



Cheryl Davila
Councilmember
District 2

CONSENT CALENDAR
November 19, 2019

To: Honorable Mayor and Members of the City Council

From: Councilmembers Cheryl Davila and Sophie Hahn

Subject: Letter to Richmond City Council, California Environmental Protection Agency (CalEPA), California Department of Toxics (DTSC) concerning recent action of cleaning up AstraZeneca Site near Berkeley

RECOMMENDATION

Send a Letter to the Richmond City Council, California Environmental Protection Agency (CalEPA) and the California Department of Toxics (DTSC), including California State Assemblymember Buffy Wicks and State Senator Nancy Skinner, concerning recent Council action of cleaning up the nearby AstraZeneca Site and reconsideration of such action.

BACKGROUND

In a recent Bay Area Toxic Tour visit, a Berkeley City Councilmember visited the AstraZeneca site, formerly created by Stauffer Chemical Company. This site is right next to the University of California at Berkeley (UCB) Richmond Field Station and the San Francisco Bay Trail, and in close proximity of the City of Berkeley, particularly West Berkeley. We learned that Stauffer Chemical Company established operations in the late 1800s storing and manufacturing hazardous chemicals such as sulfuric acid, herbicides and pesticides, as well as allowing chemicals to enter our waterways, soils and ecosystems for nearly a century. In the 1990s, Stauffer Chemical Company merged with AstraZeneca, a multibillion dollar pharmaceutical corporation, where AstraZeneca Corporation ceased operations of the site, demolished all of the buildings, as well as dug up the toxic soil and mixed it with other chemicals, and finally capped it with a thin concrete cap for short term purposes. The California Department of Toxic Substances fined AstraZeneca Corporation and the University of California over half a million dollars over violations concerning their role in the cleanup.

In a July 2018 East Bay Express Article "The Fight to Clean Up Another Richmond Brownfield," it discusses the issues that many community members who worked next to or near the site developed cancer and serious illnesses over several years.

Recently, the majority of the Richmond City Council made a decision to reverse last year's unanimous decision of the Richmond City Council concerning the clean-up of the AstraZeneca site. Clean Up Alternatives 1 through 6 are discussed in technical detail in a report called "Feasibility Study and Remedial Action Plan For Lots 1, 2, and the Uplands Portion of Lot 3 Campus Bay, Richmond, California." We have serious concerns that going with Alternative 3A instead of Alternative 6 will not benefit Richmond, nor the City of Berkeley.

Environmental racism, injustice, and contamination does not stop at one city's border. It affects neighboring communities such as the City of Berkeley, especially West Berkeley. According to the California Office of Environmental Health Hazard Assessment (OEHHA), the data shows

that West Berkeley communities suffer from high rates of Diesel, Pesticides, Toxic Releases, Hazardous Waste, Asthma, and Cancer. The data also shows West Berkeley population demographics is approximately 28% African American, 10% Asian American, 13% Hispanic, 43% White, and 6% Other ethnicities. (<https://oehha.ca.gov/calenviroscreen/maps-data>)

Communities has more than made it clear for over 13 years now that it wants the full dig-and-haul cleanup (Alternative 6) implemented at the AstraZeneca site. The bay belongs to all of us and no corporation—and no single city—should be able to risk ruining this shared resource. One of the key arguments AstraZeneca makes is that a full, true cleanup exposes local residents to more toxins because of the dust from truckloads of contaminated soil being transported through neighborhoods. There are better ways to mitigate this impact with safe, proper transportation techniques and covered trucks.

Those of us in Berkeley who travel to work in the affected area such as the UC Berkeley Richmond Field Station, as well as walk the San Francisco Bay trail which runs next to the contaminated site, request the Cal/EPA and CA Department of Toxic Substance Control (DTSC) choose last year's Richmond City Council's unanimous choice of Alternative 6 which would force AstraZeneca to pay to remove the contaminated dirt, safely transport it out of the area, and store it in a specialized landfill area far from where people live.

This is our last chance to convince decision-makers that the billion-dollar corporate polluter AstraZeneca can and should remove the toxic waste it left on our beautiful shoreline.

It is urgent that our communities inform the Richmond City Council, CALEPA and CA DTSC to stand up to corporate pressure, stop environmental racism, injustice, and contamination of our communities. We must insure we remove all toxins out of our communities.

FISCAL IMPACTS OF RECOMMENDATION

None.

ENVIRONMENTAL SUSTAINABILITY

The Berkeley City Council has a past legislative record advocating for the environment. It is imperative to protect the health and safety of all residents from environmental racism, injustice and contamination.

CONTACT PERSON

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ATTACHMENTS:

1. Letter
2. September 2019 KPIX Channel 5 News Article: Homes To Be Developed On Richmond Toxic Soil Site After Decision To Cover With Concrete Cap
<https://sanfrancisco.cbslocal.com/2019/09/30/homes-to-be-developed-on-richmond-toxic-soil-site-after-decision-to-cover-with-concrete-cap/>
3. September 2019 Article: The Mercury News: Pouring concrete over toxic soil where 4,000 apartments may rise is not OK, activists tell Richmond council.
<https://www.mercurynews.com/2019/09/28/pouring-concrete-over-toxic-soil-where-4000-apartments-may-rise-is-not-ok-activists-tell-richmond-council/>
4. July 2018 Article: East Bay Express: The Fight to Clean Up Another Richmond Brownfield.
<https://www.eastbayexpress.com/oakland/the-fight-to-clean-up-another-richmond-brownfield/Content?mode=print&oid=18390371>

5. December 2016 Article: Developing Richmond's Zeneca Site means confronting a legacy of contamination

<https://richmondconfidential.org/2016/12/13/developing-richmonds-zeneca-site-means-confronting-a-legacy-of-contamination/>

6. Feasibility Study and Remedial Action Plan For Lots 1, 2, and the Uplands Portion of Lot 3 Campus Bay, Richmond, California:

https://www.envirostor.dtsc.ca.gov/public/community_involvement/8316410660/fsrap_CampusBay_Lot1_2_UplandLot3-rev%20July%202018.pdf

7. Data and Maps from California Office of Environmental Health Hazard Assessment (OEHHA):

<https://oehha.ca.gov/calenviroscreen/maps-data>

To: Richmond City Council, California Environmental Protection Agency (CalEPA) and the California Department of Toxic Substances (CA DTSC)

CC: State Assemblymember Buffy Wicks and State Senator Nancy Skinner

Date: November 19, 2019

Re: Concerning recent Richmond City Council action of cleaning up nearby AstraZeneca

Dear Richmond City Council, California Environmental Protection Agency (CalEPA) and the California Department of Toxic Substances (CA DTSC):

Recently, the majority of the Richmond City Council made a decision to reverse last year's unanimous decision of the Richmond City Council concerning the clean-up of AstraZeneca site, which is next to the UC Berkeley Richmond Field Station and a few miles from West Berkeley. We express concerns that going with Alternative 3A instead of Alternative 6 will not benefit the citizenry of Richmond nor neighboring jurisdictions.

Environmental racism, injustice, and contamination does not stop at one city's border. The contaminates effect neighboring communities and jurisdictions, such as the City of Berkeley, especially West Berkeley. According to the California Office of Environmental Health Hazard Assessment (OEHHA), the data shows that West Berkeley communities suffer from high rates of Diesel, Pesticides, Toxic Releases, Hazardous Waste, Asthma, and Cancer. The data also shows West Berkeley population demographics is approximately 28% African American, 10% Asian American, 13% Hispanic, 43% White, and 6% Other ethnicities.

(<https://oehha.ca.gov/calenviroscreen/maps-data>)

Communities have more than made it clear for over 13 years that the full dig-and-haul cleanup (Alternative 6) should be implemented at the AstraZeneca site. The bay belongs to all of us and no single city—should be able to risk ruining this shared resource. One of the key arguments AstraZeneca makes is that a full, true cleanup exposes local residents to more toxins because of the dust from truckloads of contaminated soil being transported through neighborhoods. There are better ways to mitigate this impact with safe, proper transportation techniques and covered trucks.

Those of us in Berkeley who travel to work in the affected area such as the UC Berkeley Richmond Field Station, as well as walk the San Francisco Bay trail which runs next to the contaminated site, request the CalEPA and CA Department of Toxic Substance Control (CA DTSC) choose last year's Richmond City Council's unanimous choice of Alternative 3A temporary concrete cap, which would force AstraZeneca to pay to remove the contaminated dirt, safely transport it out of the area, and store it in a specialized landfill area far from where people live.

This is our last chance to convince decision-makers that the billion-dollar corporate polluter AstraZeneca can and should remove the toxic waste it left on our beautiful shoreline.

We urge the Richmond City Council, as well as CalEPA and CA DTSC to reconsider going with Alternative 6, the full dig-and-haul cleanup and stand with our communities. Stop corporate pressure, environmental racism, injustice, and contamination of our communities. Let's get the toxins out of our communities in a way that benefits everyone for generations to come.

Best regards,

The Berkeley City Council

Business > Real Estate

Pouring concrete over toxic soil where 4,000 apartments may rise is not OK, activists tell Richmond council

City officials gave their blessing to allow developers to cap the contaminated soil and build on top of it, though its ultimately up to the state.



Richmond resident, entrepreneur and activist Sherry Padgett points out 30 acres of contaminated marshland in Richmond, Calif., on Wednesday, Dec. 9, 2015. For the past 11 years, the Department of Toxic Substances has been responsible for cleaning up the site of a



By **ALI TADAYON** | atadayon@bayareanewsgroup.com | Bay Area News Group
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RICHMOND — Activists are livid with the Richmond City Council's recent decision that it's OK for a developer to pour concrete over an 86-acre brownfield and plop 4,000 apartments atop it instead of removing the toxic soil altogether.

At a meeting Tuesday, they accused the council of settling for a concrete cap of the site because developer Shopoff Realty Investments offered to contribute \$52 million toward city programs and services. Capping the former shoreline toxic waste dump with concrete is a far cheaper alternative than hauling away the contaminated dirt.

The Zeneca site east of Marina Bay and west of Interstate 580 has long been a point of controversy in Richmond. Pesticide producer Stauffer Chemical Co. and later pharmaceutical company Zeneca dumped toxic byproducts — including benzene, arsenic and polychlorinated biphenyls (PCBs) — at the site for about 100 years before Zeneca — now known as AstraZeneca — stopped the practice in 1997; the site has been fenced off since.

AstraZeneca started cleaning up the property in 2000, and four years later the California Department of Toxic Substances began overseeing the work. But activists have been upset with the state's recommendation to essentially leave the toxic soil there, and now they're angry at the city for going along despite agreeing last year that soil removal is the best option. Back then, the council directed City Manager Bill Lindsay to let the state know it prefers that the dirt be replaced.

Activists have argued that soil removal, though more expensive, is safer for the health of people who'll end up living there.

"It's one of the most complex toxic sites in the state of California," said Sherry Padgett, a cancer survivor who lives near the property and has been fighting for full cleanup for years.

Developers long have viewed the property as potentially valuable waterfront real estate. Irvington-based Shopoff Realty Investments is in the process of buying the foreclosed land with the intention of building more than 4,000



If allowed to do so, Shopoff has agreed to give the city \$52 million through a “community benefits agreement” to help finance municipal services and programs, including around \$9 million to the Richmond Promise college scholarship program and \$18 million to local schools, and for fire station upgrades.

If all goes well, Shopoff hopes to finish acquiring the land over the next few months, obtain building permits and break ground in late 2022 or early 2023.

“We didn’t have to come to the site. We wanted to come to this site because it presented an interesting opportunity to create housing for Californians, housing that’s desperately needed,” Bill Shopoff, president and CEO of Shopoff Realty Investments, said at the council meeting.

Of the 40-plus people who spoke at the meeting, most opposed the council’s decision and several activists likened the community benefits agreement to a “corporate bribe.”

“The only community benefit that would be worth it would be a hospital funded and staffed forever in order to care for the future generations that will be poisoned by this toxic waste,” activist Tarnell Abbott told the council.

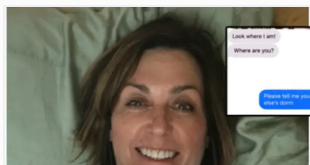
Richmond’s newest council members, Demnlus Johnson and Nat Bates, proposed supporting the concrete cap option and were joined by Mayor Tom Butt and council members Ben Choi and Jael Myrick. Council members Eduardo Martinez and Melvin Willis said they wanted to stick with the original decision for soil removal.

Shopoff said although Shopoff Realty Investments would pay for much of the cleanup, AstraZeneca would be on the hook for some of it too and the two parties are still negotiating who would pay for what.

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Ali Tadayon Ali Tadayon is an award-winning journalist covering Oakland for the Bay Area News Group. He joined the team in 2017 after working as a crime reporter in Riverside and Idaho Falls, Idaho.

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