

October 29, 2010

## Letter from Community Advisory Group Members and Others to Lawrence Berkeley National Laboratory

The Lawrence Berkeley National Laboratory (LBNL or “the Lab”) Community Advisory Group (CAG) has now met several times, including a site visit. The meetings to date have been geared towards informing CAG members and the public about various aspects of LBNL’s work – the types of work that are done at the Lab, the types of buildings there, and so on – and to listening to public comment. The CAG is supposed to be “advisory” but has not yet done anything in the way of actually giving advice. The signatories of this letter, including both CAG members and other community members, have learned from the information presented at the meetings and now have both advice and recommendations for LBNL.

People in the community at large, and people on the CAG, have a wide range of views concerning all aspects of LBNL. Some believe the Lab does work of great social value; others do not. Some believe the Lab makes a good effort to manage its impact on surrounding neighborhoods; others do not.

The Lab has taken an important step by initiating the CAG process. We are grateful for the opportunity to provide our perspective on how the Lab may both create a more positive relationship with the community and offer specific proposals for how the Lab can minimize its impacts on the site it now inhabits. We look forward to building a dialogue with the Lab that will improve our relationship and reduce conflict. We understand that one role of the CAG is to provide the Lab with a platform to explain its decisions and actions to the community. We believe that another, more important role of the CAG is to provide advice, guidance, and oversight to influence the Lab’s actions.

So far, LBNL has stated that it is an organization that is trying to do the right thing both globally and locally: to pursue important research of national and perhaps worldwide importance, while being a good neighbor, complying with laws, operating safely, and being a good steward of the environment. If past transgressions are mentioned – which has been extremely rare so far – the Lab presents these as examples of the old way things used to be done in the distant past, and of little relevance to the way the Lab behaves now.

Unfortunately, the view of the Lab as a law-abiding good neighbor with concern for the local environment is not entirely consistent with some of the Lab’s actions in the past decade or so, nor its plans for the near future. Here are just a few examples of why there is so little trust of the Lab among many in our community:

1. A misstep cited by many community members is the poor siting and design of the Hazardous Waste Handling Facility. When it was built thirteen years ago,

- the Lab it had special features (including “drilled piers anchored into bedrock”) that made it especially safe. A few years later the site was determined to be unsafe and vulnerable due to a landslide, and in need of costly retrofits. This experience argues against the view that the Lab can adequately assess the safety of its operations and can reliably build safe buildings on its challenging hill site.
2. As recently as a few years ago, the Lab reduced its popular commuter shuttle service to the Blackberry Canyon side of the site. This in spite of *increased* shuttle service being legally required (as part of the CEQA process for the Lab’s long-term plan) as mitigation for traffic impacts due to increased numbers of employees on the site. Service was eventually restored last year, after a long and contentious delay, but it is still below demand. The reduction in shuttle service -- never tested in court, but in clear violation of legal requirements -- suggests that the Lab will disregard the law when it is convenient to do so. Even now it is not clear that the Lab is complying with the requirement to increase commuter shuttle service.
  3. The Lab tried to build the previous edition of the CRT building in Blackberry Canyon without doing an adequate federal environmental review as required by law; a federal judge ruled against the Lab on this issue. This contradicts, or at least argues against, the view that the Lab is trying to act as a good and law-abiding neighbor.
  4. A few years ago, the Lab proposed to fill in the Cafeteria Creek canyon in order to make a parking lot. This action, if achieved, would probably have violated state law, and as such would almost certainly have not been permitted by the Regional Water Quality Control Board. This is another action that appears inconsistent with the view that the Lab desires to comply with the law; even more, it appears inconsistent with the view that the Lab cares about being a good steward of the local environment.
  5. The Lab is currently planning to build the CRT facility next to Blackberry Gate. Although the plan does not involve filling in a creek canyon, it does involve building on a currently undeveloped site that is dotted with oak trees. Many members of the CAG and the community object to building on any undeveloped site while there are infill opportunities on the hill. Also, although there *may* be a good argument for having more computer experts on the Hill, where they can work with other scientists, there does not seem to be any need for the computers themselves, or the technicians who run them, to be on the Hill. The selection of a currently undeveloped site is another example of LBNL’s lack of care for the local natural environment, and the apparently unnecessary addition of more employees on the Hill is another example of LBNL’s lack of concern for impacts (such as traffic impacts) on neighboring residents.

Lab employees, and some other people, have been heard to make comments to the effect that community members will never be satisfied, no matter what the Lab does. Unfortunately this thinking can lead to a corollary, that the Lab should ignore community concerns and act in its own interests because it will be treated badly no

matter what its actions are. We are convinced that the beliefs that community members cannot be satisfied, and that the Lab may as well behave without regard to the community, are misplaced. We believe the Lab can be a responsible neighbor that can gain the acceptance of most people in the community.

To gain the community's trust, and even the support of a majority of the community members, the Lab should (1) always obey the law, (2) always place substantial weight on reducing impacts to the local ecosystem, (3) always ensure that buildings at the Lab are safe and are operated safely, (4) always attempt to reduce impacts to the community (such as noise, traffic, and visual impacts), and (5) provide data sufficient to demonstrate that items 1-4 are being met. Simply *asserting* that the Lab does these things is not adequate; the Lab has to actually do them. As the above list of recent Lab behavior indicates, the Lab has not always done these things in the recent past, and we do not think the lab is doing them all now.

The Lab can start making headway right away, by implementing the following five recommendations. We hope all will be implemented right away.

1. Allow the CAG to help set the agenda for future CAG meetings. Some members of the CAG and the public are growing frustrated with the fact that LBNL is controlling the entire process.
2. Acknowledge the fact that LBNL has not always behaved well in the past. For example, it has released toxic material into the environment, has built buildings using unwise designs in unwise locations, and has failed to provide required mitigations to environmental impacts.. If the Lab will not take responsibility for past actions, people will not trust that the Lab will be honest in the future either.
3. Halt the design process of the CRT building at Blackberry Gate. Find a suitable site elsewhere. The current plans are inconsistent with the Lab's local environmental stewardship goals, and appear to needlessly add more traffic impacts to Hearst and Gayley, which are already very congested.
4. Make all data concerning on- and off-site water and air quality publicly available. This is important for gaining credibility with people who don't trust the Lab's interpretation of the data or its assertions that current operations are safe.
5. Involve regulatory agencies, such as the Regional Water Quality Control Board and Cal-EPA, in the CAG process, to the extent that they are willing and able to participate. Involvement of these agencies will help avoid proposals such as the notorious attempt to fill in a creek valley in order to make a parking lot. Also, these organizations have expertise in matters where LBNL and the CAG do not, such as ecosystem impacts of toxic chemicals.

Thank you for taking the advice of your Community Advisory Group and the broader community.