

ACTION MINUTES - COMMUNITY ENVIRONMENTAL ADVISORY COMMISSION
Regular Meeting of 11/2/2006

Attendees: Clear, Kibbey, Harris, MacKusick and Wilson. Absent: Hale and Moret.

Chair: R. Clear. Acting Secretary: D. Lerer. Secretary: N. Al-Hadithy. Clerical Aide: P Murphy.

Public Comment:

Peter Guerrero: City should require Pacific Steel Casting (PSC) to participate in an emissions reduction program. Supports employing the use permit as an enforcement tool.

Kathy Lirza: Observing.

Michelle Bonogotsky: Journalism student, observing.

Richard and Robert Chew (son): Advocate clean air through a fuel reformulation (additive).

Dan Marks: Director of Planning & Development, City of Berkeley.

On Thursday, November 2, 2006, THE CEAC took the following action:

- **SUBJECT: October Minutes Review/Adoption**

Action: Motioned, seconded, passed (Clear /Kibbey. For: Unanimous. Against: None. Absent: Hale and Moret.) to adopt meeting minutes of October 5, 2006 as amended (Minutes should state that the draft motion is written as follows).

- **SUBJECT: Pacific Steel Casting Motion.**

Action: Motioned, seconded, passed (MacKusick/Harris. For: Clear, Kibbey, Harris, MacKusick, and Wilson. Against: None. Absent: Hale and Moret.) To rescind the motion on Pacific Steel Casting of October 5, 2006 CEAC meeting and replace with the following motion:

CEAC recommends that council:

- a. Approve funds to conduct sampling for lead and heavy metals around Pacific Steel Casting plant and other metal contaminants around north and west Berkeley.
- b. Convene a public hearing as soon as possible so that Council can hear from community members and public health experts regarding the impact of PSC emissions on quality of life, health, enjoyment of property, and potential long-term health risks for children and other sensitive members of the community.
- c. Instruct staff to identify city codes that may be used to enforce Pacific Steel Casting's adherence to an immediate and significant reduction in emissions of toxic air contaminants and other polluting substances. Potential city codes that may be employed toward this goal include, but are not limited to, the following:
 - Zoning: consider adding to, changing or rescinding PSC use permits; citing nuisance violations;
 - Stormwater: Cite PSC for improper use of public right of way for conducting their business and violating stormwater best management practices per City Ordinance;
 - Toxics Management: apply toxics regulations to PSC to identify violations of air quality and other environmental factors;
- d. Under city authority, require that PSC use best management practices to achieve significant reduction in toxic substances and criteria air pollutants in its emissions.

- **SUBJECT: Creeks Task Force Ordinance Review /Adoption:** Motioned, seconded, passed (Harris /MacKusick. For: Harris, Kibbey, MacKusick, and Wilson. Against: Clear. Absent: Hale and Moret.) CEAC support Amendments to Chapter 17.08 Creeks Ordinance, Negative Declaration/Initial Study and adopt the first reading of the Ordinance.

Announcements & Action from Commissioners:

- Chair suggest that the City of Berkeley look into getting a device that can measure emissions from passing automobiles in order to target those vehicles in violation.
- Chair recommends that CEAC propose environmental guidelines for the general building plan and the Downtown Area Plan with specific emphasis on the positive environmental impacts of dense development. Clear and Kibbey will draft a motion to present at the next CEAC meeting.
- MacKusick will present a motion at the next CEAC meeting where she recommends CEAC draft an Emissions Ordinance that mirrors Proposition 65.

Adjourned 9:44pm