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February 18, 2005

Bill Lindsay
 City Manager
 City of Richmond

Dear Mr. Lindsay:

I am happy to respond to your request for my views about the Cal/EPA oversight of the remediation and clean up of the Zenica – Campus Bay properties in Richmond, including those properties currently owned by the University of California.

As you know, these sites are among the more complex sites that have been addressed in Contra Costa. Chemical manufacturing industries were active on those sites for nearly a century, and contaminants include large quantities of buried acidic iron pyrite residues, as well as a variety of heavy metals, volatile organic compounds, PCB's, and pesticides. In my 20 years of experience as Public Health Director, the Department of Toxic Substances Control (DTSC) has been the lead agency in the remediation of all toxic sites in Contra Costa that have been this complex.

As a matter of public policy, I think that the remediation and development of sites this complex should be under the over all direction of the Department of Toxics Substances Control. The Regional Water Quality Control Board (RWQCB) has important expertise for these sites, particularly for the remediation of the marshland areas. Nonetheless, the Regional Water Quality Control Board has neither the expertise nor experience to best oversee a toxic site this complex. They do not have the capability to properly oversee the characterization of this site, evaluate comprehensive remediation plans, assess health risks to the community from the clean-up process, develop clean-up orders that protect public health, enforce orders in a timely manner to deal with problems as they emerge, evaluate long-term health hazards, or facilitate an effective public participation process. The Water Board legal enforcement machinery is essentially passive. They are not able to take the proactive oversight and enforcement actions necessary to protect the public health in a timely manner.

In July I became sufficiently concerned with the activities on the Mead Street Operable Unit portion of the sites that I wrote a letter to the Secretary of Cal /EPA requesting that the oversight be transferred to DTSC. I was particularly concerned by the immediate potential impacts of the remediation process on the employees in the adjacent businesses. Likewise because of the possible long-term health impacts of placing 1300 residences on the site, I felt the clean up plans required the urgent attention of DTSC. The adjacent UC owned property was of

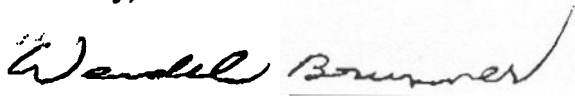


less immediate concern; nonetheless, I believe the DTSC would be the best agency to provide oversight for that property also.

My understanding is that authority for these decisions is not with either the local health departments or the local city councils. However, Assemblywoman Loni Hancock, who represents Richmond, is proposing legislation to ensure that the proper Cal/EPA agencies oversee the remediation and development of these complex toxic sites. I intend to bring that legislation to the Contra Costa Board of Supervisors and recommend that they support it. Any action from the Richmond City Council that supports the concept of DTSC oversight for these complicated toxic sites would, I believe, have a positive impact on Cal/EPA and the state legislature.

If you, the Mayor, or any member of the Council have any questions, I would be glad to try to answer them.

Sincerely,

A handwritten signature in cursive script that reads "Wendel Brunner".

Wendel Brunner PhD, MD
Director of Public Health