

Richmond Southeast Shoreline Area Community Advisory Group

EXECUTIVE COMMITTEE

May 8, 2008

Gale Filter, Deputy Director
Enforcement and Emergency Response
Department of Toxic Substances Control
1001 I Street
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Maziar Movassaghi, Deputy Director
Site Mitigation and Brownfields Reuse Program
5796 Corporate Avenue
Cypress, CA 90630

Re: Status of Violations by University of California and Astra Zeneca during
Remedial Activities at UC Richmond Field Station and Zeneca Sites

Dear Ms. Filter and Mr. Movassaghi:

I write on behalf of the Richmond Southeast Shoreline Area Community Advisory Group ("CAG"), which, among other things, provides advice to and input on proposals by DTSC about cleanup activities and other environmental work at the former Zeneca / Stauffer Chemical Company site in Richmond, California ("Zeneca Site") and other nearby sites, including the University of California Richmond Field Station ("UC RFS"). This letter concerns violations committed by the University of California ("UC") and Astra Zeneca during the 2002-2004 remedial activities at the UC RFS and Zeneca Sites.

On June 29, 2007 DTSC issued separate Summary of Violations ("SOV") letters to UC and Astra Zeneca detailing DTSC's findings of the violations that occurred at the UC RFS and Zeneca Sites as the result of unauthorized treatment and disposal of hazardous wastes during remedial activities. DTSC found UC and Astra Zeneca violated five provisions of the Health and Safety Code on numerous occasions between 2002 and 2004 by treating hazardous wastes without a permit, shipping hazardous wastes to an unpermitted facility, disposing of hazardous wastes at an unauthorized point, storing and/or accepting hazardous wastes without a permit or authorization, and transferring custody of hazardous wastes to an unregistered transporter. DTSC found Astra Zeneca also violated Health and Safety Code provisions and applicable regulations during the same time period by failing to properly characterize hazardous wastes and failing to timely submit manifests for wastes transported off-site. DTSC notes at the conclusion of both letters that it can take further administrative, civil, or criminal action as a result of the violations.

The violations identified in DTSC's June 29, 2007 SOV letters resulted in significant harm to human health and the environment. For example, during the time period when

CAG Mission Statement

Our purpose is to ensure that the interests of the entire community are included in plans for the proper and comprehensive cleanup and ongoing monitoring of polluted sites in the Richmond Southeast Shoreline Area. The CAG's job is to involve all stakeholders in a public, inclusive process leading to an appropriate clean up of polluted sites in this area.

remedial activities were underway at the UC and Zeneca Sites, numerous persons living or working in the vicinity of the Sites experienced symptoms consistent with exposure to toxic or hazardous substances, and several of those persons have died from their symptoms. In addition, the violations exacerbated the environmental contamination and exposures associated with both Sites, which continue to impact the community. The CAG does not know, however, whether DTSC has imposed any fines or penalties on the responsible parties as a result of the violations.

The purpose of this letter is to inquire whether DTSC has imposed any fines or penalties on UC and Astra Zeneca as a result of the violations identified in DTSC's June 29, 2007 SOV letters and to request that such fines or penalties be applied to directly benefit the community in the Richmond Southeast Shoreline Area that has been affected by the violations.

We believe this situation presents DTSC with an opportunity to equitably distribute fines or penalties collected from the responsible parties in a way that will help protect human health and the environment and support public participation in the cleanup process. One way for DTSC to ensure that fines or penalties collected from the responsible parties directly benefit the affected community is to allocate those funds to support the CAG's ongoing work, which includes reviewing highly technical documents and providing advice to and input on proposals by DTSC about cleanup activities and other environmental work at the Sites.

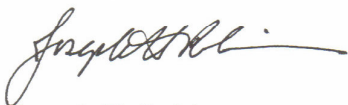
To provide advice to DTSC in a meaningful and timely manner, the CAG relies on technical consultants to assist it with review and analysis of highly technical documents. The CAG is extremely grateful to Cherokee Simeon Ventures I, LLC ("CSV") the current owner and operator of the Zeneca Site, for providing funding for the CAG's technical consultants for work associated with the Zeneca Site. This funding enables the CAG to better understand and analyze the environmental and related issues of concern to the community that are associated with the Zeneca Site. No such funding exists to support the CAG's work concerning the UC RFS Site, however, and the funding provided by CSV does not enable the CAG's technical consultants to work on all the issues associated with the Zeneca Site that the CAG believes are important. By allocating the fines or penalties collected from UC and Astra Zeneca to support the CAG's technical consultants' work associated with the UC RFS and Zeneca Sites, DTSC can enable the CAG to better understand and analyze the issues associated with those Sites, provide meaningful and timely advice regarding the UC RFS Site, and facilitate the affected community's continued participation in a matter of great public importance. This, in turn, directly benefits the affected community by ensuring that the Sites do not cause further harm to human health and the surrounding environment.

It is both fair and logical that when an entity puts members of the public at risk by violating the law, the fines imposed as a result of those violations should be used to benefit the individuals placed at risk. Therefore, DTSC should allocate any fines or penalties collected from UC to support the CAG's technical consultants' work associated with the UC RFS Site. Similarly, DTSC should allocate any fines or penalties collected from Astra Zeneca to support the CAG's technical consultants' work associated with the Astra Zeneca Site. The CAG is happy to work with DTSC and the responsible parties to set up the necessary mechanisms and agreements to ensure that the funds are spent for only those purposes for which they are allocated.

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Ms. Gale Filter
Mr. Maziar Movassaghi

The CAG believes this is an opportunity for DTSC to equitably distribute fines or penalties collected from UC and Astra Zeneca for violations those parties committed during the 2002-2004 remedial activities at the UC RFS and Zeneca Sites in a way that will benefit the affected community, prevent further harm to human health and the environment, and support public participation in the cleanup process. We appreciate your consideration of the requests in this letter and look forward to your reply.

Sincerely,



Joseph H. Robinson
Chair
Richmond Southeast Shoreline Area Community Advisory Group

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May 8, 2008
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Mr. Maziar Movassaghi

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