

From: [Phil Rutherford](#)
To: Katherine@DTSC Butler
Cc: [DTSC_SSFLCleanup](#); [John Luker](#); [Joshua Mengers](#); pamela.hartman@emcbc.doe.gov; wendy@p2-solution.com; [Melissa Simon](#); etec@emcbc.doe.gov; Mindy@DTSC Mathias; [Tanya@DTSC](#) Brosnan; [Thanne@DTSC](#) Berg; [Steven@DTSC](#) Becker; [SSFLPublicComments](#); [Elena@DTSC](#) Miller; [E. Paige@DTSC](#) Higginson; [Anaeis@DTSC](#) Minas Masih; melissabumstead@sbcglobal.net; [Sujata Brian](#); brad@bradsherman.com
Subject: Re: 2010 AOC
Date: Thursday, August 6, 2026 10:24:03 AM

Thank you Katie. I appreciate your attention and support.

Phil

Sent from my iPhone
+1 (818) 912-1501
email@philrutherford.com
www.philrutherford.com

On Aug 6, 2026, at 10:14 AM, Butler, Katherine@DTSC
<Katherine.Butler@dtsc.ca.gov> wrote:

Good morning Mr. Rutherford,

Our DTSC team has been working on a response to your detailed comments, and we will get back to you as soon as possible. I will check with the status of our response and I assure you we are not ignoring or running away from the topic. We are laser focused on moving forward this important cleanup project in a technically feasible and environmentally protective way.

Best regards,

Katie

From: Phil Rutherford <email@philrutherford.com>
Sent: Thursday, August 6, 2026 9:19 AM
To: [DTSC_SSFLCleanup](#) <DTSC_SSFLCleanup@dtsc.ca.gov>
Cc: [John Luker](#) <jluker2@yahoo.com>; [Joshua Mengers](#) <Joshua.Mengers@emcbc.doe.gov>; pamela.hartman@emcbc.doe.gov; wendy@p2-solution.com; [Melissa Simon](#) <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>; SSFLPublicComments <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>; melissabumstead@sbcglobal.net; Sujata Brian <brian.sujata@gmail.com>; brad@bradsherman.com

Subject: Re: 2010 AOC

Are you kidding me?

You address your response to John Luker's one sentence comment and continue to ignore my detailed and long-term critique of the 2010 AOC, and its consequences.

I challenge DTSC and DOE to defend the 2010 AOC in a public meeting/debate.

DTSC cannot continue to run away from this issue.

Phil Rutherford

Sent from my iPhone

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On Aug 6, 2026, at 8:50 AM, DTSC_SSFLCleanup <DTSC_SSFLCleanup@dtsc.ca.gov> wrote:

Dear Mr. Luker,

Thank you for sharing your feedback with us. The United States Department of Energy (DOE) Energy Technology Engineering Center (ETEC) CONNECT meeting on August 12, 2026 is organized and led by DOE to share updates on cleanup activities at the Santa Susana Field Laboratory (SSFL).

From DOE's public notice, DTSC learned that ETEC staff will

“share about recent activities at SSFL, wildfires and air monitoring, and address community questions related to the Sandy Fire in May. The Ventura County Fire Department will also give a short presentation on their role in protecting SSFL during the Sandy Fire.” ([CONNECT Series Community Update Meeting | Department of Energy](#))

If staff from the California Department of Toxic Substances Control (DTSC) attend the meeting, attendance at this public forum will be to observe only. DTSC has no participatory role in the August 12 presentations and will not respond to public comments during the Q&A portion of the meeting.

We appreciate your engagement and interest in DTSC’s regulatory oversight of the cleanup at the Santa Susana Field Lab (“SSFL”). For more information about the project, please visit [DTSC’s SSFL webpage](#). The [What’s New Page](#) includes key updates, links to DTSC’s SSFL monthly status reports, and the SSFL public comment period schedule. If you have specific questions or require additional information, please don’t hesitate to contact us directly using [STREAM](#): the SSFL Tool for Response Engagement and Answer Management.

Thank you again for taking the time to provide your thoughts.

From: John Luker <jcluker2@yahoo.com>

Sent: Tuesday, August 4, 2026 9:28 AM

To: email@philrutherford.com

Cc: Joshua Mengers <Joshua.Mengers@emcbc.doe.gov>; pamela.hartman@emcbc.doe.gov; wendy@p2-solution.com; Melissa Simon <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>; SSFLPublicComments <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>; melissabumstead@sbcglobal.net; Sujata Brian <brian.sujata@gmail.com>; brad@bradsherman.com

Subject: Re: 2010 AOC

I'll be there too. I want to know how they're going to restore the property after it's ruined and when will DTSC release their plan!?

John Luker
Change Everything

818 371-7918

On Aug 3, 2026, at 11:45 PM, Phil Rutherford
<email@philrutherford.com> wrote:

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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[<image001.png>](#)