



Jesse Arreguín
Councilmember, District 4

CONSENT CALENDAR
April 21, 2009

To: Honorable Mayor and Members of the City Council
From: Councilmember Jesse Arreguín
Subject: Stimulus Funds for Lawrence Berkeley Lab Remediation

RECOMMENDATION:

Direct the City Manager to write a letter to the Department of Energy (DOE) and others in support of economic stimulus funding for soil and groundwater remediation at Lawrence Berkeley National Laboratory to the highest standards available. The groundwater clean up should consider that the public will need to use this valuable resource in the future.

CURRENT SITUATION AND ITS EFFECTS:

The Department of Energy has allocated American Recovery and Reinvestment Act funds to clean up federal facilities. LBNL has applied for funds, however, these funds are quickly being spoken for, and the City should communicate their support for LBNL funds as quickly as possible.

Two years ago, the California Environmental Protection Agency (Cal EPA) completed the evaluation and remediation of toxic contaminants at LBNL. The clean up was done on an accelerated basis. The Cal EPA did not include adequate clean up and protection for the groundwater, determining that it was not potable. In addition, the site was identified as non-residential, even though LBNL had plans to build residential accommodation for their researchers. The risk evaluation also chose to ignore the state water shortages and future needs for groundwater. As a result, the clean up goals were not as stringent as the community, CEAC and the City's Toxics Management staff had requested.

Currently, LBNL is mostly monitoring the migration of the contamination plumes down gradient towards the rest of the City. Only minor clean up is going on.

BACKGROUND:

The Federal Resource Recovery and Reauthorization Act (RCRA) required that legacy contamination be investigated at LBNL. The preliminary study was completed in 1992. The detailed investigation was completed in 2001. The Corrective Measures Study (CMS), which ended in 2005, performed a risk assessment, determined media clean up

standards and conducted pilot testing of clean up methodologies. While some clean up had taken place prior to 2005, any additional clean up deemed necessary by the community was ignored, based largely on DOE requirements for accelerated clean-up. Since 2007, only minor corrections and monitoring have been undertaken. The site still has a significant amount of contamination in the Old Town (the center of the campus around the Bevatron), including a variety of metals, oils, solvents and even radioactive materials.

As stated above, the clean up was done according to RCRA standards and procedures. Radioactive materials were not considered because they are under the authority of the US EPA. The US EPA also determined none of the contaminated groundwater should be used for drinking or other direct contact with people. As a result, no clean up action was required. Had the US EPA determined that the groundwater was a scarce resource and may well be used for irrigation of edible plants, bathing, cooking etc, the risks would have demanded a rigorous clean up.

The CEAC was unable to determine how much money to request from the DOE but such costs would likely exceed \$20M. The CEAC would rather identify the goals for clean up than a dollar value. These goals, as identified to the Cal EPA in the past, are based on residential clean up goals with actual physical contact with the soils and groundwater. The CEAC can point to irrigation using local groundwater, and in future there may be other uses including bathing, cooking and other direct contact uses.

On April 2, 2009, the CEAC voted unanimously to support LBNL in its application for federal funds for site remediation of the legacy contamination.

FISCAL IMPACTS OF RECOMMENDATION:

None.

CONTACT PERSON:

Jesse Arreguín, Councilmember, District 4

981-7140