From:	Phil Rutherford
To:	"Butler, Katherine@DTSC"; "Joshua Mengers"
Cc:	pamela.hartman@emcbc.doe.gov; wendy@p2-solution.com; "Melissa Simon"; etec@emcbc.doe.gov; "Mathias, Mindy@DTSC"; "Brosnan, Tanya@DTSC"; "Berg, Thanne@DTSC"; "Becker, Steven@DTSC"; "DTSC_SSFLCleanup"; "SSFLPublicComments"; "Miller, Elena@DTSC"; "Higginson, E. Paige@DTSC"; "Minas Masihi, Anaeis@DTSC"; melissabumstead@sbcglobal.net; "Sujata Brian"; brad@bradsherman.com; "DTSC_SSFLCleanup"; "John Luker"; The.Secretary@hq.doe.gov; "IGHOTLINE"; 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 AOCs
Date:	Sunday, August 9, 2026 5:19:39 PM
Attachments:	image001.png

Katie & Josh,

It is apparent that DTSC and DOE are unable or unwilling to discuss termination of the 2010 AOCs in a public forum, perhaps, in part, because of the relatively short time before the ETEC CONNECT meeting on August 12, 2026, and the already full agenda.

https://philrutherford.com/SSFL/2010_AOC/2026-08-06_Email_from_Katherine_Butler.pdf
https://philrutherford.com/SSFL/2010_AOC/2026-08-06_Email_from_Josh_Mengers.pdf

After some thought, I tend to agree. The 2010 AOCs are negotiated contracts between three parties. There was no public review process during the formulation of these contracts. In the same vein, the parties do not require legislative or public review/approval to renegotiate or terminate these contracts. If DTSC is concerned that some stakeholders may not approve, see below for reasons why public review/approval is not required. The decision to terminate is DTSC's and DOE's decision alone. Once the two of you have decided, I am sure NASA will follow suit.

https://philrutherford.com/SSFL/2010_AOC/2010_AOC_Public_Review.pdf

Although, the time before the CONNECT meeting is certainly short, the four months since my original April 6, 2026, proposal is not. Both DTSC and DOE have had plenty of time and opportunity to discuss internally, and between themselves, the feasibility, and benefits of terminating the 2010 AOCs as written and starting afresh.

I am willing to meet with both parties in private to plead my case.

The ball is in your court!

Phil

Phil Rutherford *Consulting*

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email@philrutherford.com
www.philrutherford.com

LINKEDIN

From: Butler, Katherine@DTSC <Katherine.Butler@dtsc.ca.gov>
Sent: Thursday, August 6, 2026 10:14 AM
To: Phil Rutherford <email@philrutherford.com>; DTSC_SSFLCleanup <DTSC_SSFLCleanup@dtsc.ca.gov>
Cc: John Luker <jcluker2@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>; 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

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 <jcluker2@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
+1 (818) 912-1501
email@philrutherford.com
www.philrutherford.com

> 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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