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January 13, 2010

VIA OVERNIGHT MAIL AND E-MAIL ibrostrom@crpe-ej.org

Ingrid Brostrom
Center on Race, Poverty & the Environment
47 Kearny Street, Suite 804
San Francisco, CA 94108

RE: Your January 7, 2010 Letter re “Notice of Violations of RCRA”

Dear Ms. Bostrom:

I am Senior Legal Counsel representing Waste Management (WM) with respect to the above-referenced Notice Letter. WM strongly disagrees with the factual and legal allegations you assert in your Notice Letter. While WM is prepared to refute each allegation and to defend itself aggressively in any RCRA citizen suit, it may not be necessary.

I am hereby enclosing a letter that WM delivered today to Ms. Linda Adams, Secretary of California EPA. In that letter, WM has informed Ms. Adams that Waste Management’s Kettleman Hills Facility has voluntarily decided not to accept solid or hazardous wastes from any portion of the Santa Susana Field Lab.

I trust that the enclosed letter will allay your clients’ concerns regarding materials from the Santa Susana Field Lab.

Sincerely,

A handwritten signature in black ink that reads "Andrew M. Kenefick". The signature is written in a cursive style with a large initial "A" and "K".

Andrew M. Kenefick

Enclosure



Tuesday, January 12, 2010

BY OVERNIGHT MAIL

Ms. Linda Adams
Secretary for Environmental Protection
California Environmental Protection Agency
1001 I Street, P.O. Box 2815
Sacramento, CA 95812

**Re: Waste Management Kettleman Hills Facility --
Update on Wastes from the Santa Susana Field Lab**

Dear Secretary Adams,

My October 15, 2009 letter to you provided a brief update regarding a September 24, 2009 letter from the Radiologic Health Branch of the California Department of Public Health (CDPH) to the Boeing Company.

The letter from the CDPH stated that a specific waste stream from the Santa Susana Field Lab did not represent a public health threat, met the criteria of Executive Order D-62-02, and therefore could be sent to a Class 1 or Class 2 landfill.

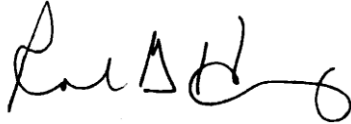
Despite the approval by CDPH, I indicated then (1) that we had **not** agreed to accept this waste stream, and (2) that we would not accept a waste that had not been approved by all the agencies that regulate waste acceptance at the Kettleman Hills Facility.

Waste Management is extremely sensitive to the community concerns surrounding the potential receipt of these wastes. **Therefore, I am writing to inform you that Waste Management's Kettleman Hills Facility has voluntarily decided not to accept solid or hazardous wastes from any portion of the Santa Susana Field Lab because of the uncertainty and community concerns about levels of radioactive constituents in these materials.**

In addition to this voluntary measure, we will also continue to strongly advocate for additional epidemiological studies and new programs that address the public health concerns of the Kettleman City community.

If you have any questions regarding the above, please do not hesitate to call me directly at 559-386-6195 or Kent Stoddard at 916-552-5859.

Sincerely,

A handwritten signature in black ink, appearing to read "R. G. Henry". The signature is fluid and cursive, with a large initial "R" and a distinct "H".

Robert G. Henry
Senior District Manager