

Committee to Minimize Toxic Waste

Mr. Watson Gin, Deputy Director
Hazardous Waste Management Program
California Department of Toxic Substances Control
P. O. Box 806
Sacramento, CA 95812-0806

December 21, 2006

Re: Request for an Administrative Review, pursuant to the CCR, Title 22, Section 66271.18 of DTSC's Final Permit Decision on Lawrence Berkeley National Laboratory's Hazardous Waste Facility (Part B) Permit.

Dear Mr. Gin,

We are respectfully submitting this petition, our request for an Administrative Review, pursuant to the CCR, Title 22, Section 66271.18 of DTSC's final permit decision on Lawrence Berkeley National Laboratory's (LBNL) Hazardous Waste Facility (Part B) Permit (HWFP).

•“DTSC issued a HWFP to LBNL in May 1993. As a part of this permit, DTSC requires LBNL to investigate and clean up all historical releases of hazardous chemicals.”*
Therefore it is a fact that one of the conditions of the waste permit is the clean up of historical hazardous chemical releases at LBNL. This condition of the permit has not been met.

Be aware that there are at least eight (8) legacy groundwater hazardous chemical contamination plumes left onsite, after the Department of Energy (DOE) ceased funding LBNL's RCRA Environmental Restoration Program (ERP), which was terminated on September 30, 2006. The contamination, up stream from the city of Berkeley, in a complex hydrogeology of the Strawberry Creek Watershed, includes the Old Town Area plumes as well as the large radioactive tritium plume within which at least seven (7) areas are identified containing Volatile Organic Compounds (VOCs). (See attachments 1, 2 & 3.)

LBNL's failure to cleanup legacy groundwater hazardous chemical contamination plumes is a clear variance from DTSC's mandated cleanup policies and therefore, DTSC should review this important policy consideration.

- DTSC should exercise its discretion in not granting the permit, in the interest of providing safety to the public. Access to LBNL's Hazardous Waste Handling Facility (HWHF) is currently severely compromised by an active landslide, since last winter's rains, which has taken out half of Centennial Drive about 300 meters south of the entrance gate to the HWHF.

This poses a great danger to the public, should there be a fire and/or hazardous chemical release at the HWHF and mutual aid is required from the city's fire station No. 2 on Berkeley Way, where the hazardous materials specialists are located. The current and historic landslide conditions on Centennial Drive are preventing Berkeley fire trucks the fastest and most direct access to the HWHF.

- Regarding public notification of fire and/or earthquake in the Berkeley hills, DTSC has failed to answer comment No. 19-12, in its response to comments document (November 17, 2006) i.e., which alarm and notification systems will be deployed by LBNL in case of fire and/or earthquake. *In an event of a release of chemical, radioactive, organic or mixed waste from the HWHF by accident or terrorist intent, what alarm or notification systems would be deployed to protect LBNL personnel, UC staff and students, local residents and surrounding communities?*

In planning, DTSC's public safety program policy should follow its mandate to make permit decisions that are protective of human health and the environment. DTSC's failure to answer the question above indicates that DTSC has not fulfilled its mandate; no permit should be issued until LBNL has an adequate system of alarms and notification to the public in place.

- LBNL's request to continue to store the same volumes of hazardous and mixed waste (23,320 gallons) is to contradict the very purpose of LBNL's waste minimization program, another condition of the HWFP.

Since the 1993 permit, LBNL states that the lab's mixed waste has been reduced by 91% and hazardous waste by 77%. This averages an overall 84% reduction. To be an effective and meaningful waste minimization program, DTSC should demand that LBNL reduce its aggregate capacity of hazardous and mixed-waste to 3,750 gallons to reflect this 84% reduction.

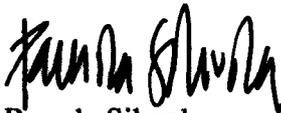
- The HWF permit of May 1993 was to be in effect until May 2003. Therefore we ask that if and when the new permit is issued, the effective starting date should be made retroactive to May 2003 and the expiration date of any new permit to be set at May 2013, and not December 2016.

• Note that LBNL is not “a university-owned facility” as stated repeatedly in the DTSC’s response to comments document, but is owned by the Department of Energy and the University of California manages the laboratory for DOE. Please correct this error.

• In view of the above concerns, we request DTSC require LBNL to include an analysis of the environmental impacts from the proposed and continued operations of the HWHF in LBNL’s Long Range Development Plan Environmental Impact Report (LRDP, EIR), due to be released in the next couple of weeks (January 2007).

In addition, we request that DTSC postpone its final decision regarding the LBNL HWHF permit renewal until after the LRDP has been circulated for public comment and the process has been completed.

Sincerely,



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Signing onto the above concerns:



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* DTSC’s fact sheet dated April 2005: DTSC Proposes Soil and Groundwater Cleanup at LBNL.