remedy to clean up radioactive contamination in Area IV, the northern undeveloped land and in other areas where contamination exists that originated from DOE operations at the site. This process shall include the rural and suburban residential future land use scenario consistent with SB 990. DOE will involve the public in that process. If necessary, DTSC and DOE will engage in the dispute resolution process described in this Order, and, subject to that process, may also utilize such other informal dispute resolution procedures as the parties agree are appropriate in order to achieve the shared goal of moving the cleanup forward, and resolving any environmental or legal conflicts, without litigation.

1.3.4. No provision of this Order is intended to nor shall be construed to interfere with or supersede the authority of the Los Angeles Regional Water Quality Control Board or State Water Resources Control Board pursuant to the Porter-Cologne Water Quality Control Act, Water Code Section 13000 et seq., or other provisions of law, or of the California Department of Public Health or other appropriate State and local agencies. No provision of this Order is intended to limit or interfere with the enforcement powers of the District Attorneys for the Counties of Los Angeles and Ventura for matters within their respective jurisdictions.

1.4. Definition of Terms. The terms used in this Order are as defined in California Health and Safety Code, Division. 20, Chapters 6.5 and 6.8, and California Code of Regulations, Title 22, Division. 4.5, except as otherwise provided.

"Chemical of Potential Concern (COPC)" shall mean a chemical that is present in the environment at levels that exceed background levels and may cause adverse human health effects and is a result of a release at the Site,.

ACME cleanuprocketd..., 4/1/10 11:57 AM
Deleted: 9/3/2009

ACME cleanuprocketd..., 4/1/10 11:57 AM
Deleted: 8/13/2009

ACME cleanuprocketd..., 4/1/10 11:57 AM
Deleted: 8/10/2009

Norman E. Riley 8/7/09 2:14 PM
Comment: DTSC's problem with the deleted language is that it will be interpreted by some as giving DOE unchecked discretion to decide what information it will share with or withhold from DTSC, as well as complete discretion to decide what remedy or remedies it will implement, and presumably, to inform DTSC of those decisions if and when it chooses to do so. In effect, the language makes compliance with the Order optional for DOE. DTSC needs a clear and unequivocal statement that DOE agrees to comply fully with the Order.

Respondents 8/4/09 10:58 AM
Deleted: 1.3.3. DOE's Additional Statement of Authorities. In addition to the authorities cited in Section 1.3.2 above, DOE also enters into this Order pursuant to its authority and responsibilities under the Atomic Energy Act of 1954, as amended (AEA), 42 U.S.C. 2011, et seq, the Energy Reorganization Act of 1974, 42 U.S.C. 5801, et seq., and the Department of Energy Organization Act of 1977, 42 U.S.C. 7101, et seq. It is DOE's legal position that California does not have regulatory authority over DOE with respect to radioactive material. DOE and DTSC agree that the cleanup of the SSFL needs to move forward and wish to cooperate to achieve this end. DOE believes that its legal position is not an obstacle to achieving a cooperative and timely cleanup of the site, including the radioactive materials, in a manner consistent with SB990 due to factors unique to the site, including the fact that DOE is not the landowner. Without waiving its le ... [1]

Respondents 6/24/09 2:41 PM
Deleted: provide to DTSC information pertaining to the presence of radioactive materials remaining at SSFL, as well as DOE's plans for remediation of radiological contaminants

Respondents 6/24/09 2:41 PM
Deleted: . If necessary, DTSC and DOE will engage in the dispute resolution process described in this Order, and, subject to that process, may also utilize such other informal dispute resolution procedures as the part ... [2]

Norman E. Riley 8/7/09 2:14 PM
Comment: What about other State or local agencies?

Norman E. Riley 5/27/09 8:40 AM
Deleted: the