



Department of Toxic Substances Control



Alan C. Lloyd, Ph.D.
Agency Secretary
Cal/EPA

700 Heinz Avenue, Suite 200
Berkeley, California 94710-2721

Arnold Schwarzenegger
Governor

August 31, 2005

To Whom It May Concern:

NOTICE OF FINAL DECISION FOR THE APPROVAL OF CORRECTIVE MEASURES STUDY REPORT AND REMEDY SELECTION FOR LAWRENCE BERKELEY NATIONAL LABORATORY

In accordance with the requirements of Health and Safety Code, section 25187, the Department of Toxic Substances Control (DTSC) is issuing this Notice of Final Decision (Notice) for the approval of Corrective Measures Study Report and Remedy Selection for the following facility:

Lawrence Berkeley National Laboratory (LBNL)
One Cyclotron Road
Berkeley, California 94720
Alameda County

LBNL is a research facility managed by the University of California (UC) for the U.S. Department of Energy (DOE). It is located in the Berkeley/Oakland Hills and is about 200 acres bordering the northeast side of the UC Berkeley campus. DTSC issued a Hazardous Waste Facility Permit to LBNL in May 1993. As part of the permit, DTSC required LBNL to investigate and cleanup all historical releases of hazardous chemicals. This process had four major steps: Facility Assessment (completed November 1991), Facility Investigation (completed November 2000), Risk Assessments (conditionally completed in April and August of 2003), and Corrective Measures Study Report and Remedy Selection (2005). DTSC prepared an Initial Study and draft Negative Declaration for this project to comply with the California Environmental Quality Act (CEQA). A final Negative Declaration and CEQA Notice of Determination will be filed with the Office of Planning and Research as part of this Notice.

On April 25, 2005, DTSC published public notices in the Oakland Tribune and Berkeley Daily Planet newspapers and held a 45-day public comment period from April 25, 2005 to June 8, 2005 for the Corrective Measures Study Report including proposed remedies, Statement of Basis, and the draft Negative Declaration. DTSC conducted a workshop and held a public hearing on May 26, 2005 at the North Berkeley Senior Center at 1901 Hearst Avenue in Berkeley. A court reporter prepared a certified transcript of the public hearing and all verbal testimony given at the public hearing.

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Public comments were received by electronic mail, conventional mail, and in oral testimony. DTSC has prepared a Response to Comments document addressing all public comments received during the public comment period.

DTSC is hereby approving both the Corrective Measures Study Report dated February 10, 2005 including the remedies proposed in the Report, and the associated Human and Ecological Risk Assessments. These assessments were conditionally approved in April and August of 2003. The draft Negative Declaration was finalized without any modifications.

The Corrective Measures Study Report approval becomes effective on October 3, 2005 unless a review is requested. Any person who filed comments on the draft Corrective Measures Study Report or Statement of Basis or participated in the public hearing may petition DTSC to review any condition of this decision. Any person who failed to file comments or failed to participate in the public hearing may petition for administrative review only to the extent of the changes from the draft to final decision. Please note that DTSC did not make any changes from draft to final decision. The petition shall include a statement of the reasons supporting the review, including a demonstration that any issues being raised were raised during the public comment period (including the public hearing) to the extent required by regulations and when appropriate, a showing that the condition in question is based on:

1. A finding of fact or conclusion of law which is clearly erroneous; or
2. An exercise of discretion or an important policy consideration which DTSC should, in its discretion, review.

A petition for review must be postmarked no later than October 3, 2005 and must be submitted to:

Watson Gin, Deputy Director
Hazardous Waste Management Program
Department of Toxic Substances Control
P.O. Box 806
Sacramento, California 95812-0806

A copy of the petition should also be sent to:

Mohinder S. Sandhu, P.E., Chief
Standardized Permitting and Corrective Action Branch
700 Heinz Avenue
Berkeley, California 94710

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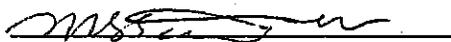
A copy of the complete administrative record for this Notice of Decision is available for review at:

Department of Toxic Substances Control
700 Heinz Avenue, Suite 200
Berkeley, California 94710
Contact: Waqar Ahmad at (510) 540-3957

Copies of the Notice of Final Decision, Response to Comments, CEQA Initial Study and Final Negative Declaration, Statement of Basis, and Corrective Measures Study Report are also available for review at:

Berkeley Public Library, Second Floor Reference Desk
2090 Kittredge Street, Berkeley, CA 94702
(510) 981-6100

These documents are also available at DTSC's website <http://www.dtsc.ca.gov>. DTSC would like to thank everyone who participated in this corrective action process. Please bring this Notice to the attention of all persons whom you know would be interested in this matter. If you have any questions, please contact Mr. Waqar Ahmad of my staff at (510) 540-3932.



Mohinder S. Sandhu, P.E., Chief
Standardized Permitting and Corrective Action Branch
Hazardous Waste Management Program