

From: [Mengers, Joshua](#)
To: email@philrutherford.com
Subject: RE: 2010 AOC
Date: Thursday, August 6, 2026 5:25:59 PM
Attachments: [image001.png](#)

Phil –

Thank you for your continued engagement.

I checked in today on the response to your April 6th letter to Secretary Wright. It is still in the review process at DOE HQ, and the timing for its release is not certain.

The DOE team is actively continuing to work out the complex topic of the SSFL cleanup with the state. As I mentioned at the last CONNECT meeting, DOE has communicated our issues with the AOC and are working towards a cleanup standard that is both protective and achievable.

Our CONNECT meeting next week will focus on wildfires and address community questions related to the recent Sandy Fire. These meetings are helpful to foster open dialogue with our stakeholders; however, they are not the proper forum to negotiate the legal and policy matters related to the AOC cleanup standard.

We value your input which is being considered at the appropriate level. I look forward to seeing you next week.

Sincerely,
Josh Mengers

From: Phil Rutherford <email@philrutherford.com>
Sent: Monday, August 3, 2026 11:45 PM
To: Mengers, Joshua <Joshua.Mengers@emcbc.doe.gov>; Hartman, Pamela <Pamela.Hartman@emcbc.doe.gov>; Wendy Lowe <wendy@p2-solution.com>; Simon, Melissa (CONTR) <Melissa.Simon@emcbc.doe.gov>; ETEC <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

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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

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