

FINAL ACTION MINUTES

I. Roll Call: Present – Harris, MacKusick, Issel, Clear, Hale, Moret. **Absent** – Toffel, Wood. **Acting Chair**, Clear. **Secretary**, N. Al-Hadithy. **Aide**, J. Tulloch.

II. Report From Chair: Reminded commissioners of their previous commitment to end at 9PM.

III. Announcements from Commissioners:

- None.

IV. Comments from the Public:

- **Terry Powell, Lawrence Berkeley National Laboratory (LBNL)** – available for questions on agenda item IX.B. An item from the semi-annual Environmental Restoration Program (ERP) meeting was distributed.
- **Barbara Murphy** – Co-owner, Pedal Express, bicycle cooperative in Berkeley, ten years service to City. Gave history of Pedal Express delivering inter office mail. Bringing concerns on possible Pedal Express contract cancellation due to City budget cuts. Pedal Express service to City of Berkeley was extended through June following publicity.
- **Gene Bernardi, Committee to Minimize Toxic Waste (CMTW)** – ask CEAC make recommendation to City Council on Department of Toxic Substances Control's proposed Soil and Groundwater Cleanup at LBNL. Council should approve public group to review LBL cleanup program. Council should request a community group to review LBL cleanup.
- **Rachel Boyce, West Neighborhoods and Merchant's Association (NeMA)** – request daylighting of Strawberry Creek. Comment on impact of lab activities on water. Urge follow recommendations to the CMTW requests read and distributed by CMTW.
- **Pamela Sihvola, CMTW** – presented on LBNL cleanup and requested public group to review LBL cleanup.

V. Toxics Management Division Staff Report

VI. Discussion/Action

PRESENTATIONS

Barbara Murphy of Pedal Express presented on effects of city budget cuts on business.

Pamela Sihvola of CMTW presented on LBNL's RCRA Cleanup

Commissioner Harris presented on Creeks Taskforce work plan, budget, and schedule.

On Thursday, May 5, 2005, the CEAC took the following action:

- **SUBJECT: Minutes Review/Adoption**

Action: Motioned, seconded, carried (Issel/MacKusick. For: Unanimous. Abstain: None. Absent: Toffel, Wood.) to adopt March 2005 minutes as amended.

- **SUBJECT: DTSC/LBNL RCRA Cleanup**

Action: Motioned, seconded, carried (Moret/Hale. For: Unanimous. Abstain: None. Absent: Toffel, Wood.) request that DTSC sponsor a citizen's watershed advisory group to participate in a corrective measures phase of the process. In addition to citizen interaction, promised monitoring plan should be supported

- **SUBJECT: City Manager comments on DTSC cleanup**

Action: Motioned, seconded, failed (Moret/Hale. For: Hale, Moret. Abstain: Issel, Harris. Against: Sara, Clear. Absent: Toffel, Wood.) to direct the City Manager to request that the

Department of Toxic Substances Control (DTSC) sponsor a citizen's Watershed Advisory Group (WAG) to receive communications and participate in reviewing the long-term groundwater management plans that may be developed for the Lawrence Berkeley National Laboratory (LAB) campus clean-up.

- **SUBJECT: Creeks Taskforce**

Action: Motioned, seconded, carried (Harris/Issel. For: Unanimous.) Support the Creeks Taskforce Recommendation for a budget of \$100,000 and halftime FTE with the possibility of requesting additional support later.

- **SUBJECT: Pedal Express**

Action: Motioned, seconded, carried (MacKusick/Issel. For: Unanimous.) CEAC recommends that Council reject the City Manager's recommendation to cancel the City's contract with Pedal Express in FY05-06. The recommendation is inconstant with environmental policies including the Kyoto Protocol, a precautionary principle, promotion of green businesses, among others.

VII. Requests:

- **MacKusick** – In March Minutes, Item IV, delete last sentence from Aftim Saba.
- **Issel** – Correct grammar in the draft March minutes where Saba's comments are recorded.
- **Harris** – Reduce Saba's comments on March minutes to only significant material.
- **Moret** – Contact Saba for input on his comments.
- **Clear** – Send Copy of CEAC recommendation to City Council to Barbara Murphy of Pedal Express.
- **Moret** – Request list of destinations for the material that is coming from the Bevatron and who the trucking companies are.
- **Clear** – Request contact BAAQMD or EPA for plume data verification.