

AMENDED IN SENATE APRIL 9, 2007

**SENATE BILL**

**No. 990**

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**Introduced by Senator Kuehl**  
(Coauthor: Assembly Member Brownley)

February 23, 2007

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An act ~~relating to land use~~ to add Article 5.5 (commencing with Section 25359.20) to Chapter 6.8 of Division 20, of the Health and Safety Code, relating to hazardous waste.

LEGISLATIVE COUNSEL'S DIGEST

SB 990, as amended, Kuehl. ~~Land use: Santa Susanna Field Laboratory. Hazardous waste: Santa Susana Field Laboratory.~~

(1) Existing law charges the Director of Toxic Substances Control with oversight over hazardous waste control in the state. A violation of the hazardous waste control laws is a crime.

This bill would ~~prohibit~~ the authorize the Department of Toxic Substances Control to compel a responsible party or parties to take or pay for appropriate removal or remediation action, as prescribed, necessary to protect public health and safety and the environment at the Santa Susana Field Laboratory site in Ventura County. The sale, lease, sublease, or other transfer of any land presently or formerly occupied by the Santa ~~Susanna~~ Susana Field Laboratory would be prohibited unless the Director of Toxic Substances Control certifies that the land has undergone complete remediation ~~of chemical and radioactive contamination~~ pursuant to specified protective standards.

Because a violation of this bill's requirements would be a crime, the bill would impose a state-mandated local program.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state.

Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: ~~no~~yes.

The people of the State of California do enact as follows:

1 SECTION 1. Article 5.5 (commencing with Section 25359.20)  
2 is added to Chapter 6.8 of Division 20 of the Health and Safety  
3 Code, to read:

4  
5 Article 5.5. Cleanup of Santa Susana Field Laboratory

6  
7 25359.20. (a) Notwithstanding paragraph (1) of subdivision  
8 (b) of Section 25187 of the Health and Safety Code, the department  
9 may use any legal remedies available pursuant to Chapter 6.8  
10 (commencing with Section 25300) or Chapter 6.5 (commencing  
11 with Section 25100) to compel a responsible party or parties to  
12 take or pay for appropriate removal or remedial action necessary  
13 to protect the public health and safety and the environment at the  
14 Santa Susana Field Laboratory site in Ventura County.

15 (b) A response action taken or approved at the Santa Susana  
16 Field Laboratory site shall be conducted in accordance with the  
17 provisions of this chapter.

18 (c) A response action taken or approved pursuant to this chapter  
19 for the Santa Susana Field Laboratory site shall be based upon,  
20 and be no less stringent than, the provisions of Section 25356.1.5.  
21 In calculating the risk, the cumulative risk from radiological and  
22 chemical contaminants at the site shall be summed, and the land  
23 use assumption shall be either suburban residential or rural  
24 residential (agricultural), whichever produces the lower  
25 permissible residual concentration for each contaminant. In the  
26 case of radioactive contamination, the department shall use as its  
27 risk range point of departure the concentrations in the Preliminary  
28 Remediation Goals issued by the Superfund Office of the United  
29 States Environmental Protection Agency in effect as of January  
30 1, 2007.

1 (d) Notwithstanding any other provision of law regarding  
2 transfers of land, no person or entity shall sell, lease, sublease, or  
3 otherwise transfer land presently, or formerly occupied by the  
4 Santa Susana Field Laboratory, except as provided in subdivision  
5 (e).

6 (e) As a condition for a sale, lease, sublease, or transfer of land  
7 presently or formerly occupied by the Santa Susana Field  
8 Laboratory, the Director of the Department of Toxic Substances  
9 Control or his or her designee shall certify that the land has  
10 undergone complete remediation pursuant to the most protective  
11 standards in subdivisions (a) to (c), inclusive.

12 SEC. 2. The Legislature finds and declares that due to the  
13 following unique circumstances regarding the former Santa Susana  
14 Field Laboratory, a general statute cannot be made applicable  
15 within the meaning of Section 16 of Article IV of the California  
16 Constitution.

17 (a) Founded in late 1940's, the Santa Susana Field Laboratory  
18 (SSFL) was a facility dedicated to the development and testing of  
19 nuclear reactors, rockets, missiles, and munitions. The location  
20 of SSFL was chosen for its remoteness in order to conduct work  
21 that was considered too dangerous to be performed in more densely  
22 populated areas. In subsequent years, however, Southern  
23 California's population has mushroomed. Today, more than  
24 150,000 people live within five miles of the facility, and at least  
25 half a million people live within 10 miles.

26 (b) Throughout the years, approximately 10 nuclear reactors  
27 were operated at SSFL, in addition to several "critical facilities"  
28 (low power reactors); a sodium burn pit in which sodium-coated  
29 radioactively contaminated objects were burned in an open pit; a  
30 plutonium fuel fabrication facility; a uranium carbide fuel  
31 fabrication facility; and a Hot Lab used for remotely cutting up  
32 irradiated nuclear fuel.

33 (c) The Hot Lab suffered a number of fires involving radioactive  
34 materials and at least four of the 10 nuclear reactors suffered  
35 accidents, including a partial meltdown.

36 (d) The reactors located on the grounds of SSFL were  
37 considered experimental, and, therefore, had no containment  
38 structures. Reactors and highly radioactive components were  
39 housed without the large concrete domes surrounding modern  
40 power reactors.

1     (e) *The most famous accident occurred in July of 1959, when*  
2 *the Sodium Reactor Experiment (SRE) experienced a partial core*  
3 *meltdown releasing radioactive gasses and particles into the*  
4 *atmosphere over a period of weeks. Recent studies have concluded*  
5 *that this accident may have caused hundreds of cancer cases in*  
6 *the Los Angeles area.*

7     (f) *One of the disposal procedures at the site in the 1950's and*  
8 *1960's would consist of workers disposing of barrels filled with*  
9 *highly toxic substances by shooting the barrels at a distance with*  
10 *shotguns, so that they would explode and burn, releasing some of*  
11 *their contents in the form of gasses and particulates into the air.*  
12 *In the mid-1990's a similar practice involving the illegal disposal*  
13 *by open air burning led to the death of two workers at the facility.*

14     (g) *Additionally, large amounts of toxic chemicals were released*  
15 *into the soil, air, and groundwater and surface water. For example,*  
16 *the rocket test stands were routinely washed off with TCE,*  
17 *approximately half a million gallons of which were allowed to*  
18 *percolate into the soil and groundwater. Significant contamination*  
19 *exists by perchlorate, heavy metals, PCBs, dioxins, volatile*  
20 *organic, and semi-volatile organic compounds, in addition to*  
21 *radioactivity.*

22     (h) *In 1989, the United States Department of Energy (DOE)*  
23 *found widespread chemical and radioactive contamination at the*  
24 *site, and a cleanup program commenced. In 1995 the United States*  
25 *Environmental Protection Agency (EPA) and DOE announced*  
26 *that they had entered into a Joint Policy Agreement to assure that*  
27 *all DOE sites would be cleaned up to standards consistent with*  
28 *EPA's Comprehensive Environmental Response, Compensation,*  
29 *and Liability Act (CERCLA) standards, also known as Superfund.*  
30 *Those standards would have required a full characterization of*  
31 *the site and cleanup of the remaining contamination to standards*  
32 *deemed protective by EPA. In 2003, DOE declined to follow the*  
33 *1995 Joint Policy and chose to instead rely on less protective*  
34 *cleanup standards. EPA declared that under the circumstances*  
35 *the site would not be safe for unrestricted release but only for day*  
36 *hikes with restrictions on picnicking; however, DOE continues to*  
37 *insist upon unrestricted release despite the use of site-wide cleanup*  
38 *standards not in keeping with the 1995 Joint Policy and EPA*  
39 *CERCLA guidance.*

1     *SEC. 3. No reimbursement is required by this act pursuant to*  
2 *Section 6 of Article XIII B of the California Constitution because*  
3 *the only costs that may be incurred by a local agency or school*  
4 *district will be incurred because this act creates a new crime or*  
5 *infraction, eliminates a crime or infraction, or changes the penalty*  
6 *for a crime or infraction, within the meaning of Section 17556 of*  
7 *the Government Code, or changes the definition of a crime within*  
8 *the meaning of Section 6 of Article XIII B of the California*  
9 *Constitution.*

10     ~~SECTION 1. (a) Notwithstanding any other provision of law~~  
11 ~~regarding transfers of land, no person or entity shall sell, lease,~~  
12 ~~sublease, or otherwise transfer any land presently, or formerly~~  
13 ~~occupied by the Santa Susanna Field Laboratory, except as~~  
14 ~~provided in subdivision (b).~~

15     ~~(b) As a condition for any sale, lease, sublease, or transfer of~~  
16 ~~any land presently or formerly occupied by the Santa Susanna~~  
17 ~~Field Laboratory, the Director of Toxic Substances Control shall~~  
18 ~~certify that the land has undergone complete remediation, pursuant~~  
19 ~~to the most protective cleanup standards that have been~~  
20 ~~promulgated by the United States Environmental Protection~~  
21 ~~Agency for sites that contain chemical and radioactive~~  
22 ~~contamination and that are based on the most restrictive potential~~  
23 ~~land use for these sites.~~

24     ~~SEC. 2. The Legislature finds and declares that due to the~~  
25 ~~unique circumstances regarding the former Santa Susanna Field~~  
26 ~~Laboratory, a general statute cannot be made applicable within the~~  
27 ~~meaning of Section 16 of Article IV of the California Constitution.~~  
28 ~~Those unique circumstances involve the necessity of ensuring that~~  
29 ~~the land has undergone complete remediation of any chemical or~~  
30 ~~radioactive contamination for the health, safety, and welfare of~~  
31 ~~any future occupant or occupants of the land.~~