



Planning and Development Department Toxics
Management Division

Community Environmental Advisory Commission

AGENDA FOR REGULAR MEETING OF THURSDAY, APRIL 6, 2006, 7:00 PM

First Floor Conference Room, 2118 Milvia Street, Berkeley.

Please refrain from wearing scented products. To request a meeting agenda in large print, Assistive Listening Devices, Braille, or on cassette, or to request a sign language interpreter for the meeting, call FIVE WORKING DAYS PRIOR TO THE MEETING to ensure availability.

- I. Call to Order and Roll Call
- II. Action Minutes Review/Adoption
- III. CEAC Action Tracker
- IV. Report from the Chair
- V. Comments from the Public
- VI. Agenda Prioritization
- VII. Reports from Subcommittees and Taskforce Delegates
 - a)
- VIII. Toxics Management Division Report
 - a)
- IX. Discussion/Action:
 - a) CEAC/Community Interaction with Department of Toxic Substances Control on Lawrence Berkeley National Laboratory Clean-up
 - b) Wood Smoke - Proposed Ordinance – Clear
 - c) Environmental Impacts, Comments on Creek Taskforce – Clear
 - d) TMD Nanoparticle Disclosure Regulations
 - e) Mercury in Storm Drain Catch Basin at LBNL - Harris/Staff
 - f) Pacific Steel Casting - 2nd & Gilman – Air Emissions
 - g) Environmental Assessment - Bevatron Demolition - Comments
- X. Announcements from Commissioners (3 Minute Limit)
- XI. From Public to Commission

XII. **Information Items:** a) Summary of Council Action on Cleanup Goals at LBNL. b) Summary of Council Action on Phase-out of Tritium Exit Signs. c) Draft Minutes 3.2.06. d) Action Tracker. ADOBE attachments e) From Pamela Sihvola #1 LBNL Report on Mercury release & Intro Waterkeeper Alliance. #2 DTSC letter on LBNL Soil & Groundwater Management Plan. #3 Dept of Energy Notice on Demolition of Bevatron. f) Conflict Resolution process for wood smoke disputes g) Nanoparticle toxicity

XIII. **To be distributed:** a)

XIV. **Next Agenda**

<http://www.ci.berkeley.ca.us/citycouncil/2006citycouncil/packet/030706/03-07s.htm>

28. Lawrence Berkeley National Laboratory Site Restoration and Deed Restriction

a. a. [From: Community Environmental Advisory Commission \(PDF, 78 KB\)](#)

Recommendation: Direct City Manager to: 1) write a letter to Lawrence Berkeley National Laboratory (LBNL), University of California Office of President Dynes, the Department of Toxic Substances Control (DTSC), the Regional Water Quality Control Board (RWQCB), and the Department of Energy to ask for clarification regarding their process for LBNL site restoration specifically the role, intent, clean-up goals, timetable and budget and 2) ask UC President Dynes to deny requests made for any form of land or water use restrictions (such as deed restrictions), with regard to cleanup of contamination at LBNL.

Financial Implications: See report

Contact: Nabil Al-Hadithy, Secretary, 981-7461

b. b. [From: City Manager \(PDF, 80 KB\)](#)

Recommendation: The City Manager concurs with the content and recommendations of the Community Environmental Advisory Commission and wishes to add background information for clarification purposes.

Financial Implications: None

Contact: Dan Marks, Planning and Development, 981-7400

Action: Removed from Consent by Councilmember Wozniak. Moved, seconded, carried (Wozniak/Moore) to adopt a second revised recommendation submitted by Councilmember Wozniak to: 1) direct the City Manager to write a letter to LBNL, University of California Office of President (UCOP) Dynes, the DTSC, the RWQCB, and the Department of Energy to ask for clarification regarding their process for LBNL site restoration, specifically, the role, intent, clean-up goals, timetable and budget; 2) ask UC President Dynes and DTSC to delay approval of any requests made for any form of land or water use restrictions (such as deed restrictions) with regard to clean-up of contamination at LBNL for a minimum period of ten years to allow sufficient time to determine whether or not the current DTSC approved clean-up program goals can be met, for a report on the progress toward meeting the clean-up goals and the associated expenditures to CEAC and City staff on an annual basis, and for DTSC to inform the City prior to any decision being made to request or grant any deed restriction at the LBNL site; and 3) ask UCOP, DTSC, and the RWQCB to demand that the groundwater be cleaned up to drinking water standards or to the maximum technical extent where the beneficial uses criteria of the Water Board are not met and contaminated soils be cleaned up for unrestricted use.

22. Phase-Out of Tritium Exit Signs

c. a. [From: Community Environmental Advisory Commission \(PDF, 92 KB\)](#)

Recommendation: Adopt a Resolution requiring the City Manager to institute the following policy: 1) no new tritium signs to be purchased or installed in new City-owned and leased buildings; 2) the City must provide an inventory of all tritium exit signs in City owned and leased buildings within six months; and 3) the City should provide facilities maintenance staff and subcontractors the training to recognize such signs and properly remove and legally dispose of them at the end of their useful life or when broken.

Financial Implications: See report

Contact: Nabil Al-Hadithy, Secretary, 981-7461

d. b. [From: City Manager \(PDF, 97 KB\)](#)

Recommendation: The City Manager concurs with the CEAC recommendation to have a Resolution adopted requiring the City Manager to develop an effective replacement strategy and budget information for the signs and to institute the following policy: 1) no new tritium signs to be purchased or installed in new City-owned and leased buildings; 2) the City must provide an inventory of all tritium exit signs in City owned and leased buildings within six months; and 3) the City should provide facilities maintenance staff and subcontractors the training to recognize such signs and properly remove and legally dispose of them at the end of their useful life or when broken.

Financial Implications: See report

Contact: Dan Marks, Planning and Development, 981-7400

Action: Adopted Resolution No. 63,245–N.S. approving the Community Environmental Advisory Commission’s recommendation.

Regular Community Environmental Advisory Commission Meeting of 3/2/2006.

DRAFT ACTION MINUTES

I. Roll Call: Present – Moret, Toffel, Hale, Clear, Kibbey, MacKusick. Absent – Harris.

Chair, R. Clear. Vice Chair, R. Harris. Secretary, N. Al-Hadithy. Aide, J. Tulloch.

II. Report From Chair:

III. Comments from the Public:

- **Pamela Sihvola, Committee to Minimize Toxic Waste (CMTW)** – Commented on Deed Restriction concerns and importance of continuing Environmental Restoration Program.

IV. Toxics Management Division Staff Report

None

V. Discussion/Action

PRESENTATIONS

Department of Toxic Substances Control (DTSC), discussed clean up and deed restriction issues at Lawrence Berkeley National Laboratory (LBNL). LBNL and DTSC agreed that Maximum Contaminant Levels (MCLs) and residential Preliminary Remediation Goals (PRGs) were the goals of the clean up process. Site-specific health risks would only be used when they could not reach PRGs and MCLs. Javendal of LBNL corrected this to say that Institutional PRGs were used for soils. Sihvola was concerned that the Department of Energy was budgeting minimal funds for clean up, according to DoE report. Both LBNL and DTSC explained that the funds had been transferred to LBNL General Maintenance fund. The money is less than half the former allotment but it now does not have an overhead cost. Secretary asked LBNL to identify who the future Site Restoration manager had to compete for these funds with. Toffel & Secretary reached agreement with Sandhu that CEAC and public wanted real interaction not just a forum for disseminating information. Sandhu also acknowledged the concern from CEAC that issuing land use restrictions to LBNL would be a disincentive to clean up.

ON THURSDAY, MARCH 2, 2006, THE CEAC TOOK THE FOLLOWING ACTION:

• **SUBJECT: Minutes Review/Adoption**

Action: Motioned, seconded, carried (Toffel/MacKusick. For: Clear, MacKusick, Hale, Kibbey Against: None. Abstain: Toffel. Absent: Harris, Moret.) to adopt February 2006 minutes as

• **SUBJECT: Precautionary Principle**

Action: Motioned, seconded, failed (MacKusick/Toffel. For: MacKusick, Against: Moret, Toffel, Clear. Abstain: Hale, Kibbey. Absent: Harris.) CEAC urges City Council to adopt a Precautionary Principle Ordinance, which has its 1st hearing on March 7, 2006.

VI. Announcements from Commissioners:

- None

VII. Requests:

- **Clear** – Community Action Group (CAG) clean up discussion to April agenda
- **Toffel** – Add dates to tracker
- **Toffel** – CAG/Deed Restriction email to April Agenda as information item.

Adjourned 9:05 PM

Action Tracker Attachment XII d

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| <p>CEAC motion May 5, 2005</p> | <p>LBL Cleanup Community Group.</p> | <p>Rushed for 5/24/05 Council agenda.</p> | <p>Action: Moved, seconded, carried (Wozniak, Anderson, Spring, Worthington) a substitute request the City Manager to prepare comment oral presentation at the DTSC's May 26, 2005 designate the Community Environmental Adv as the City's DTSC liaison for funneling and community input; and 3) direct the City Manager and federal legislators requesting additional follow up.</p> |
| <p>CEAC motion Oct. 6, 2005</p> | <p>LBL/Nanoparticles Health & Safety Review</p> | <p>To Council 12/6/05 with CM concurrence.</p> <p>2/23/06 Update:</p> <p>Received response from LBL regarding nano-particle letter at City Council meeting on 12/6/2005. Forwarded to commissioners for March 2006 CEAC meeting</p> | <p>Completed. Moved, seconded, carried (Wozniak) approve the recommendation substituting the questions provided by the Community Environmental Advisory Commission with those proposed by supplemental report.</p> |
| <p>CEAC motion Oct. 6, 2005</p> | <p>Phase-Out of Tritium Exit Signs for the City of Berkeley.</p> | <p>Planned to go to Council 12/6/05 with CM concurrence. Removed and returned to CEAC due to motion language irregularities.</p> | <p>Completed with CM Concur. March 21, 06 Council</p> |
| <p>CEAC motion Jan 5, 2006</p> | <p>Questions on Deed Restrictions at LBNL for Clean-up Purposes.</p> | <p>Returned to CEAC due to irregularities in motion language.</p> <p>Rewritten and Approved Feb 06.</p> <p>Council fast track 3.7.06</p> | <p>Wozniak withdrawn and substituted with chair President Dynes and DTSC to delay approval and "for a minimum period of ten years to allow</p> |
| <p>CEAC nonsupport of Motion</p> | <p>Precautionary Principle</p> | <p>Supplemental agenda noted that CEAC did not support the Precautionary Principle as written.</p> | <p>It was acknowledged at Council by Worthington</p> |

