

## FINAL ACTION MINUTES

**I. Roll Call: Present** – Caseber, MacKusick, Bianco, Wood, Moret, Luten, Clear, Chatterjee, Simon (replacing Grossman)

**Acting Chair LA Wood. Vice Chair, none. Secretary, N. Al-Hadithy. Intern, J. Tulloch**

**II. Report From Chair:**

**III. Announcements from Commissioners:**

- **Caseber** – Funding for wood smoke educational program. Wood smoke advisories will be posted around holidays.

**V. Comments from the Public:**

- **None**

**VI. Toxics Management Division Staff Report**

a.) New Title 15. b.) Treated Wood. c.) Air Monitoring. d.) CEAC Policy, Election and Power of Chair. e.) Batteries. f.) Diesel Generators.

**VII. Action**

- Get TMD version of Universal Waste Law to CEAC.
- Distribute Earth Island Journal to CEAC on behalf of Commissioner Moret – Jamahl. Done.

**VIII. Discussion/Action MOTIONS**

a. “CEAC approve adoption of new title 15 with amendments and move Berkeley Hazardous Waste Importation Regulation Act (BHWIRA Chapter 11.50) to the Zoning Ordinance”. M/S/C Caseber/Moret. For: Unanimous. MOTION PASSES.

b. “Table the item and ask staff to come back in December with specific reasons for any exemptions to a total ban on purchase of CCA (chromated copper arsenate), Pentachlorophenol, Creosote treated wood by the City”. M/S/C Caseber/Luten. For: Caseber, Bianco, Wood, Moret, Luten, Clear, Simon. Abstain: MacKusick, Chatterjee. MOTION PASSES.

c. 1. Thank staff for investigating Applied Measurement Science (AMS) and finding acceptable solutions for delays. 2. Staff should place notification or posting on site to indicate the 24 hour PM10 exceeds state standards. Also make reference on posting to the web page for additional information. 3. Zoning staff should check the waivers (item 27 of Use Permit) required for users of the Harrison sports fields. Report back on how successful the waivers are being implemented. 4. Improve the AMS web site by making it user friendly and useful. 5. Provide link to AMS web site from the main City of Berkeley web page. 6. After receiving six weeks of PM2.5 data and quality of data is assured, revert to real-time posting of the data on the web site. M/S/C. Caseber/Bianco. For: Caseber, Bianco, Wood, Moret, Luten, Chatterjee. Against: Clear. Abstain: MacKusick, Simon. MOTION PASSES.

d. “CEAC establishes a policy that minority opinions must be presented to the full commission at least verbally or in writing so that commission knows of it before going to Council. Exception if a commissioner is absent from that meeting.” M/S/C Caseber/Chatterjee For: Caseber, Chatterjee, Wood, Moret, MacKusick. Against: Bianco, Simon. Abstain: Clear, Luten. MOTION PASSES.

e. “August 2001 minutes amended to reflect that Jami Caseber, chair at the time, stated at the August meeting that he would resign and that he was calling for an election in September, 2001 to elect a chair to fill out the remainder of the term of office and that the next election should take place in February of 2002. There are no objections to this statement. Secretary should confirm the language from tape recording”. M/S/C. Caseber/Moret. For: Caseber, MacKusick, Bianco, Wood, Moret, Clear, Chatterjee. Abstain: Luten, Simon. MOTION PASSES.

f. Create a Subcommittee to develop policy on: 1. Modification of items for Council after they have been passed by the CEAC; 2. Withholding or delaying communication of information and documents requested by commissioners regarding Commission items going to Council; 3. Removal of items from the Commission agenda without Commission approval; 4. Cancellation of packet meetings to put together meeting agendas; 5. Issues regarding the recent election for chair. M/S/C Caseber/Moret. For: Caseber, MacKusick, Wood, Moret, Chatterjee. Against: Simon. Abstain: Bianco, Luten, Clear. MOTION PASSES.

g. Robert Clear reported that Solid Waste staff and commission have still not accepted his new proposal on batteries. He is quite confused about what staff and solid waste position is at this point. Secretary and Clear will meet with Solid Waste staff and come back with recommendations.

h. “Approve recommendation from Energy Commission on diesel generators and send to Council.” M/S/C. Caseber/MacKusick. For: Caseber, MacKusick. Against: Bianco, Moret, Luten, Clear, Chatterjee, Simon. Abstain: Wood. MOTION FAIL. Clear and Bianco will rewrite the item and come back to Commission in December.

i. September Minutes approved. M/S/C Caseber, Chatterjee. Unanimous. MOTION PASSES.

j. Batteries – recycling. Universal waste laws Battery Act...Request that Dr. Clear work with staff to make a new recommendation. Advise Clear not be constrained by staff positions.

k. Caseber requested 15 minutes additional time for discussion of subcommittee item