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Staff: Kaitlin Loken

MICHAEL FREUND, attorney for the Group to Eliminate Toxics, announces the group's lawsuit against Lawrence Berkeley National Laboratory as group members look on at a press conference yesterday.

Local Group Brings Suit Against LBNL for Toxic Waste Storage

By **Z. Byron Wolf**
Contributing Writer

Backed by funds from the cities of Berkeley and

Land's council passed a similar resolution, though it only allotted \$10,000.

Berkeley Councilmember Dona Spring, who is listed among the plaintiffs in the case, supports the

Dalai Lama to Take Stage at UC Berkeley

■ Tibetan leader tackles hot topics

By **Kaz Baba**
and **Michael G. Smith**
Contributing Writers

UC Berkeley's dean of the School of Journalism, Orville Schell, is scheduled to speak with the fourteenth Dalai Lama of Tibet on Thursday at Zellerbach Auditorium to discuss issues ranging from Chinese rule in Tibet to conflicts within the Buddhist community.

The events which is being co-sponsored by the UC Berkeley School of Journalism and the American Himalayan Foundation, is free to university students, faculty and staff, and is scheduled to last from 10:30 a.m. until noon.

The Dalai Lama, who won the Nobel Peace Prize in 1989 for his nonviolent resistance to the Chinese occupation of Tibet, is expected to speak on a variety of issues, according to a note on Journalism Assistant Dean Doug Foster. He said the format, an informal discussion between the Dalai Lama and Schell, will allow many topics of spiritual and political importance to be discussed.

"(The Dalai Lama and Schell) will be talking about everything, from controversies in Tibetan Buddhism to China to Hong Kong, among other things," Foster said.

University Vice Chancellor and

be there," said Marie Felde, who works in the university's public information office. "Unfortunately, his schedule didn't permit it, even though he wanted to very much."

The American Himalayan Foundation, which helped plan the event, gives direct aid to foreign countries to promote "health, education, cultural preservation and environmental conservation," said Rachel Humphrey, an executive assistant with the foundation. The nonprofit organization has sent money to Nepal and parts of Northern India where the Tibetan government is in exile.

Members of the Berkeley community said they are anticipating the



Backed by funds from the cities of Berkeley and Oakland, a local environmental organization announced yesterday that it will sue UC Berkeley for its storage of radioactive waste in the Lawrence Berkeley National Laboratory facilities.

The Group to Eliminate Toxics announced that it hopes the suit filed yesterday at the Alameda County Courthouse will force the lab to further investigate the possible environmental harms of storing hazardous wastes.

Both the Berkeley and Oakland city councils have agreed to support the action of the activist group. The Berkeley City Council passed a resolution on May 13 allotting up to \$15,000 to support GET in filing a lawsuit calling for an environmental impact report. Oak-

land is listed among the plaintiffs in the case, supports any action that questions the use of radioactive and hazardous wastes because of their longevity.

"We're not thinking about future generations when we generate all this waste," she said.

According to Michael Freund, the attorney handling the case for the activist group, making the lab conduct the studies to produce an environmental impact report is the first aim of the suit. The university must then submit the EIR for public scrutiny before it attempts to store more radioactive wastes in its Strawberry Canyon storage site.

The group is insisting on the EIR because it was

See LABS Page 2

Waste

Continued from page A3

detected in Strawberry Creek on the UC campus itself.

A lab study, however states that a theoretical person swimming in the creek every day for a year would suffer no health consequences.

"The 'Initial Study' (part of the Negative Declaration), fails to acknowledge that certain mixed waste is substantially more dangerous than hazardous waste or radioactive waste stored separately and does not analyze the modification in terms of the synergistic effects of combining radioactive

and hazardous waste to form mixed wastes," Freund wrote in his brief.

The synergistic effect sometimes multiplies the danger of hazardous wastes when mixed with radionuclides. Freund said significant new information has arisen since the 1992 EIR which stated that there is no soil or groundwater contamination near the project.

Freund cited disputed studies by lab scientists that found radiation in ground water and Eucalyptus trees just outside LBNL's National Tritium Labeling Facility abutting the Lawrence Hall of Science. Lab opponents term the site "the tritium grove."

Freund said the levels of radiation

in ground water exceed EPA levels for drinking water by 10 times, and in soil by one and a half. Freund said this was new information discovered since the 1992 EIR.

"You don't drink leaves," countered Attorney Michael Zischke representing the UC Regents in the case. "Those (drinking water) standards don't apply (to trees) ... The risks to children have been used as a red herring, we are so far below the air emission standards that there is no risk to children."

Zischke argued that water in the creek is at one percent of that allowed by EPA in drinking water, and one percent of that allowable for air emis-

sions.

"Yes, there is tritium in the environment, but we are well below levels established by the EPA ... We recommend the court fully support the lab's position that there are no new significant impacts," he said.

Both sides seemed confident of victory when the hearing closed. Opposing attorneys shook hands, while lab employees and lab opponents traded nods, probably acknowledging that last week was far from the last time the two groups will face-off.

"I gave him enough information to win the case, I gave him what he needs to do to rule in our favor," said Freund, hopeful of a victory.

Judge to rule on 'mixed waste' facility

■ *Berkeley Lab would store radioactive materials*

By Marc Albert

Lawrence Berkeley National Laboratory made its case in Superior Court last week for expansion of a so-called "mixed waste" storage facility to contain radioactive material.

Judge Henry Needham Jr. should soon rule on whether LBNL must conduct a full environmental study for the project. Lawyers for the UC Regents defended the lab's issuance of a "Negative Declaration," claiming the expansion will cause minimal impact.

An Environmental Impact Report, required on development projects with potential impact from land use, is a lengthy process used to detail mitigations needed to offset negative impacts. A Negative Declaration is shorter and issued to projects causing only minimal change to existing circumstances. A Supplemental EIR was last done

on LBNL in 1992. The report was part of the contract renewal process with the University of California.

The city councils of Berkeley and Oakland both passed resolutions in favor of an EIR.

The lawsuit, brought by the Group to Eliminate Toxics, represents a legal challenge to the lab from environmentalists. They claim LBNL pollutes Berkeley and Oakland with hazardous and radioactive waste.

Lab scientists term the danger "insignificant," and say their work, involving cancer research, is designed to lengthen lives, not shorten them. After two hours of hearing arguments from environmental lawyer Michael Freund on behalf of the Group to Eliminate Toxic Waste and the regents, Needham told the packed courtroom he would take the case under submission, and rule late this week.

At issue is whether the lab is

proposing enough changes in its Hazardous Waste Handling Facility to trigger a requirement under the California Environmental Quality Act for a new EIR.

"The net increase in total amount would be about 45 gallons," said LBNL spokesperson Terry Powell. "The issue isn't really about more waste, it's about a different mix of waste."

LBNL asked for a permit modification to reduce its permitted storage of hazardous waste by 1,880 gallons, and increase storage of mixed waste by 1,925 gallons.

Permits for hazardous and mixed waste are granted by state agencies. Radioactive storage permits are handled by the federal Department of Energy.

"Just their mere presence doesn't represent a hazard to us, it's all in how it is stored and handled and our facilities are really safe ... They are top of the line in terms of containment," said LBNL spokesperson Ron Kolb.

Lab officials say it is comparatively easier to get rid of hazardous

waste and radioactive waste, but mixed waste is hard to dispose of. There are only a few storage sites in the country which handle mixed waste. Freund predicted more mixed waste will stay on the site for longer periods.

"We don't mix it purposefully, it is a result of the research that results in waste that is both chemically hazardous and has radioactive elements ... We frequently use solvents to find where the radioactive tracers end up in a cell," said Robin Wendt, Waste Management Group Leader at LBNL's Hazardous Waste Handling Facility.

Wendt admitted that some of mixed waste can oxidize, or burn, if exposed to air or water.

Top of the line or not, environmentalists are skeptical of the lab's plan, pointing out the lab's proximity to the 1991 fire zone, the Hayward fault, the East Bay's many drainage creeks and a densely populated city. Environmentalists contend radioactive iridium has been

See WASTE on page A16



Gene Bernardi, right, and Michael Freund are challenging the job's plans for a new facility.

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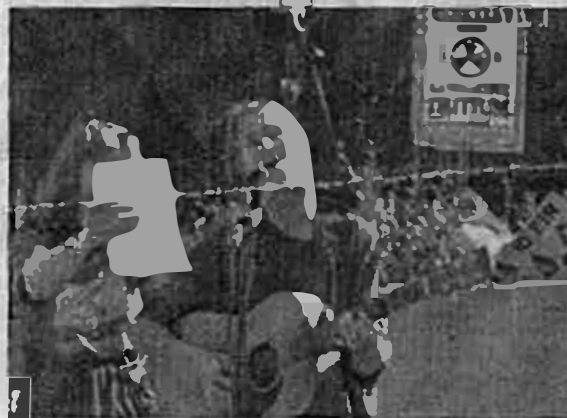
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VOLUME CXXVI, NO. 143

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BERKELEY, CALIFORNIA

Tritium Triggers Protest



Staff/Don Evans

KAROLYN ERBELE and Carol Denney skig about the evils of tritium while standing in front of a dummy representing an irradiated man outside North Gate Hall.

■ Activists picket as LBNL holds open house event

By **NIRMAL MOJIB**
Daily Cal Staff Writer

Berkeley residents who say they are fed up with the Lawrence Berkeley National Laboratory's continuous emission of radioactive tritium took advantage of the lab's open house Saturday to draw attention to their complaints.

More than 40 protesters, many carrying bright orange signs reading "UC Berkeley spews radioactive tritium," gathered at UC Berkeley's North Gate to catch the attention of visitors traveling to the lab in shuttle buses going up Hearst Avenue.

The protesters alleged that the lab's National Tritium

See **TRITIUM** Page 3



Tritium

FROM FRONT PAGE

Labeling Facility emits toxic tritiated water vapor that can affect humans when exposed to the skin or inhaled. They pointed to studies that associate tritium with carcinogenic effects.

Protesters also said that the tritium emitted by the lab contaminates the air, soil, water and vegetation in the area surrounding the Lawrence Hall of Science, exposing schoolchildren, who frequently visit the hall, to radioactive tritium.

"Do we have to wait 50 years to see what the damage is being caused here?" said Gene Bernardi, a spokesperson for the Committee to Minimize Toxic Waste. "Let's stop cancer where it starts."

But LBNL spokesperson Ron Kolb said that even though the lab does emit tritiated water vapor, it is a harmless amount that adds up to

less than 1 percent tritiated water vapor — an amount, he said, well below the Environmental Protection Agency's minimum standards.

"That very small amount of tritium has negligible impact," Kolb said.

Kolb said that humans are exposed to harmless doses of tritium in everyday life. According to an LBNL "Tritium Fact Sheet," tritium is a part of many consumer products, including illuminated watches and thermostat dials.

In an LBNL newsletter, Kolb pointed out studies in which LBNL employees working within a 100-meter radius of the NTF received one-fourth the dose of the federal public standard of tritium exposure. The reports also stated that outside this radius, people received tritium doses that are about 70 times below the standard.

Protesters also expressed con-

cern about LBNL's involvement in building an electron accelerator for the Dual Axis Radiographic Hydrotest Facility, which is currently being built in Los Alamos, N.M. They said that nuclear weapons design is a critical part of the DARHF and that they do not want a critical component of it to be built in a "nuclear-free" Berkeley.

"Shame on you, University of California, for changing the emphasis on jobs to the use of nuclear weapons," said Berkeley Vice Mayor Maudelle Shirk during the protest.

Environmental activist L.A. Wood, who spoke at the event, said he was glad to see many Berkeley residents show their opposition to the lab.

"The national laboratory is detrimental to our society and we've got to stop it," Wood said. "(This) is the first day that the community has gathered to demand accountability."