



# BOARD OF SUPERVISORS COUNTY OF LOS ANGELES

KENNETH HAHN HALL OF ADMINISTRATION  
500 W. TEMPLE ST. SUITE 821, LOS ANGELES, CALIFORNIA 90012

**SHEILA KUEHL**  
SUPERVISOR, THIRD DISTRICT

June 3, 2022

Los Angeles Regional Water Quality Control Board  
Attn.: Renee Purdy, Executive Officer  
320 West Fourth Street, Suite 200  
Los Angeles, CA 90013  
Via email to: [Renee.Purdy@waterboards.ca.gov](mailto:Renee.Purdy@waterboards.ca.gov)

**Re: Request to Continue Consideration of Memorandum of Understanding (MOU) Between the Los Angeles Regional Water Quality Control Board and the Boeing Company Related to Santa Susana Field Laboratory (Item # 7 on June 9 Agenda) for Two Months**

Dear Ms. Purdy and Members of the Los Angeles Regional Water Quality Control Board:

I am writing to respectfully ask the Los Angeles Regional Water Quality Control Board (Water Board) to continue Item No. 7 on its June 9th agenda for two months to allow the County of Los Angeles and the constituents in my district adequate time to review the proposed Memorandum of Understanding (MOU) (which, with exhibits, totals over 290 pages) and the many impacts of the related 790+ page settlement agreement between the Department of Toxic Substances Control (DTSC) and Boeing (Settlement Agreement). As you are likely aware, the MOU and Settlement Agreement sets forth key conditions for Boeing Company's cleanup of the highly contaminated toxic chemical and radioactive waste site at the Santa Susana Field Lab (SSFL) in Simi Valley. I have been concerned with, and working on, this issue for years and moving the MOU and Settlement Agreement through without adequate time for the public and other government agencies to review its impact would be problematic and potentially lead to even more conflict in the future.

On May 3, 2022, the Los Angeles County Board of Supervisors unanimously passed my Board motion adopting a strong position of support for a full cleanup of the contaminated areas at the SSFL, as outlined in the 2007 Consent Order between DTSC, Boeing, the Department of Energy, and the National Aeronautics and Space Administration, and the 2010 Administrative Orders on Consent agreement between the DTSC, the Department of Energy, and the National Aeronautics and Space Administration. My Board motion further specified that the cleanup should be completed expeditiously while protecting the existing habitat of critical species and significantly limiting risks and impacts to the surrounding communities, including options to limit or eliminate trucking of material and establish alternative transportation for hauling, such as by train. The Board motion also instructed County Counsel to work with the Los Angeles City Attorney, Ventura County Counsel, and other affected jurisdictions, as well as non-governmental organizations, to explore legal action as necessary to ensure that the 2007 and 2010 agreements are carried out.

On May 9, 2022, DTSC and the Water Board announced the Settlement Agreement with Boeing. It appears that DTSC and Boeing negotiated and signed the Settlement Agreement entirely behind closed doors, without any public input. The Settlement Agreement is over 790 pages long and appears to set forth new processes

and protocols for Boeing's cleanup of its designated areas at the SSFL. There are two parts to the settlement: (1) the Settlement Agreement between Boeing and DTSC/CalEPA for the soil and groundwater remediation at SSFL and (2) a proposed MOU with the Water Board that includes processes and standards for future decision-making by the Water Board after Boeing completes its soil cleanup at the site. Approval of part two, the proposed MOU, by the Water Board is the only condition precedent for enacting the Settlement Agreement between DTSC and Boeing. I am very troubled by the lack of an opportunity for public involvement or comment in the process, and the lack of a California Environmental Quality Act analysis, before the settlement was approved.

Joined by their elected governmental representatives, the communities surrounding SSFL have spent years advocating for a full cleanup of the site. Children and families in these surrounding communities, according to their testimony on more than one occasion, have been suffering from higher than average rates of cancer and other health impacts that are believed to have resulted from the contamination at SSFL. A full cleanup of SSFL is imperative. My office has heard from several stakeholders expressing concerns that the Settlement Agreement weakens the requirements of the 2007 Consent Order and the cleanup process and standards for the SSFL. I am extremely concerned that the Water Board's consideration of the MOU at its June 9, 2022 meeting will deny the public and the County adequate time to review the complex and voluminous Settlement and proposed MOU (which collectively total over 1000 pages) and to consider how they impact the 2007 Consent Order.

In order to adequately analyze the Settlement Agreement and MOU, approval of which is the only operative condition precedent to the Settlement Agreement taking effect, I request that the Water Board continue consideration of the MOU to its September 8, 2022, meeting. These complex environmental and public health issues require adequate time and opportunity for public review and involvement. Additionally, a short continuance to allow for public review will not interfere with our shared goals of cleaning up the contamination at the SSFL in a way that fully protects the health and safety of our community members, our wildlife, and the environment.

I thank you for your consideration of my request. Should you have any questions, please feel free to contact me at [Sheila@bos.lacounty.gov](mailto:Sheila@bos.lacounty.gov).

Sincerely



Sheila Kuehl  
Supervisor, Third District

Cc: Water Board members  
Meredith Williams, DTSC