

From: [Phil Rutherford](#)
To: [The.Secretary@hq.doe.gov](#); ["IGHOTLINE"](#); [EM@hq.doe.gov](#); [EMNews@em.doe.gov](#); [timothy.walsh@hq.doe.gov](#); [joel.bradburne@hq.doe.gov](#); [david.brunnert@hq.doe.gov](#); [DOENews@hq.doe.gov](#); ["Garcia, Yana@EPA"](#); [info@robbonta.com](#)
Subject: Santa Susana Field Laboratory - Energy Technology Engineering Center - 2010 AOC
Date: Tuesday, August 4, 2026 4:58:51 PM
Attachments: [image001.png](#)

Openness and transparency are the cornerstones of communication with the public, to which both the federal DOE and California DTSC claim to aspire. However, the experience detailed below demonstrates that neither organization practices what it preaches, when it comes to ETEC's 2010 Administrative Order on Consent. This criticism applies to not only the local management teams, but also to the highest echelons of both organizations.

[Phil Rutherford Consulting](#)

Mobile: +1 818-912-1501

email@philrutherford.com

www.philrutherford.com

From: Phil Rutherford <email@philrutherford.com>
Sent: Monday, August 3, 2026 11:45 PM
To: 'Mengers, Joshua' <Joshua.Mengers@emcbc.doe.gov>; pamela.hartman@emcbc.doe.gov; wendy@p2-solution.com; 'Simon, Melissa' <Melissa.Simon@emcbc.doe.gov>; etec@emcbc.doe.gov; 'Mathias, Mindy@DTSC' <Mindy.Mathias@dtsc.ca.gov>; 'Brosnan, Tanya@DTSC' <Tanya.Brosnan@dtsc.ca.gov>; 'Berg, Thanne@DTSC' <Thanne.Berg@dtsc.ca.gov>; 'Butler, Katherine@DTSC' <Katherine.Butler@dtsc.ca.gov>; 'Becker, Steven@DTSC' <Steven.Becker@dtsc.ca.gov>; 'DTSC_SSFLCleanup' <DTSC_SSFLCleanup@dtsc.ca.gov>; DTSC_SSFLPublicComments@dtsc.ca.gov; 'Miller, Elena@DTSC' <Elena.Miller@dtsc.ca.gov>; 'Higginson, E. Paige@DTSC' <Paige.Higginson@dtsc.ca.gov>; 'Minas Masihi, Anaeis@DTSC' <Anaeis.MinasMasihi@dtsc.ca.gov>
Cc: melissabumstead@sbcglobal.net; 'Brian Sujata' <brian.sujata@gmail.com>; 'John Luker' <jluker2@yahoo.com>; brad@bradsherman.com
Subject: 2010 AOC

To DOE and DTSC Management,

I will be attending ETEC's CONNECT public meeting next week and assume that several members of DTSC's SSFL management team will also be in attendance. I plan on initiating a conversation, looking for answers to the following questions.

1. On April 6, 2026, I provided DOE and DTSC with the technical and regulatory rationale why the 2010 AOCs are unnecessary to ensure safe and protective remediation at SSFL. In DTSC's own words, each 2010 AOC is a "contract" between

two parties and does not require a public review process. And of course, neither does it require public approval. The 2010 AOC is not a law, or regulation, and indeed actually violates CEQA and NEPA laws. It is a contract, that can be renegotiated, if both parties agree.

https://philrutherford.com/SSFL/2010_AOC/2026-04-06_Open_Letter_to_Wright_and_Butler.pdf

2. Why have both DOE and DTSC failed to respond to my April 6, 2026, letter requesting that DOE and DTSC agree to terminate the 2010 AOC contract and replace it with more conventional remedies consistent with those used in the rest of the U.S.?

I expect both DOE and DTSC to respond to this letter before August 12, 2026, and at the meeting on August 12, 2026.

3. DTSC has committed to answer questions from the public on its STREAM platform. Why has DTSC therefore failed to address questions related to the 2010 AOC, contained in SCF000781, submitted April 30, 2026?

https://philrutherford.com/SSFL/2010_AOC/2026-04-30_SCF000781_2010_AOC_Letter.pdf

One day later, Thanne Berg, DTSC Deputy Director of Site Mitigation and Restoration Program, committed to address the 2010 AOC issue and questions.

https://philrutherford.com/SSFL/2010_AOC/2026-05-01_Email_from_Thanne_Berg.pdf

Three months later, Ms. Berg has failed to follow up, and DTSC closed out SCF000781 without addressing the questions.

https://philrutherford.com/SSFL/2010_AOC/2026-05-07_DTSC_Response_to_SCF000781.pdf

https://philrutherford.com/SSFL/2010_AOC/2026-05-07_DTSC_Closure_of_SCF000781.pdf

I expect DTSC to address these questions in writing before August 12, 2026, and during the meeting on August 12, 2026.

4. Following the May 13, 2026, ETEC CONNECT public meeting, I submitted comments and questions to ETEC management on May 15, 2026, related to the 2010 AOC.

https://philrutherford.com/SSFL/2010_AOC/2026-05-15_Feedback_on_DOE_CONNECT_Community_Meeting.pdf

In accordance with the CONNECT commitment, I expect DOE to address those questions at the meeting on August 12, 2026.

Sincerely,

Phil

Phil Rutherford Consulting

Mobile: +1 818-912-1501
email@philrutherford.com
www.philrutherford.com

