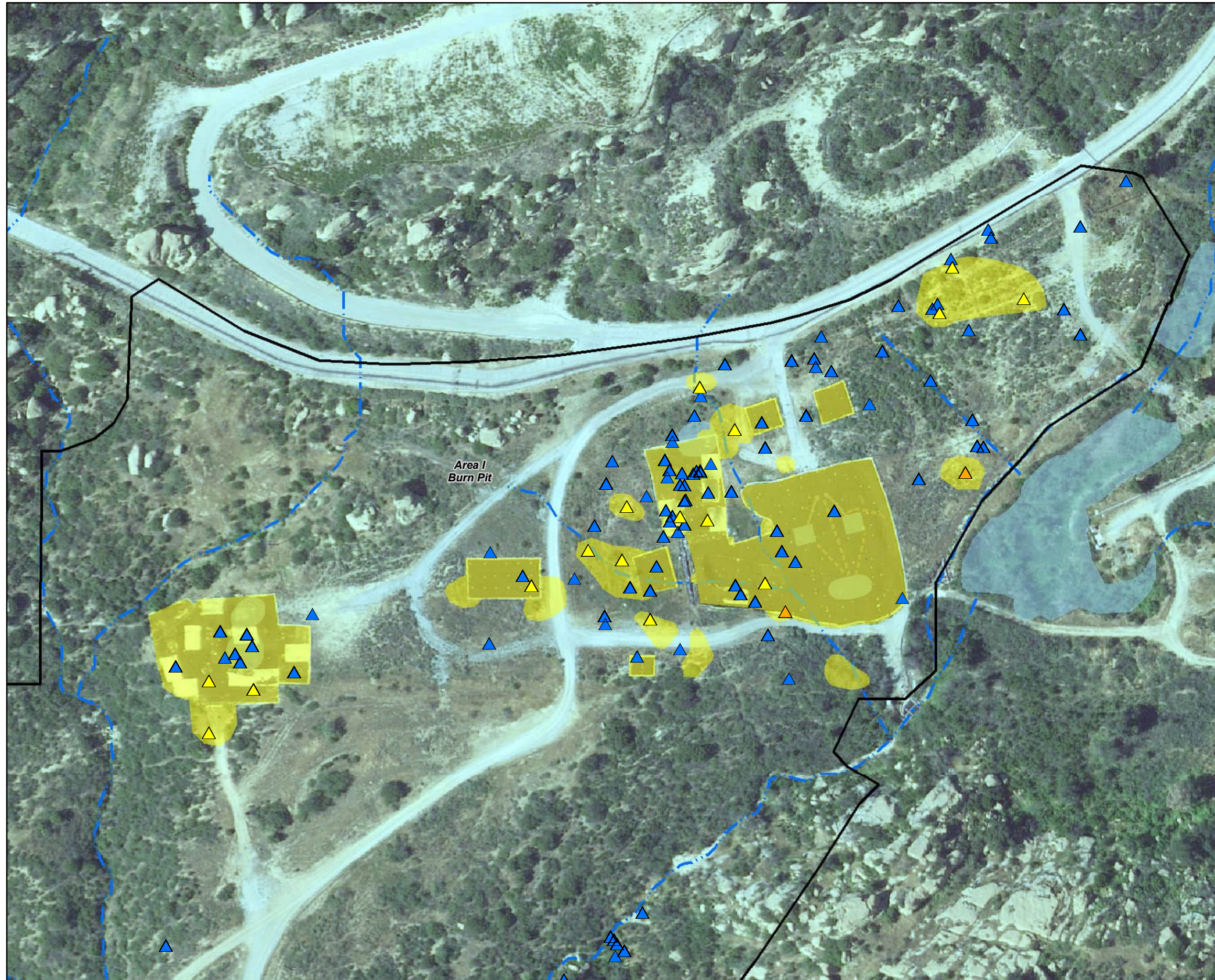
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DATE: May 9<sup>th</sup>, 2022 SL Shestog  
Steven L. Shestog  
Senior Director, Environmental Sustainability,  
Global Enterprise Sustainability  
The Boeing Company

DATE: \_\_\_\_\_  
Steven Becker  
SSFL Project Coordinator  
Branch Chief  
Site Mitigation and Restoration Program  
Department of Toxic Substances Control

cc: Site Mitigation and Restoration Program  
Headquarters, Planning & Policy

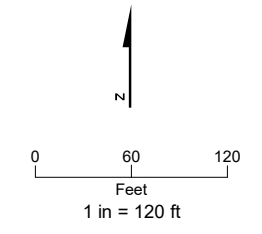


**BASEMAP LEGEND**

- Area I Burn Pit RFI Site Reporting Area
- Drainage Channel
- Operational Channel
- Pond
- Corrective Action Areas

**Radionucleide Soil Detects Compared to January 30, 2013 Draft Provisional Radiological Look-Up Table Values (LUTV)**

- ▲ Detected  $\leq$  LUTV
- ▲ Detected  $>$  LUTV to  $\leq 2x$  LUTV
- ▲ Detected  $> 2x$ LUTV to  $\leq 10x$ LUTV



**FIGURE 1**  
**Corrective Action Areas**  
 Imminent and Substantial Endangerment Determination and Consent Order  
 Area I Burn Pit RFI Site  
 Boeing RFI Subarea 1B Southwest  
 Santa Susana Field Laboratory, Ventura County, California