

Community Environmental Advisory Commission

**DRAFT ACTION MINUTES - COMMUNITY ENVIRONMENTAL ADVISORY COMMISSION**  
**Regular Meeting of December 3, 2009**  
**2118 Milvia St, 1st Floor, Berkeley 94704**

**Call to Order and Roll Call:** Meeting called to order at 7:03 PM

Present: Greg Leventis (Chair), Anne Young Kim (Vice Chair), Richard Harris, Brooke Lee (7:25PM), Dennis Mulqueeny. Absent: Janet Collins (Excused absence), Nathan Murthy, Lisa Thompson. Secretary: Nabil Al-Hadithy, Clerical Aide: Abigail Chente.

**Public Comment: (6 members of the public)**

**Jane Kelly** – Berkeley resident

**Tom Kelly** – Kyoto USA/Former City Health Commissioner

**Michele Schurman** – Owner of Paper Plus

**Don Daniels** – Balloon Artist/Paper Plus

**Joy Brown** – Berkeley Public Works Environmental Compliance Officer

**Sara MacKusick** –Community Conservation Centers/ former CEAC commissioner.

**Secretary Report:** None.

**Report from the Chair:**

- The CEAC meetings for January and August 2010 have been cancelled, per City requirements.

**Commission Actions:**

- **SUBJECT: November Minutes – Review/Adoption**  
Action: Motioned, Seconded, Passed (Mulqueeny/Harris. For: Harris, Kim, Leventis, Mulqueeny. Absent: Lee, Murthy, and Thompson. Against: None. Abstain: None.) to adopt meeting minutes of November 5, 2009.
- **SUBJECT: Release of Balloons**  
Action: Motioned, Seconded, Passed (Harris/Lee. For: Harris, Kim, Lee, Leventis, Mulqueeny. Absent: Murthy, Thompson. Against: None. Abstain: None.) Mass balloon releases are not permitted at City authorized events. A proven violation will result in administrative actions against the violator by doubling the fee of the City authorization or withholding new permits for the offender for 12 months. All authorizations by the City for public gatherings will identify the prohibition of mass release of balloons. CEAC will work with the Balloon Council, staff and the public on the educational pamphlets
- **SUBJECT: Amend Wood Smoke Ordinance BMC 19.28.060**  
Action: Motioned, Seconded, Pass (Mulqueeny/Kim. For: Harris, Kim, Lee, Leventis, Mulqueeny. Absent: Murthy, Thompson. Against: None. Abstain: None.) Adopt BMC 19.28.060 language as modified by staff to remove applicability to restaurant smoke.

Rename new code "Residential Wood Burning Appliances". Recommend adding the word "wood" to Section G. before "heating stove".

- **SUBJECT: Environmental Justice**

Action: Motioned, Seconded, Pass (Kim/Harris. For: Harris, Kim, Leventis, Mulqueeny. Absent: Murthy, Thompson. Against: None. Abstain: None.) Recognize the efforts of the Peace & Justice Commission and inform them that the CEAC has no comprehensive understanding of the west Berkeley health disparities and poor air quality.

- **SUBJECT: CEAC Goals for 2010**

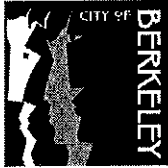
Present Council with Work Program Goals for 2010:

1. Emergency Preparedness – Environmental Implication (BL)
2. Biodiesel – and / or Education on Alternative Fuels (BL)
3. Universal Waste (DM)
4. Stormwater Management (RH)
5. Carbon Dioxide Content of Cement Products (AK)
6. City Water Use and Conservation (GL/RH)

**Other Actions:**

CEAC will request a visit to both Community Conservation Centers and City Public Works Transfer Station to review universal waste drop off services. CEAC will then review citywide UW service delivery in February 2010.

Adjourned at 9:25PM



Toxics Management Division

**DRAFT**

Formatted: Centered

## **Site Remediation Program – Public Participation Process**

### **Introduction**

The Toxics Management Division (TMD), Site Remediation Program (SRP), is the city agency in charge of all types of soil, groundwater and other cleanups in Berkeley.

The City derives its authority from several places including MOUs with State Water Resources Control Board (SWRCB), Department of Toxic Substances Control (DTSC), the Health & Safety Code, and City Codes. The TMD has worked most closely with the SWRCB and DTSC for remediation liaison and coordination. TMD has adopted the remediation policies of the SWRCB and has several specific policies for remediation. In recent years the SWRCB has identified a need for greater transparency for contaminated sites and has also found the need for a public participation process to address many cleanup cases that are not subject to a cleanup and abatement order from the SWRCB. The DTSC has adopted a different method for public participation, whereby it implements the California Environmental Quality Act for sites that pose a significant risk.

This memorandum describes TMD/SRP's public participation process.

### **Background**

The TMD conducts day-to-day review of contaminated site cases and provides direction to the responsible parties on carrying the project through case closure. The general remedial framework for Berkeley cases is in accordance with guidance by the SWRCB, which includes a Risk-Based approach to cleanup. This requires the identification of health and environmental receptors that could be adversely affected by the release of contaminants to the environment and an assessment of all human health and environmental exposure pathways to determine whether corrective action is needed. The development of corrective action is based on the potential for contaminants to adversely affect a person or the environment.

This program is not restricted to particular pollutants or environments; rather, the program covers all types of pollutants and all environments including surface water, soil,

and groundwater. The TMD directs site investigations and corrective actions conducted at properties with confirmed releases of chemical contaminants to the environment. The remedies sought for these projects are intended to protect human health and the environment, with particular concern for the protection of potential sources of drinking water.

**Authority**

Statutory authority for the program is derived from the California Water Code, Division 7, Section 13304, Chapter 6.75 of the Health & Safety Code for underground storage tanks, Chapter 6.5 for hazardous waste management, and Chapter 15.12.100 of the Berkeley Municipal Code.

**Public participation** is a necessary element of most environmental cleanup cases that involve state oversight and submittal of a corrective action plan.<sup>1</sup>

The TMD has not had a public participation component in its work in the past. If the TMD is coordinating work with DTSC, then the DTSC has taken charge of public participation through the CEQA process, as with the remediation at Lawrence Berkeley National Lab. Most of the groundwater cleanup conducted by TMD has been low-risk due to the absence of drinking water wells in Berkeley.

In some cases, the TMD may proceed with interim corrective measures without public participation. These measures are intended to remove a source of contamination upon discovery, such as when an underground tank is removed or when a spill occurs. When conditions are determined to need remedies beyond the immediate removal of the source material, a Corrective Action Plan (CAP) will be required. The proposed policy is to allow public comment prior to accepting a Corrective Action Plan or proposal for remedial action. These activities typically call for excavation, dewatering, vapor extraction, in-situ treatments, or other remedies.

- All responsible parties who are required to submit a Corrective Action Plan (CAP) will also be required to post a public notice. The notice shall identify the type of pollution and proposed remedial activities. The posting will give reference to TMD and the SWRCB GeoTracker database for additional information ([geotracker.swrcb.ca.gov](http://geotracker.swrcb.ca.gov)). The posting will be in plain English and reference a fact sheet as required by TMD. It will also include a 24-hour number for the responsible party's health/safety specialist to respond to public concerns and questions.

Formatted: Font: 12 pt

Immediate neighbors of the site shall also be notified of the pollution and the references to the remedial activities. The standard for posting is 300' in all

<sup>1</sup> The TMD is currently in the process of closing several cases that have undergone corrective action without public comment. These cases will be exempt from this policy.

Formatted: Tab stops: 0.31", Left

directions or further if the pollution is significant and extends beyond the property boundaries. This notice will be in plain English.

- For all public notices for remediation, the TMD will post a notice to the notice board at 2120 Milvia Street as well as on the TMD web page. TMD's notice will include figures or data to indicate the vertical and lateral extent of the contamination and a summary of the CAP.
- The TMD will take written questions and comments from the public for 30 days after the posting to the web. TMD will respond to all relevant questions and comments in a single document at the end of the 30 day comment period.
- TMD will post a notice of a proposed Closure Request when the site is ready to stop remedial activities. Comments will be accepted for 30 days following the public notification.
- Appeals to TMD decisions may be made to Water Board and DTSC.

#### Cleanup Guidelines

The TMD follows the guidelines for site investigation and remediation promulgated in State Board Resolution No. 92-49 entitled *Policies and Procedures for Investigation and Cleanup and Abatement of Discharges Under Water Code Section 13304* and other guidelines of the State and US EPA. Clean up is to protect human and the environment as well as to preserve natural resources. Investigations for cleanup do include both physical, economic, cost/benefit analyses and more recently, carbon footprint of the cleanup has also been a consideration.

Formatted: Font: Not Italic

Formatted: Font: Not Italic

Formatted: Font: Not Italic

Formatted: Font: Not Italic

Where cleanup goals are not achieved and residual contaminants are proposed to remain in, on or off-site locations, the TMD has authority to proceed with case closure. Cases where no significant health risk or environmental concern are evident, administrative controls such as land use restrictions and site residual management plans may be created to safely manage these materials.

#### Funding

The TMD conducts the site remediation program on a cost recovery basis with no state or local subsidy. The identified responsible party or parties are responsible to reimburse the TMD for all oversight, consulting, toxicological studies, and public participation outreach activities on an hourly basis. TMD hourly fees are approved by Council and regularly increased. Please check current fee schedule.

TMD does not charge for site file reviews. A file review form can be accessed at: <http://www.cityofberkeley.info/ContentDisplay.aspx?id=20658>

Initial consultations for property development, purchase, lending, or other general inquiries are provided for up to one-half hour without charge. Should your development or special needs project require additional staff time, the standard hourly fee will be applied.

Soil boring and well construction activities are charged in accordance with the number of borings or wells. Please refer to the TMD website or otherwise request a copy of the current Soil Boring/Well Installation Application for information on fees and other requirements. Soil boring locations or equipment staging proposed for public right-of-way areas may require additional permitting and fees from the Public Works Division.

#### Fees for Projects Requiring the Installation of a Remediation System

Remediation system installations will require appropriate building, public works, electrical or mechanical permits through the Planning Department's Permit Service Center. TMD fees are added during the permit review process at the standard hourly fee. Inspection fees are typically considered during the plan check process, however, additional hourly fees, charged at the current rate, may be added when the anticipated inspection exceeds the estimated time to complete. The fees will be charged through the Permit Service Center process and upon successful completion of all inspection activities and payment of fees, the permit can be finalized or closed.

Dear Nabil - thought you would

**FOR IMMEDIATE RELEASE**

January 28, 2009

**FOR FURTHER DETAILS**

Pete McDonough  
(609) 731 6116 (cell)



be  
interested  
Thank,  
Mick

**Balloon Group Launches Proactive Consumer Education Program**  
***National trade organization encourages retailers to pass along smart balloon practices with 'Responsible Balloon Retailer' program***

(Berkley, Calif.) Representatives from The Balloon Council, a nationwide association of balloon manufacturers, distributors and retailers, announced today the start of a national "Responsible Balloon Retailer" program that will proactively educate consumers about smart balloon use.

"We have a good group of retailers that sell balloons, and we are thankful that they will be joining us in this effort to educate the public about smart balloon use," said Dan Flynn, chairman of the Balloon Council.

"As with any other product, care needs to be taken when using balloons. Our products bring tremendous joy to people, and it is important that we continue to help educate consumers how to use them properly," Flynn said.

Retailers across the country who agree to adhere to a code of smart balloon practices will be provided with a window decal and consumer education cards so that customers can know that they are dealing with a Balloon Council-certified Responsible Balloon Retailer.

Responsible Balloon Retailers abide by the following code, promising to:

- Include weights properly attached to all helium filled foil balloons they sell
- Never attach metallic ribbons to helium-filled balloons
- Refrain from tying helium-filled foil balloons together to prevent clustering
- Ask about potential allergies when selling latex balloons
- Educate customers about smart balloon practices, especially to:
  - Never release foil balloons.
  - Always supervise young children, and don't allow them to play with deflated balloons.
  - Properly dispose of balloons by cutting balloons with scissors directly above the knot or sealing point and immediately placing them in trash containers.

Balloon sales are among the most popular items at small businesses such as florists, party and card stores, grocery stores and other locations. There are an estimated billion dollars of balloon sales in the United States each year.

*The Balloon Council (TBC), an organization of retailers, distributors and manufacturers, was formed in 1990 to educate consumers and regulators about the wonders of metallic and latex balloons and the proper handling of them.*

###

X.A. - Pages 1 of 4

## **Responsible Balloon Retailer**



**This business is sanctioned as a Responsible Balloon  
Retailer by The Balloon Council. For more information  
on smart balloon practices call 800-253-8887  
or visit [www.theballooncouncil.org](http://www.theballooncouncil.org).**

## Responsible Balloon Retailer



This business is recognized as a Responsible Balloon Retailer by The Balloon Council. For more information on smart balloon practices call 800-233-8887 or visit [www.theballooncouncil.org](http://www.theballooncouncil.org).

Responsible Balloon Retailers are certified by The Balloon Council as those who actively promote smart balloon use. Care needs to be taken when using any product, including one as joyous as a balloon, and these retailers are responsible, making sure that their customers have the information they need to responsibly enjoy their balloons. To become a Responsible Balloon Retailer, fill out the form below. After filling out the form, Responsible Balloon Retailers will be sent a window decal and care cards.

As a Responsible Balloon Retailer, I promise to:

- Include weights properly attached to all helium filled foil balloons they sell
- Never attach metallic ribbons to helium-filled balloons
- Refrain from tying helium-filled foil balloons together to prevent clustering
- Ask about potential allergies when selling latex balloons
- Educate customers about smart balloon practices, especially to:
  - Never release foil balloons.
  - Always supervise young children, and don't allow them to play with deflated balloons.
  - Properly dispose of balloons by cutting balloons with scissors directly above the knot or sealing point and immediately placing them in trash containers.

If you see retailers with RBR decals in their window who do not practice the above code of smart practices, please call 800-233-8887.

Name:	
Company:	
Address:	
Phone:	
Email:	
Signature:	Date:

## Smart Balloon Practices

- Keep balloons secured to a weight.
- Do not release foil balloons into the air.
- When you're finished with the balloon, pop it and dispose of it properly.

*Information brought to you by The Balloon Council*



## Smart Balloon Practices

- Keep balloons secured to a weight.
- Do not release foil balloons into the air.
- When you're finished with the balloon, pop it and dispose of it properly.

*Information brought to you by The Balloon Council*



## Smart Balloon Practices

- Keep balloons secured to a weight.
- Do not release foil balloons into the air.
- When you're finished with the balloon, pop it and dispose of it properly.

*Information brought to you by The Balloon Council*



## Smart Balloon Practices

- Keep balloons secured to a weight.
- Do not release foil balloons into the air.
- When you're finished with the balloon, pop it and dispose of it properly.

*Information brought to you by The Balloon Council*



## Smart Balloon Practices

- Keep balloons secured to a weight.
- Do not release foil balloons into the air.
- When you're finished with the balloon, pop it and dispose of it properly.

*Information brought to you by The Balloon Council*



## Smart Balloon Practices

- Keep balloons secured to a weight.
- Do not release foil balloons into the air.
- When you're finished with the balloon, pop it and dispose of it properly.

*Information brought to you by The Balloon Council*



## Smart Balloon Practices

- Keep balloons secured to a weight.
- Do not release foil balloons into the air.
- When you're finished with the balloon, pop it and dispose of it properly.

*Information brought to you by The Balloon Council*



## Smart Balloon Practices

- Keep balloons secured to a weight.
- Do not release foil balloons into the air.
- When you're finished with the balloon, pop it and dispose of it properly.

*Information brought to you by The Balloon Council*



**From:** U.S. EPA [mailto:usaepa@govdelivery.com]

**Sent:** Thursday, January 14, 2010 11:13 AM

**To:** Al-Hadithy, Nabil

**Subject:** Air News Release (HQ): EPA Symposium Aims for Clean Air in Nation's Schools

**CONTACT:**

Dave Ryan

[ryan.dave@epa.gov](mailto:ryan.dave@epa.gov)

202-564-7827

202-564-4355

**FOR IMMEDIATE RELEASE**

January 14, 2010

## **EPA Symposium Aims for Clean Air in Nation's Schools**

**WASHINGTON** - School districts leading the way to prevent and solve indoor air quality problems in schools will be honored at the U.S. Environmental Protection Agency's (EPA) 10<sup>th</sup> Indoor Air Quality Tools for Schools National Symposium in Wash., D.C., Jan. 14-16. EPA created the Tools for Schools program a decade ago to address a range of indoor air quality and related problems in school buildings, including respiratory problems, headaches and nausea, and an alarming rise in asthma and allergies among schoolchildren.

The three-day symposium will feature interactive sessions -- led by expert speakers and faculty from award-winning school districts -- on radon, mold, high-performing schools, integrated pest management, green cleaning products and practices, and asthma management.

"It is critical that our children have safe, healthy classrooms and an environment that helps them prepare for the future," said EPA Administrator Lisa P. Jackson. "We're proud to recognize the achievements of school districts working to protect our students from dangerous pollution in the places where they come to learn."

This year's award winners are: Keller Independent School District, Keller, Texas; Kenosha Unified School District #1, Kenosha, Wis.; North Penn School District, Lansdale, Pa.; Westport Public Schools, Westport, Conn.; Wayzata Public Schools, Plymouth, Minn.; Ocean Township School District, Oakhurst, N.J.; Omaha Public Schools, Omaha, Neb.; Spokane Public Schools, Spokane, Wash.; Jack Levine, Director of Finance and Administration, Amity Regional School District No. 5, Woodbridge, Conn.; and Michael Sheehan, Director of Facilities, Operations and Safety, Baldwin Union Free School District, Baldwin, N.Y.

The program is a comprehensive resource to help schools maintain a healthy environment in school buildings by identifying, correcting, and preventing indoor air quality (IAQ) problems.

A study conducted by the Centers for Disease Control and Prevention (CDC) found that about half of the nation's schools now have IAQ management programs in place, up from about one-fourth of schools in 2002. The CDC study also found that 85 percent of schools with IAQ management programs relied on EPA's Tools for Schools program to guide their actions.

More information on the symposium: <http://www.iaqsymposium.com/>.

More information on EPA's IAQ Tools for Schools program: <http://www.epa.gov/iaq/schools/>.

R011

Note: If a link above doesn't work, please copy and paste the URL into a browser.



You can view or update your subscriptions or e-mail address at any time on your [Subscriber Preferences Page](#). All you will need is your e-mail address. If you have any questions or problems e-mail [support@govdelivery.com](mailto:support@govdelivery.com) for assistance.

This service is provided to you at no charge by [U.S. Environmental Protection Agency](#).



Sent by the U.S. Environmental Protection Agency · 1200 Pennsylvania Avenue NW · Washington DC 20460 · 202-564-4355

2007 - 2009 BAAQMD Odor Control Complaint Analysis by Staff

	2007	2008	2009
Unknown Complaints	5	3	9
McDonalds (Allston Way)	1		
Meal Ticket			1
Oscar's (Hearst St. & Shattuck)	1		
Popeye's Chicken (San Pablo & Delaware)		4	8
Pyramid Brewery (8th St. & Gilman)	5	2	
Restaurant Thai (Berkeley & Shattuck)			1
Trex Restaurant (Gilman & 10th St.)	4	4	4

**From:** Gordon Wozniak [mailto:gordon.wozniak@sbcglobal.net]  
**Sent:** Friday, January 29, 2010 2:26 PM  
**To:** Al-Hadithy, Nabil  
**Cc:** Kirkpatrick, Kelly  
**Subject:** Fwd: Universal Waste

Nabil,

Below is Gary Wolff's response to the questions in you memo of Jan. 8th. Although they can't meet several of Berkeley's requests due to funding constraints, they are willing to work with us to figure out how to move forward on this issue. In particular, Gary mentioned that it would be useful for Berkeley staff to attend the March 10th meeting.

I would suggest that we meet to talk and then possibly set up a meeting in Oakland to talk with the StopWaste.org people.

Gordon

Begin forwarded message:

**From:** Gary Wolff <gwolff@stopwaste.org>  
**Date:** January 28, 2010 4:50:03 PM PST  
**To:** "Gordon Wozniak" <gordon.wozniak@sbcglobal.net>  
**Cc:** Kirkpatrick Kelly <KKirkpatrick@ci.berkeley.ca.us>, Debra Kaufman <dkaufman@stopwaste.org>, "bill.pollock@acgov.org" <bill.pollock@acgov.org>  
**Subject:** RE: Universal Waste

Hi Gordon:

I spoke with Bill Pollock, the County's HHW manager, and Debra Kaufman, who manages the MOU we have with the County for operation of the HHW program, today, about the email you sent me, below.

I suppose we can meet, as requested, but the simple answers to the four 'future funding' items in Nabil's memo to you dated January 8<sup>th</sup> are:

1. "Allow CCC and satellites to transport UW to the Alameda County HHW center and dispose at no cost." Yes, the County can do this for batteries and fluorescent lamps, but not other categories of UW. They are not licensed for all categories of UW.
2. "The WMA pay for transport from the satellites to the HHW facility." We cannot afford to do that at this time. We would need to setup a satellite program that serves all or most of the region, and we just can't afford that. However, we would like to explore such a system during the next year or so and try to figure out how to fund it. Satellite collection could dramatically increase the efficacy of our HHW collection efforts. Also, Bill tells me that transport by government agencies is much less expensive than transport by public entities, so if the City would like to help the satellites move materials to the County facility, doing so in City vehicles will apparently be much less expensive.
3. Alameda County HHW provide service to immobile population. Again, we can't afford to do that at a regional scale.

4. Alameda County HHW to provide a quarterly HHW drop off and collection day for Berkeley residents. This can be done quarterly at the Oakland drop-off location. Again, we can't afford to do a mobile drop-off regionally at this time, although it is worthy of investigation and possible future funding.

FYI, the HHW annual report will be on the P/P committee agenda on March 9<sup>th</sup>, 10 am. You and your staff would be more than welcome at that meeting in order understand how the current system works, its limitations, and the ideas for the future that we propose to explore in the next year.

Gary Wolff, P.E., Ph.D.

Executive Director

StopWaste.Org (The Alameda County Waste Management Authority and Recycling Board operating as one public agency)

510 891 6500

**From:** Gordon Wozniak [<mailto:gordon.wozniak@sbcglobal.net>]

**Sent:** Wednesday, January 27, 2010 2:05 PM

**To:** Gary Wolff

**Cc:** Kirkpatrick Kelly

**Subject:** Fwd: Universal Waste

Gary,

Could we meet some time in the next week or so to talk about Universal Waste collection in Berkeley? See below email and attachment for more details.

Thanks,

Gordon