

**NAVAL AIR STATION (NAS) ALAMEDA RESTORATION ADVISORY BOARD
MEETING SUMMARY**

Building 1, Suite #140, Community Conference Room
Alameda Point
Alameda, California

Tuesday, 4 April 2000

ATTENDEES:

See the attached list.

MEETING SUMMARY

I. Approval of Minutes

Mary Sutter, Community Co-chair, commenced the meeting at 6:40 p.m. She called for changes to the March minutes. Mary Rose Cassa, Department of Toxic Substances Control (DTSC), noted that the last sentence on page 13 should be amended to read: "Mr. Job stated that the Board will exercise joint and several liability as well." Ms. Sutter moved to approve the March minutes as amended; all were in favor.

II. Co-chair Announcements

Ms. Sutter announced that Tony Dover has an excused absence. She distributed the following documents for the RAB's review: letters from Patrick Lynch and Phillip Ramsey, Environmental Protection Agency (EPA), to Michael McClelland, Navy Co-chair, on the Marsh Crust Time Critical Removal Action; Notice of Public Comment Period on the Removal Action (RA) Work Plan on East Housing (Parcels 170 and 171); DTSC's Request for Public Comment on the RA Work Plan regarding the Negative Declaration for the marsh crust; Draft Report for the Surfactant Enhanced Dense Nonaqueous Phase Liquids (DNAPL) Removal Treatability Study; EPA comments on the Draft Site 13 Emulsion Recycling Treatability Study Report; North Village Estuary Park Environmental Update to residents; and Steam Enhanced Extraction at Site 5. She noted that regulatory comments indicated that the DNAPL report was not as positive as initially described. The documents were returned to her at the end of the meeting.

Ms. Sutter announced that Earth Day will be held on 22 April, during which she will man a booth at the *USS Hornet* on behalf of the RAB. She asked to meet with the Community Outreach focus group to discuss RAB participation.

r. McClelland announced that Michael Bloom, Lead Remedial Project Manager (RPM), will work out a new schedule that ties in with the FFA schedule. Rick Weissenborn, Greg Lorton and Glenna Clark are the new RPMs for Alameda Point. Comments were received on the East Housing Action Memo from Clearwater Revival, EPA and DTSC. The Navy's responses and the Finding of Suitability to Transfer (FOST) will be signed by the end of the week.

Steve Edde, Environmental Liaison, announced that Lisa Fasano, Public Affairs Officer and Community Relations, has accepted a position with EPA; 21 April will be her last day. Doug DeHaan inquired if her position will be filled. Mr. Edde replied that it may be filled. Mr. McClelland announced that Darlene Robbins has left Gutierrez-Palmenberg Inc. (GPI) to take a position in Washington, D.C. This is Barry Robbins' last RAB meeting.

III. Petroleum Program

Brad Job, Regional Water Quality Control Board (RWQCB), gave an update on the petroleum program. He distributed a handout that will be included in the monthly mailing. Mr. Job explained that petroleum cleanup began when problems with the underground storage tanks (USTs) were identified in the early to mid-1980s. The solvent tanks in Silicon Valley resulted in the highest density of Superfund sites in the entire United States.

In the late 1980s, increased gas tax was used to fund cleanup of private sites. As the initial cleanup costs exceeded the benefits, the state relaxed the petroleum cleanup requirements in consideration of natural attenuation. The UST program was brought back to life by large releases of methyl tertiary butyl ether (MTBE), a gas additive that impacted municipal wells in the late 1990s.

Mr. Job explained that total petroleum hydrocarbons (TPH) is a complex mixture of petroleum compounds. There is a lot of information on benzene, toluene, ethylbenzene, and xylene (BTEX) compounds. Separate phase hydrocarbons are also referred to as free or floating product; it is an oily phase liquid. An aqueous or dissolved phase refers to petroleum compounds that are dissolved in water.

Mr. Job stated that a release is caused by an overflow or a leaking tank. It floats on top of the groundwater, which moves up and down and causes the product to smear. This results in a dissolved plume that migrates further downward. The natural attenuation process refers to indigenous bacteria breaking down the petroleum.

In 1995, the following criteria for a "low risk site" were established in order to address the high risk sites: primary (tank) and secondary sources (separate phase hydrocarbon and floating product) have been removed; the site has been adequately characterized (horizontal and vertical

delineation); no sensitive receptors (wells and the Bay) are currently being impacted; no significant human health or ecological risks; and the dissolved plume is not migrating.

Gasoline is comprised of 150 to 200 different chemicals, of which there is little toxicity information. Because it is difficult to quantify the health risks of such a diverse set of mixtures, the risk assessment evaluates the most toxic chemicals, such as BTEX and polycyclic aromatic hydrocarbons (PAHs). There is enough evidence that the remaining chemicals are not drivers in the risk process given that benzene is 10 percent of gasoline. If an identified risk from benzene is cleaned up, it will likely clean up the risk of many other chemicals.

Mr. Job enumerated several reasons for petroleum cleanup. There are human health risks caused by BTEX and PAHs as well as ecological risks. Ecological risks include those caused by toxicity from a plume migrating into the Bay, or by bioaccumulation of PAHs. Bioaccumulation may cause harm to an organism as well as its predator. Accumulation of explosive vapors (such as gasoline and methane) causes safety concerns, such as the explosive conditions that occurred in Petaluma and Guadalajara. In addition, rotting petroleum results in methane. On a site located on the opposite side of the Oakland inner harbor, about 87 percent of the lower explosive limit of methane is in subsurface structures. One hundred percent of the limit can cause an explosion. Finally, the accumulation of petroleum is a nuisance for various reasons: accumulation in utility vaults, aesthetics, odors, and soil disposal/management.

There are several reasons not to clean up petroleum. It biodegrades readily under the following conditions: must be in dissolved phase; heavier compounds (bunker fuel plume) go slower than light compounds (gasoline plume); and substituted compounds go slower than simple hydrocarbons. Another reason not to clean up is that petroleum does not biomagnify. This means that unlike mercury, polychlorinated biphenyls (PCBs), or DDT, all of which tend to worsen as they move up trophic levels in the food web, most organisms have enzymes that can render benzene rings harmless within the organism. Finally, petroleum can actually aid the biodegradation of chlorinated hydrocarbons. This is because petroleum feeds the bacteria that will eventually eat the chlorinated hydrocarbons, which are worse actors.

Mr. Job gave a brief status summary. The data gap investigation work plan is in process. Piezometers will be installed to determine if there are any separate phase hydrocarbons. Water samples will also be taken. A corrective action plan will identify sites for remediation, as well as those for which natural attenuation is determined to be the best course. The UST tracking database is undergoing quality assurance and quality control; it will be accessible to the public. There will be about 40 case closures for "low risk" sites.

Mr. Job has submitted his comments on the Fuel Hydrocarbon Modeling Report; he is awaiting the Navy's response. The Board is awaiting the draft Data Gap Investigation Work Plan. He noted that collaborative efforts have improved between the Navy and the Water Board. The data gap sampling will entail the following steps: determine if separate phase petroleum is present at

sites; evaluate loading to storm drains; and collect additional soil and groundwater samples where necessary. According to the California Health and Safety Code, any recoverable separate phase hydrocarbon must be cleaned up. With regard to plumes, the Board established a 1.4 milligrams per liter (mg/L) cleanup goal for TPH, gas, motor oil, and diesel.

Mr. Job commended the recent modeling study conducted by the Navy's contractors to evaluate two plumes. The Water Board and the Navy are trying to resolve disagreements on items such as biodegradation rates. Every other petroleum site in the program has undergone quarterly or semi-annual monitoring since being placed in the program. As many of the sites at the base have not undergone the same routine ongoing monitoring, there is no statistically robust data set with which to validate the models. It is therefore necessary to implement a routine, strategically designed groundwater monitoring program.

Mr. Job enumerated the cleanup recommendations: emphasize the removal of separate phase hydrocarbons; discourage excavation and disposal option except when human health is a concern; and MTBE is not anticipated to be a major consideration given the dates of operation and the fuel types. He noted that in situ methods have advanced quite a bit and are more effective, less costly, and cause less disruptions than digging up contamination and transporting it from one location to another. Given that MTBE concentrations of gasoline were pumped up a couple of years ago and the base gas station was not operating during this period, it is unlikely that MTBE will drive up remedial decisions.

Jo-Lynne Lee asked if the report includes a map of the petroleum locations. Mr. Job replied that the final draft will be issued within one or two weeks; it includes a 48- by 36-inch map. The map shows each individual site and the proposed sampling locations. Lyn Stirewalt asked as to the relationship between the petroleum program and the steam extraction experiment. Mr. Job replied that there is no direct relationship between the two, although steam extraction was applied to the light nonaqueous phase liquid (LNAPL), which is what petroleum generally tends to be. Chlorinated solvents tend to be more dense in water and are referred to as DNAPL. He noted that extraction will effectively remove the LNAPL without the steam and is less expensive. In contrast, DNAPL would be more difficult to remove as it is beneath the water table.

In response to Ms. Stirewalt's inquiry, Mr. Job replied that chlorinated hydrocarbon falls under the Comprehensive Environmental Restoration Compensation and Liability Act (CERCLA) and is outside of the Water Board's purview. Petroleum is relegated only to the Water Board, although DTSC can become involved with regard to benzene, PAHs or other such chemicals that cause excessive health risks. In response to Ken Kloc's inquiry, Mr. Job stated that lead must be sampled in the event of a gasoline release. Lead concentrations are rarely found to be a problem due to low concentrations. In response Mr. Kloc's inquiry, Mr. Job replied that the Water Board regulations deal with total, not organic, lead.

In response to Ms. Sutter's inquiry, Mr. Job clarified the distinction between bioaccumulation and biomagnification. He explained that if an individual ate a diet rich in barbecued food, PAHs will bioaccumulate in that individual's fat tissue. On the other hand, biomagnification refers to accumulation in two to three steps up the trophic level, such as an individual who consumes 20 organisms, all of which ingested PAHs. Mercury, PCBs, and DDT are examples of troubling biomagnifiers.

IV. Early Transfer Process

Mr. McClelland introduced Dennis Kelly, Dynamac Corporation. Mr. Kelly worked at Mare Island, Naval Air Station (NAS) Alameda, and Treasure Island prior to his retirement from the Navy. Dynamac is subcontracted to Southwest Division to deal with early transfer privatization in California. Mr. Kelly gave the following presentation on the early transfer process from a business perspective; he distributed a handout that will be included in the monthly mailing.

Mr. Kelly explained that the Department of Defense's incentive (DoD) for early transfer was to reduce operating costs of facilities that are no longer needed; significant savings have been generated to date. Once the decision is made to close the base, the mission ceases and layoffs result in a large initial savings. Environmental cleanup leads to additional savings as a result of disposing of the property. He recalled that in 1993, the federal coffers were filled with the proceeds of real estate sales that resulted from such transfers. Mr. Kelly explained that when the base is closed, it enters an environmental cleanup mode, after which nothing transpires. There was a major initiative to change this process.

Mr. Kelly noted that to date, six major conveyances of bases have transpired; 32 remain. The Navy's objective is to convey 91 bases. He commented that the transfer process is more complicated than a three-step (close, clean, and convey) process. There are several ways to achieve transfer: concurrent leasing and cleanup prior to conveyance; concurrent leasing and cleanup prior to conveyance and redevelopment; leasing that is concurrent with cleanup, conveyance, redevelopment, and reuse; and lease in furtherance of conveyance that is concurrent with cleanup and redevelopment prior to conveyance and reuse.

There are various ways to conduct early transfer. As an example, the Navy has entered into a fixed-price cleanup contract for the Charleston Naval Shipyard which is similar to NAS Alameda. The Navy learned some important lessons from the Brownfields (contaminated inner-city industrial properties): mesh the development with existing environmental conditions; cleanup and construction should be concurrent; and the cleanup levels should be based on intended reuse.

Mr. Kelly stated that the integration of cleanup with redevelopment results in significant savings as was the situation with the Port of Oakland. With the integrated approach, new owners can

cess the property years earlier which results in new jobs. This was supported by both EPA and DTSC. The idea is to associate cleanup with redevelopment costs. There are tax advantages to the private party conducting the cleanup, and there is an option to transfer the deed early. At the Port of Oakland, concurrent redevelopment and cleanup were parallel with reuse. This resulted in new jobs, tax advantages, and revenues.

Mr. Kelly stated that the timing is right for early transfer. He enumerated some of the reasons: Department of Defense (DoD)/EPA/DTSC policy is in place; funding is available; investors are increasingly interested; the real estate market is "very hot"; strong economy; tools are now available; and a prototype is available as well. The Local Reuse Authority (LRA) can achieve the same leverage with world-class master developers; innovative environmental contractors; financial backers and insurance.

An early transfer would get the deed in the LRA's hands, resulting in: obtaining longer term commitments from developers; obtaining financing; moving the property onto local tax rolls; creating real estate revenues and entitlements; and obtaining funds for the larger infrastructure development. It also allows the developer and the regulators to resolve environmental issues and removes Navy involvement in the leasing process. Early transfer gives the LRA full discretion on land-use decisions. This is because once the National Environmental Policy Act (NEPA) has been completed, the government has satisfied its obligation. Any subsequent land use decisions will be subject to local law, or the California Environmental Quality Act (CEQA).

Mr. Kelly explained that early transfer can be achieved in two ways. The first option is when the LRA takes the property with an Environmental Services Cooperative Agreement. The budgeteers are more apt to prioritize funds for cleanup when the Navy is in a fixed-pricing cooperative agreement with the community. In response to Ms. Stirewalt's inquiry, Mr. Kelly explained that it is up to the community to put in place an entity who will be responsible for the cleanup. This entity has to have sufficient business interest in the cleanup such that it is willing to indemnify the City.

Funds must be sufficient to cover the engineering studies, the actual cleanup, cost-cap insurance (protects the community against overages), liability insurance (includes unforeseen contaminants), regulator costs, administrative costs, and monitoring. The second option is when the LRA accepts the property and the Navy retains environmental responsibility.

An early transfer must be approved by the governor. In the case of an NPL site such as NAS Alameda, it must be approved by the EPA. Both parties must be convinced that early transfer will not impact the cleanup. That there is insufficient data to define the extent and magnitude of contamination is a typical concern. However, the data can be considered to be sufficient if a reputable insurer is willing to cover the cost of cleanup and overruns. If no company is willing to accept the risk, the data is probably insufficient.

Another concern pertains to whether or not the data is sufficient to quantify the remaining cleanup costs. The data can be considered to be sufficient if the LRA is able to obtain cost cap insurance. For example, a major environmental consulting firm entered into a "guaranteed fixed-price" contract for the Charleston naval base. The consulting firm would not have entered into such an agreement without being confident of the projected cleanup cost.

Yet another concern pertains to the risks associated with accepting an early transfer. There are few such risks, given the way that the deals are structured. With the cooperative agreement, the LRA's costs are covered. Insurance provides added protections against cost overruns. The federal government is required by CERCLA to return if the remedy fails.

Ms. Lee asked as to the purpose of insurance, given the protections under CERCLA. Mr. Kelly replied that cost-cap insurance covers the additional cost if a company underestimates the cleanup cost. The liability insurance covers costs when a selected remedy does not work. The Navy may select a remedy, or allocate funds to the City so that the City can select a remedy. In the latter case, the City is responsible in the event that a remedy proves to be ineffective. Ken Kloc inquired as to who pays for the insurance. Mr. Kelly replied that the bid includes the cost for insurance.

Ms. Lee noted that the Navy is responsible for "undisclosed conditions," rather than for "unforeseen problems," as noted on page 19 of the handout; Mr. Kelly acknowledged this distinction.

Mr. Job asked who will be held responsible in the event that contaminated soil is discovered on newly-developed property. Mr. Kelly replied that the Navy will be responsible for the contamination that it caused. He acknowledged that part of the process entails the City's being aware that it may be sued, adding that there may also be discussion in the future about which entity really caused the contamination. These are risks associated with an early transfer.

Early transfer will not be effective if unrealistic expectations exist. It can only be achieved with the support of all parties involved, and it must be within the Navy's budget. The purpose of cleanup is not necessarily to haul dirt away, but to meet the CERCLA requirement that ensures protection of human health and the environment. The environmental standards must be appropriate with respect to the planned use. This is significant in that the DoD/Navy policy is to clean up to the level specified in the reuse plan, if practicable.

In order to approve an early transfer for a site not listed in the National Priorities List (NPL), the governor must come up with the following four findings: 1) the property must be suitable for transfer for the intended use that is consistent with the protection of public health and environment; 2) the deed must contain the assurances in 42 U.S.C. paragraph 9620 (h) (3) (c) (ii), which provides that the government must return if "unforeseens" are found; 3) 30-day public notice requirements; and 4) that the deferral and transfer of property will not substantially

delay the cleanup. The governor solicits advice from EPA and DTSC with respect to the transfer's ability to comply with the existing schedule. DoD and EPA issue the regulations for non-NPL sites; EPA issues the regulations for NPL sites.

The Navy benefits from early transfer for the following reasons: the property is removed from the Navy's inventory; Navy participation in redevelopment is removed; budgeteers favor a fixed-price buy-out; and extended government administrative costs are reduced.

Mr. McClelland asked as to the Navy's estimated costs and award granted for the Charleston naval base. Mr. Kelly replied that he does not have that information. Mr. McClelland noted that the fixed-price remediation was substantially lower than the Navy estimate, which included the cost for the insurance and guaranteed cleanup. Daniel Zerga inquired as to how many bids were received. Mr. Kelly replied that he does not know, although there was a strong response from interested parties. Mr. Job commented that the fixed-price method has been implemented quite a bit on a variety of sites. He noted that the size of the site is a contributing factor.

Ms. Sutter asked as to community involvement in the early transfer process. Mr. McClelland replied that CERCLA provides for community involvement. Mr. Ramsey commented that the FISC-Oakland RAB was dissolved subsequent to the completion of early transfer. Mr. Kelly added that if the Navy does the cleanup, RAB participation remains the same. If the community does the cleanup, it is responsible for ensuring public participation.

In response to Mr. DeHaan's inquiry, Mr. Kelly stated that the Navy will do the cleanup for the FISC. Mr. Job pointed out that coming to a mutually-agreed upon remediation process is extremely difficult; there could be a large gap between estimates for the same project.

Ms. Stirewalt noted that the base may be purchased parcel by parcel with separate private agreements. Mr. Kelly replied that this is likely. There is currently no such discussion about the LRA doing the cleanup. In response to Ms. Stirewalt's inquiry, Mr. McClelland explained that the East housing is covered by the marsh crust Action Memo and covenant between DTSC and the City of Alameda. At present, the City has not accepted responsibility for the cleanup. He noted that transfer under a Finding of Suitability to Transfer (FOST) is pending for some "clean" portions.

In response to Ms. Stirewalt's inquiry, Mr. Kelly stated that the Navy will only deal with the property recipient. In Alameda, that is the Alameda Reuse and Redevelopment Authority (ARRA). The Navy will not enter into a fixed-price agreement with private developers. Typically, cities will not enter into any deal with the Navy until they have such an agreement in place with the developer to protect themselves.

Mr. Lee requested a follow-up from the City. Dina Tasini, City of Alameda, suggested a presentation from Dave Berger, Deputy City Manager, and/or Jeff Bond, City of Alameda. Ms.

Tasini can be reached at (510) 749-5922.

V. Marsh Crust Ordinance Resolution

Ms. Sutter distributed a copy of the resolution written by herself, Mr. Kloc, Mr. Leach, and Michael John Torrey. The resolution is the RAB's comment on the ordinance that has been set as an institutional control (IC) for the former naval air station. The resolution suggests that if excavations find marsh crust during an excavation, something must be done about it. Mr. Kloc commented that the sampling costs are being transferred into the future to individual citizens. The resolution recommends that the Navy help to defray the cost of the ICs. There is a concern that the City will be the party most likely to excavate within the marsh crust, although the City is not required to obtain a permit. The RAB suggests that DTSC cosign on the permit. Ms. Sutter asked for comments on the resolution.

Ms. Tasini stated that both the City and its contractors are required to take out permits and to follow the excavation ordinance. Mr. Leach asked who checks the City; Ms. Tasini replied that they check themselves. He noted that the City is self-policing. Kurt Peterson asked as to the guidelines required to take out a mile-long stretch of sewer. Ms. Tasini replied that the City must submit a plan for review and approval according to the excavation ordinance. She added that the map of the marsh crust will change as additional data is received.

Mr. Peterson asked if the excavation ordinance refers to the marsh crust. Ms. Tasini replied that it basically refers to the excavation. Ms. Lee suggested that language be added to ensure that the ordinance is applicable to the City of Alameda and its agencies. Mr. Leach commented that there are no provisions for layering. He originally suggested that DTSC, or even the County of Alameda, receive duplicate permit applications. He explained that just because another entity checks the City's work, it does not mean that the City is not trusted. He added that the level of training, at times, is directly proportionate to the level of adherence to regulations.

Ms. Stirewalt commented that Mr. Kelly's presentation did not indicate that regulatory oversight would cease in the event of an early transfer. Mr. Job explained that oversight does not necessarily cease. He clarified that within the RWQCB, no one is available to review excavation permits. The RWQCB will remain until cleanup is completed, but it is not within the purview of the Water Board to oversee continuous monitoring and excavation on the facility. Ms. Stirewalt replied, and Ms. Cassa confirmed, that all entities are subject to regulatory spot checks to ensure compliance.

Mr. Leach commented that previously, if a house was not built up to code, the City charged the cost of having an independent engineer check the calculations and plans. Building permits were previously granted at a nominal cost. Mr. Leach stated that prior to excavation, compaction tests are done to ensure 95-percent density. He suggested that the cost of the permit be used to fund

regulatory oversight. Mr. Job acknowledged this as a good mechanism; however, the Water Board does not have the legislative authority to charge the cost.

Mr. Peterson asked as to the procedure in the event of a problem with a sewer line. Ms. Tasini replied that the ordinance includes emergency provisions for such situations. Mr. Job added that the City of San Francisco's Maher Ordinance requires similar types of soil testing when transferring property. He added that other cities have implemented this type of ordinance before, and that it is not a new tool. Ms. Lee commented that it is unrealistic to recommend what is already required. She reiterated her suggestion that language be added to require the City's compliance with the ordinance. Mr. Leach suggested that DTSC do the annual review. Dianne Behm suggested a compliance workshop for the employees of the City and its contractors.

Mr. Kloc suggested that the RAB vote on the resolution. Given the RAB's monthly meetings, forestalling discussion and voting until the next meeting may no longer be timely. Ms. Stirewalt proposed a friendly amendment to separate the recommendations and then to directly petition the regulators to take a more proactive approach to ensure the City's compliance with the ordinance. She hopes that the City does not dismiss the allegation that the crust contamination was inadequately characterized. She added that if the FOST did not occur and the Navy proceeded to do the cleanup, the RAB would expect regulatory involvement as usual. Ms. Sutter noted that she added a provision assuring that the ordinance covers the City of Alameda and its utilities. The friendly amendment was approved. Ms. Lee made a motion to approve the resolution as drafted; all were in favor, none were opposed, none abstained.

In light of the time, Ms. Sutter stated that the Project Team Round Table agenda item would be carried over to the next RAB meeting. Ms. Lee stated that the EBS focus group meeting will be held from 6:00 p.m. to 8:00 p.m. on Thursday, 6 April, in the large conference room on the second floor of Building 1.

VI. BCT Activities

Mr. McClelland gave a brief update on the BCT activities. The regular meeting was held on 21 March, during which the new RPMs, Rick Weisenborn and Greg Lorton, were introduced. There was a presentation by the Sediments Working Group (SWG); this will be a standing item in the next few months. The status of the Federal Facilities Agreement (FFA) was discussed; the Alameda FFA will be based the Concord Naval Weapons Station FFA. According to Anna-Marie Cook, EPA, the EPA has resolved issues and is ready to sign the FFA. The FFA will put in place enforceable schedules on the Navy and the regulators. There was also a discussion by the state on PAHs.

Mr. Kloc stated that he sent his comments to the BCT regarding the FFA; a copy will be included in the minutes. He noted that the RAB should be included when setting the frequency

of RAB meetings. He also suggested some language changes in the Concord FFA.

Mr. McClelland stated that Michael Bloom, the new lead RPM, met with the BCT on 28 March. BCT expectations and schedules were discussed. There will be a meeting later in April to discuss the Navy's proposed schedules that will tie in with the FFA schedules. On 4 April, the BCT met to discuss Sites 6, 14, 15, and 16 for pending data gap sampling. The Navy is working with the regulators on the sampling design approach, which will go to the BCT for review later in April. Sampling will begin in June.

VII. Community and RAB Comment Period

In response to Mr. Peterson's inquiry, Mr. Ramsey stated that the EPA has no authority over the east housing, as it is excluded from the NPL. EPA was providing comments because the Navy is using a CERCLA process that entailed a time-critical removal action and an Action Memo. The EPA and the Navy are also discussing different types of decision documents that will be applied to different sites. The EPA is using the east housing situation to convey their rationale for how they apply CERCLA requirements.

Ms. Cassa stated that the time-critical removal action is not the vehicle that is available to the state. The state's removal action work plan is available to determine the final remedy for projects that cost less than one million dollars. This work plan carries the same level of regulatory decision as a remedial action plan and for most purposes, a remedial action plan is equivalent to a CERCLA Record of Decision (ROD). The Navy used the term "time-critical" to address funding issues, implementing this vehicle many times although it was questionable whether or not it was truly a time-critical issue.

Ms. Lee inquired why a time-critical removal action was implemented. Ms. Cassa stated that it seemed that the Navy felt that it is similar to the state's method, and that it may have been perceived to be faster than the ROD process. In addition, the Navy was attempting to meet the City's time constraints with respect to obtaining the title to the land; DTSC didn't make the deadline. Mr. Peterson expressed his concern for the rush on the part of both the City and Navy to complete the transaction. He added that he would think that the regulators are trying to ensure that the remedy is done adequately.

Mr. Ramsey replied that the regulators agree to the ICs as the desired remedy. The debate is over what vehicle this should be documented in; the time-critical removal action is felt to be inappropriate.

Mr. McClelland explained that the time-criticality pertained to an agreement between the City and the Navy to transfer the property in the east housing area by the end of March. At this point, transfer is projected for May. The objective behind the time-criticality is to get Catellus in to do

ome demolitions during this construction season to allow the actual construction work to begin the following season. According to the EPA guidance, an Action Memo is an acceptable decision document.

Mr. McClelland noted that EPA's main concern is that rather than instituting a remedy, the Navy is putting in ICs. He explained that the EPA does not want this to be a normal method of operations with regard to cleanup. The Navy does not plan to use this vehicle again; it was used to facilitate transfer to allow the City to institute its reuse plan. This time-critical removal action was not driven by the contamination. In response to Mr. Peterson's comment, Mr. McClelland stated that Mr. Ramsey has confirmed that ICs are the accepted remedy; it has not yet gone into the ROD. Mr. Kloc commented that the chosen remedy is not necessary acceptable to the community.

Ms. Stirewalt commented that the City, Navy, developers, and regulators are all equivalent to big businesses which operate in a bureaucratic fashion. This is a critical time for the community to provide oversight as there will be tremendous pressure to complete the transaction as quickly and as cheaply as possible. Mr. Kloc encouraged attendees to review and comment on the remedial action work plan and the negative declaration. Ms. Cassa noted that in ideal circumstances, the two documents would have circulated concurrently, and the ROD would have been completed. Mr. McClelland pointed out that the rest of the Alameda Point and the affected parts of the Annex will proceed to the feasibility study (FS), proposed plan and ROD. It will be in place by August 2000. He noted that the time-critical removal action only covers the east housing.

In light of time-sensitive issues, Mr. Peterson suggested that a subgroup be designated to attend ARRA meetings in order to update the RAB in a timely manner. Ardella Dailey stated that ARRA meets on the first Wednesday of each month at 5:30 p.m. A community member suggested that a focus group be formed to discuss reuse plans.

Mr. Torrey welcomed Lieutenant Commander Mike Petouhoff who served as the BEC at the inception of the RAB in April 1994.

Mr. McClelland suggested that the July meeting be rescheduled as it falls on 4 July.

Ms. Sutter adjourned the meeting at 8:58 p.m.

The next Restoration Advisory Board Meeting will be held at 6:30 p.m. on Tuesday, 2 May 2000, in Building 1, 1st floor, Suite #140, Community Conference Room, Alameda Point.

ATTACHMENT – LIST OF ATTENDEES

**RESTORATION ADVISORY BOARD
MEETING SUMMARY**

**THE ABOVE IDENTIFIED ATTACHMENT IS NOT
AVAILABLE.**

**EXTENSIVE RESEARCH WAS PERFORMED BY
SOUTHWEST DIVISION TO LOCATE THIS
ATTACHMENT. THIS PAGE HAS BEEN INSERTED
AS A PLACEHOLDER AND WILL BE REPLACED
SHOULD THE MISSING ITEM BE LOCATED.**

QUESTIONS MAY BE DIRECTED TO:

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