

HOW I CHANGED FROM TRUSTING THE CITY OF SANTA CLARA AND STATE TO DISTRUST: THE STORY OF BAREC'S CONTAMINATED SOIL AS A MAJOR REASON FOR A NO VOTE ON MEASURES A AND B

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Like most people, I trust our government to tell the truth, to do the right thing, and to make our lives safe. After all, isn't this a major reason for a democratic government? Five years ago this trust was automatic as I began researching the BAREC story. My first interests in preserving some or all of BAREC's open space were because of its incredible history and the diversity of great professionals it has brought to our community which have helped my family's orchards, our nearby family garden, and my landscape profession. However, the more I found out about the BAREC soil issues the more concerned I became and the less trust I had in our city and state governments. This is the story of how I changed my perceptions and why I now believe the State and City are not telling us the truth about BAREC's soil contamination. It is a clear reason why a NO vote on Measures A and B will help uncover more of the truth and give a clear direction for our City's leadership to resolve BAREC's soil contamination problems.

I first became conscious of a problem as I walked around the BAREC neighborhood hearing the stories of the people who had lived there for many years. One common theme I kept hearing over and over was how many people either had cancer or had passed on from cancer. It was especially sad when two people in the same family had cancer. Two people told me about the crop dusters which dropped terrible smelling chemicals unannounced from the early 1950s into the 1970s. At the time there was no real communication between the people on the different streets around BAREC. Therefore, these stories were in isolation and no one really saw the common theme in the neighborhood.

After this discovery I asked a BAREC neighbor and fellow biologist, Angela D'Orfani, if she would be responsible for a survey to uncover in greater detail the names and addresses of the cancer victims, and the details of their situation. Although she did not interview everyone within a few blocks of BAREC she was able to uncover 49 cases of cancer in the houses with property lines adjacent to BAREC and others who were downwind of BAREC a block away. Her survey focused on residents who lived in the neighborhood for more than 20 years and some that had moved away but lived in the neighborhood during the 1950s and 1960s.

I had hoped that when we presented this information at a public meeting with the State's Department of Toxic Substances (DTS) and at a City Council meeting over two years ago that they would take an interest and become concerned. At this same meeting I asked why the list of the chemicals they studied omitted the research chemicals that were too dangerous to release to the public and why they did not list all the research projects which had been done on BAREC over its 80 plus years. I also asked why they did not take deeper soil tests when they were going to have to dig 20 feet plus for the foundations of the high rises they were planning to build. They answered none of these questions and pretended not to hear. They didn't acknowledge nor have they ever acknowledged that they flew crop dusters dropping chemicals onto BAREC and the adjacent properties. To make matters even worse they didn't place these questions/comments in their minutes. Because the State refused to list in their Environmental Impact Report (EIR) and Soil test reports, 80 years of BAREC research projects and the chemicals researched at BAREC

which were not on the EPA's hazardous list, we were forced to do this research to prove they were negligent. These issues led to my wondering what the State and City were trying to hide regarding the BAREC soil contamination.

Soon after this meeting I discovered that the person in charge of doing the BAREC soil tests was the State's consultant in charge of selling BAREC. He used different company names with the same Berkeley address. This conflict of interest places doubt on the State's soil testing methods.

The situation was becoming so serious that SaveBAREC hired an environmental attorney and toxic engineer to study the situation and to make comments on the State's Environmental Impact Report (EIR). Together we decided that the best way to clean up all the unknown and known toxics on the property was with a biological clean-up process called Bioremediation. One of the best companies in the United States with international recognition, the Soil Food Web in Oregon, wrote a letter for the EIR confirming their interest and expertise to clean up BAREC's soil biologically. The cost would be about 75 percent cheaper and more sustainable than the State's soil removal off the site process. It would take about six months as compared to the State's two week process. We introduced positive bioremediation research into the EIR but again we were ignored by the City Council and State.

One of the two hazardous chemicals the State reported for BAREC was Dieldrin. It is a solid that binds very tightly to soil and can travel long distances on the wind. Dieldrin is linked to several forms of cancer. The State had known about the Dieldrin in the BAREC soil since at least 2002 when they made their soil tests. Yet, every year they disked the soil to remove the weeds thus releasing Dieldrin into the air and creating a health risk for the neighbors. When we uncovered the problem, the community asked the City and the State to stop this unsafe practice. The results of this request were a watering machine which wet the soil before the disk. Although the amount of dust was reduced, it was still visible rising into the air. We have videos to show this. The State's clean-up plan assures us that there will be no exposure of neighbors to toxic chemicals during the construction process. This is an impossibility since any work at the site will raise contaminated dust into the air and since they will be removing and moving thousands of cubic yards of soil.

The State and City also allowed SummerHill Homes, the private developer for 60 percent of the 17 acres, to come onto the site with huge 30 foot long trucks and cranes. They bore holes approximately 30 plus feet deep without public notice. The equipment operators had no idea there were chemical hot spots on the property and were not supervised. This was one of many reasons why I distrust the State's soil clean up plans to protect the neighborhood.

I applied for a federal grant to test the soil but the State would not allow this because the soil had already been tested by them. Since we were not allowed to go onto the property the next best thing was to test the soil one foot from the BAREC property line on private property. Angela was in charge of testing one private garden location on each street bounding BAREC. She tested three garden soils at 15 to 18 inches one foot from the BAREC property line. The soil samples were taken to the best soil lab in the Bay Area located in the City of Santa Clara but the State's samples were taken to a lab far from BAREC. Why the City does not force the State to use our local businesses is beyond my comprehension. These soil tests confirmed my suspicion that the BAREC soil tests were too shallow and that they were not showing the real picture of BAREC's soil contamination. A major finding was that in all three test sites Dieldrin was found to be 4 to 6 times greater than what the Environmental Protection Agency (EPA) allows as safe. The State took 60 soil tests on the property and only one came out at the same order of magnitude as our independent testing found in three out of three samples.

All this information was given in writing to the City Council. Last Summer there was 6 hours of BAREC public comment including for the first time the sad cancer stories from neighbors. The City Council deliberated for 15 minutes and then voted unanimously at 2:15 a.m. to approve the State's soil testing and clean-up proposal, the Final EIR, and the BAREC housing proposal which removed the agriculturally zoned status for the 17 acres. In so doing the City Council demonstrated again that it would not listen to its citizens is unconcerned about their health.

This Fall three people from the State's DTS came to test the three private gardens to ensure the accuracy of our independent soil tests. They arrived with the wrong equipment and inexperienced labor. In six hours they dug only one 18 inch hole. A neighbor who lives adjacent to BAREC and is a contractor loaned them his equipment and helped them dig the hole. This was when I discovered that the State's 6 inch test could actually be 0 inches. Although they told us they would return to finish the testing, they never did. Now I am sure I cannot trust the State to clean up the BAREC soil safely.

The cover stories in the October 21, 2007, issue of the "San Jose Mercury News" titled "Valley's Hidden Pesticide Risk" and "How Santana Row Developer Handled Cleanup of Property" discussed the old pesticides lingering in our Valley's agricultural soils. It listed BAREC as a "Large Pesticide Site" and wrote about the serious pesticide rules for Santana Row. Because of the Santana Row's pesticide contamination, the State's DTS placed more than a dozen deed restrictions on the site. These included no housing on the ground floor and protective pavement that could not be disturbed and also must be under all children's play areas. Santana Row was formerly only a pear orchard. Even though BAREC was a research site for many kinds of chemicals, the State's DTS made no such stiff requirements for the BAREC property. How can a pear orchard have more pesticides than an agricultural pesticide research site? Is it a conflict of interest to have the same organization (in this case the State) which owns the land also testing it and cleaning it up? The City Council, however, unanimously voted to endorse whatever the State wants and does.

Hopefully, these stories will help the citizens of the City of Santa Clara understand some of the soil pesticide issues surrounding Measures A and B. BAREC is public land. As such the public owns it. We have the right to tell our elected officials what is best for our land. A NO vote on Measures A and B will tell the City Council that Santa Clara City citizens want the soil tested and cleaned correctly and will force the Council to listen to other possibilities for BAREC.

It is my opinion that the BAREC soil should be cleaned biologically for this particular pesticide research site. This will bring a new and much needed environmental business into the Valley. This business alone could generate far more money for the City than the \$75,000 per year property tax revenue the developer claims will come from the 17 acres of housing the City Council has approved. It would help anyone who currently lives on former agricultural land learn how to inexpensively clean their soil. This is the kind of big picture future thinking which the Santa Clara City Council should be doing. By doing so they would be creating a healthier environment and an economically richer city. This is especially important if seniors live on the property. It would also demonstrate Santa Clara's far-sighted environmental leadership and its desire to make its citizens safe.