

Committee to Minimize Toxic Waste

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AUG 31 2010

DIVISION OF WATER QUALITY

Jeffrey Shu
State Water Resources Control Board
Division of Water Quality
P.O. Box 100
Sacramento, CA 95812-0100

URGENT

August 28, 2010

VIA USPS and FAX: (916) 341-5621

Re: Submission of information for the 2012 California Integrated Report-Surface Water Quality Assessment and List of Impaired Waters

Dear Mr. Shu,

This letter is submitted in support of Strawberry Creek Watershed Council's Petition of August 27, 2010 to the State Water Resources Control Board, asking that Strawberry Creek and all its Tributaries in Berkeley and Oakland, Alameda County, be included in the 2012 California Integrated Report-Surface Water Quality Assessment and List of Impaired Waters. (Attachment 1)

Strawberry Creek Watershed is the location of the Department of Energy owned and University of California managed Lawrence Berkeley National Laboratory (LBNL), a nuclear-industrial complex, which started operating in the Strawberry Canyon in the 1940s as the University of California (UC) Radiation Laboratory participating in the Manhattan Project to develop the world's first nuclear bomb.

An attempt to characterize the site's legacy contamination started in the 1990s.

In 1998 the US Environmental Protection Agency (USEPA) performed a Superfund reassessment of LBNL concluding that "Based upon a preliminary Hazard Ranking System score, LBNL is eligible for the National Superfund Priorities List" for cleanup.

However, LBNL fought the Superfund designation and process, due to its provision for PUBLIC PARTICIPATION, and instead opted for the RCRA (Resource Conservation and Recovery Act) process, where the public was excluded, and in 2005, behind closed doors, a Corrective Measures Study Report and Remedy Selection was approved, in spite of public protest. (Attachment 2)

The Committee to Minimize Toxic Waste (CMTW) obtained research grants (2000-2007) from the Citizens' Monitoring and Technical Assessment Fund to investigate the legacy and current environmental contamination at LBNL and the following 2 Reports were published in 2007:

1. Contaminant Plumes of the Lawrence Berkeley National Laboratory and their Interrelation to Faults, Landslides, and Streams in Strawberry Canyon, Berkeley and Oakland, California (March 2007)
Laurel Collins, Geomorphologist/Watershed Sciences

2. Environmental Monitoring of Present and Reconstruction of Past Tritium Emissions from the National Tritium Labeling Facility at the Lawrence Berkeley National Laboratory (March 2007)
Roger Byrne, UC Berkeley Department of Geography

Both of our Reports are on our website: www.cmtwberkeley.org and easy to print. If you wish me to mail you hard copies, please, let me know. (Attachment 3)

Water is a critical component of the Strawberry Canyon environment, and the main reason for the establishment of the University of California in Berkeley.

The enclosed map titled: "Map of Strawberry Valley and Vicinity. Showing the Natural sources of the Water Supply of the University of California With proposed System of Reservoirs, distributing Pipes etc." By Frank Soule, Jr. Prof. Eng. 1875 (Attachment 4) highlights the presence of dozens of streams and springs with abundance of water in the Canyon.

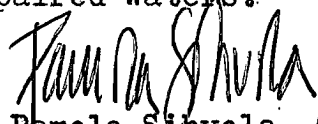
However, water has created enormous problems for LBNL, during the past decades, causing landslides, which have destroyed roads, other infrastructure, buildings. Indeed, in 2008 Garniss H. Curtis, Professor Emeritus/Department of Earth and Planetary Science, UC Berkeley, informed the UC Regents that all of LBNL was built on the unconsolidated soils, water, mud and rock of a collapsed caldera, riddled with landslides and earthquake faults and warned against any new development in the Canyon. (Attachment 5)

Furthermore, during the past decades, the millions of gallons of perched water, aquifers in the canyon became contaminated with radionuclides, Volatile Organic Compounds/solvents, Freon, Diesel etc. as described in our reports, referenced above, and these contaminants entered the surface waters via seeps.

LBNL has never mapped the site's hydrostratigraphic units (HSUs) to better understand the hydraulic connection between various permeable layers of the HSU's sedimentary sequences to facilitate a more accurate construction of groundwater flow and contaminant fate-and-transport model. Due to the site's complex hydrogeology, the many seeps and springs continue to facilitate the movement of groundwater into surface streams. Figure 18a. of our LBNL Contamination Plume Report addresses the Zones of Concern for groundwater plume expansion along compiled faults, bedrock contacts, landslides, historic and modern creeks. (Attachment 6)

We believe that LBNL's current surface water sampling sites, and the sample collection frequency do not adequately reflect the degree of contamination in Strawberry Creek and its tributaries, in the stormwater channels and sediments, and we therefore respectfully ask that these waters of the United States be included in the 2012 List of Impaired Waters.

Sincerely,



Pamela Sinvola, Co-Chair
Committee to Minimize Toxic Waste
P.O. Box 9646
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