

**RESOLUTION NO. 135-12**

**RESOLUTION URGING THE CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY DEPARTMENT OF TOXIC SUBSTANCES CONTROL TO ENSURE THAT THE ZENECA PROPERTY IS CLEANED UP TO UNRESTRICTED STANDARDS**

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**WHEREAS**, the Lawrence Berkeley National Laboratory (LBNL) has chosen the University of California Richmond Field Station as the preferred site for its new campus; and

**WHEREAS**, the new LBNL campus is located on Richmond's Southeast Shoreline and will be adjacent to the Zeneca property which is an 85-acre California State Superfund Site, containing a 30-acre illegal toxic waste dump cited and fined by the Department of Toxic Substances Control of the State of California; and

**WHEREAS**, arsenic, other toxic heavy and rare metals, volatile organic compounds (VOCs), polychlorinated biphenyls (PCBs), DDT, many other pesticides and a multitude of other chemicals are migrating from the Zeneca property into the soil and groundwater, toward adjacent properties and the San Francisco Bay; and

**WHEREAS**, the General Plan 2030 specifies that the Zeneca property and UC Richmond Field Station will include a Gateway and/or Community Node identified as the Southern Gateway, which has a Medium-Intensity Mixed-Use land use classification and encompasses mid-rise mixed-use development, including residential; and

**WHEREAS**, additionally, the City of Richmond's General Plan 2030 encourages urban gardening throughout the City of Richmond in residential and public spaces, including in the Southeast Shoreline Area, and as such necessitates that soil be cleaned up to the highest standards for growing food and safe consumption; and

**WHEREAS**, the current levels of pollution on the Zeneca Site are in conflict with the City of Richmond's vision for mixed-use development as an Activity Center intended to be a pedestrian and transit-friendly community hub capable of generating revenue, creating jobs, while providing services and amenities to residents, businesses and visitors; and

**WHEREAS**, the California Health and Safety Code, Division 20, Chapter 6.8, Section 25356.1.5(d), states that:

*“The exposure assessment of any risk assessment prepared in conjunction with a response action taken or approved pursuant to this chapter shall include the development of reasonable maximum estimates of exposure for both current land use conditions and reasonably foreseeable future land use conditions at the site;”* and

**WHEREAS**, the above referenced California Health and Safety Code Section guides the DTSC site cleanups; and

**WHEREAS**, DTSC's mission is stated as follows:

*“The mission of DTSC is to protect California's people and environment from harmful effects of toxic substances through the restoration of contaminated resources, enforcement, regulation and pollution prevention;”* and

**WHEREAS**, DTSC's 2011-2016 Strategic Plan states that cleanup of brownfields sites is a top priority of DTSC and that restoration *“benefits communities by making land available for housing, open space, and commercial properties that generate jobs and tax revenues.”* The Strategic Plan also states that within DTSC, mission-critical functions include *“restoring communities,” “safeguarding communities,”* and *“protecting future generations.”*

**BE IT RESOLVED** that the Richmond City Council urges DTSC to ensure that the Zeneca property is remediated to unrestricted standards:

1. To follow DTSC's mission and strategies per the California Health and Safety Code, and
2. To assure the City is not hampered in its efforts to develop the Southeast Shoreline Area per the 2030 General Plan, and
3. To allow the City to pursue land use options, now and into the future, without restriction due to pollutants left on site.

**BE IT FURTHER RESOLVED** that the Richmond City Council directs the City Manager to send a copy of this resolution along with a cover letter to DTSC Director Deborah Raphael.

I certify that the foregoing resolution was passed and adopted by the Council of the City of Richmond at a regular meeting thereof held on December 18, 2012, by the following vote:

AYES: Councilmembers Bates, Boozé, Butt, Ritterman, Vice Mayor Rogers, and Mayor McLaughlin.

NOES: None.

ABSTENTIONS: None.

ABSENT: Councilmembers Beckles.

DIANE HOLMES  
CLERK OF THE CITY OF RICHMOND  
(SEAL)

Approved:

GAYLE MCLAUGHLIN  
Mayor

Approved as to form:

BRUCE GOODMILLER  
City Attorney

State of California            }  
County of Contra Costa        }        : ss.  
City of Richmond               }

I certify that the foregoing is a true copy of Resolution No. 135-12, finally passed and adopted by the City Council of the City of Richmond at a regular meeting held on December 18, 2012.