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ALAMEDA NAVAL AIR STATION AND FISC ANNEX

6

PUBLIC MEETING

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950 WEST MALL SQUARE, BUILDING 1

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ALAMEDA, CALIFORNIA

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THURSDAY, JUNE 29, 2000

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7:00 - 9:00 P.M.

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A P P E A R A N C E S

GINA BARTLETT

STEVE EDDE

MARK REISING

LOU OCAMPO

CORINNE CRAWLEY

MARY ROSE CASSA

BRAD JOB

PHILLIP RAMSEY

DAVID COOPER

ANNA-MARIE COOK

MIKE QUILLIN

JOAN KONRAD

MARY SUTTER

MARTI BUXTON

PATRICIA RYAN

## P R O C E E D I N G S

--oOo--

1  
2  
3 MR. STEVE EDDE: Okay. I think it's time we  
4 get started. It's about 20 minutes after the  
5 scheduled start time, but we were kind of holding  
6 off because we thought maybe some more folks from  
7 the community would show up. What I think we'll do  
8 is sort of take an abbreviated approach to tonight's  
9 event. We have three members from the public and  
10 they are informed members here tonight -- oh, now we  
11 have four.

12 So you all picked up the documents on the  
13 table, or you already have copies of them, and I'm  
14 sure you've already read them -- or at least the  
15 people who are here tonight. And so I think what  
16 we'll do is a little abbreviated version of the  
17 agenda.

18 I've got a presentation worked up that takes  
19 about 15 minutes or so, but I'll sort of skip over  
20 that and just go right into introductions. So I'll  
21 let everybody introduce themselves, and then we'll  
22 open it up for questions, and then if anybody wants  
23 to make any formal comments, we'll go from there.

24 Does anybody have any objection to that?

25 (No objections.)

1 MS. GINA BARTLETT: Would you like to hear  
2 the presentation? Would anyone like to hear it?

3 (No response.)

4 MS. GINA BARTLETT: Okay. That's fine.

5 MR. STEVE EDDE: You've probably heard much  
6 of this in the past, but we have to ask. And we've  
7 got tons of visual aids to go around for people to  
8 look at, and I've got plenty of maps right here  
9 (indicating).

10 Let me start. My name is Steve Edde, and  
11 I'm the Navy's environmental liaison for both  
12 Alameda Point and the Annex, the Naval Air Station,  
13 The Alameda Annex, and those are the two places  
14 we're meeting and talking about here tonight.

15 I've been here 31 years, and my office is  
16 just above this conference room upstairs. So I am  
17 the local point-of-contact. I just want to say one  
18 key thing. On both the agenda and comment sheets,  
19 my phone number is at the bottom of that, and on the  
20 back of the agenda is my name and phone number. And  
21 in the proposed plan and in the newspaper articles,  
22 it had the phone number of Mike McClelland. I'm  
23 really sitting in for him tonight. He's the BRAC  
24 environmental coordinator, which I used to be up  
25 until the first of the year for Alameda.

1           So I just want to make sure everybody has my  
2 phone number. And if you've got a question, you  
3 don't have to call San Diego; you can call me here  
4 in Alameda.

5           Phillip, if you want to continue? We'll  
6 just go around the room.

7           MR. PHILLIP RAMSEY: Yeah. I'm Phillip  
8 Ramsey. I work with the United States Environmental  
9 Protection Agency. I'm an environmental scientist  
10 and project manager. I work on -- I've actually  
11 been with USEPA about ten years; five years I've  
12 spent in the BRAC program.

13           I'm relatively a newcomer to the Naval Air  
14 Station. I've been working on the site for about a  
15 year, and I share responsibilities with my coworker,  
16 sitting next to me.

17           MS. ANNA-MARIE COOK: I'm Anna-Marie Cook,  
18 and I also work for USEPA. I've been working for  
19 them for the last ten years as an environmental  
20 engineer. In the last five years, I've been working  
21 in the base cleanup program, and I've been working  
22 on NAS Alameda for four of those last five years.  
23 So I work as a project manager with Phillip on this  
24 program.

25           MR. BRAD JOB: My name is Brad Job, and I'm

1 with the Regional Water Quality Control Board. I'm  
2 an associate water quality resources engineer. I've  
3 been with the Board for about six years. I've been  
4 working at Alameda Point for about a year, and the  
5 Annex.

6 MS. MARY SUTTER: I'm Mary Sutter, and I am  
7 the current community co-Chair for the Alameda Point  
8 Restoration Advisory Board.

9 MR. DAVID COOPER: I'm David Cooper. I work  
10 for the U.S. Environmental Protection Agency. I'm  
11 the community development coordinator, and I've been  
12 working on the site for about 13 years.

13 MS. PATRICIA RYAN: I'm Patricia Ryan. I  
14 work for the Department of Toxic Substances Control,  
15 which is a state agency. I'm a public participation  
16 specialist. I've been with the Department since  
17 March and I've been to one RAB meeting.

18 I work in partnership with Mary Rose, and  
19 support the public participation aspect, and with --  
20 with the Navy to make sure all the rules and  
21 regulations that pertain to public participation get  
22 carried out.

23 MS. CORINNE CRAWLEY: I'm Corinne Crawley  
24 and I work with Tetra Tech. I'm a consultant to the  
25 Navy in connection with the Alameda Annex.

1 MR. STEVE EDDE: And the person who brought  
2 the delicious cookies and eclairs.

3 MS. MARTI BUXTON: I'm Marti Buxton, and I'm  
4 with Catellus. We're the developer of FISC Annex  
5 and also East Housing.

6 I have to apologize, one, for being late  
7 because I had another meeting, and, two, I have to  
8 go to a housing forum that's unfortunately also  
9 tonight. But I'll be happy to stay and answer any  
10 questions that I can.

11 But Mike Quillin, he's actually the Catellus  
12 consultant, and he really knows all of the technical  
13 stuff. So if there are any development questions,  
14 I'll be happy to answer those, and I apologize that  
15 I have this overlap, but there's just too many  
16 meetings and only one of me.

17 MR. MARK REISING: My name is Mark Reising.  
18 I'm a project manager with Tetra Tech. We're  
19 consultants for the Navy.

20 MR. MIKE QUILLIN: And I'm Mike Quillin with  
21 ERM, and as Marti indicated, we're environmental  
22 consultants with Catellus.

23 MS. MARY ROSE CASSA: I'm Mary Rose Cassa  
24 with the California Department Toxic Substances  
25 Control, and I'm the remedial project manager for

1 the Naval Air Station.

2 I've been with DTSC for about seven years,  
3 and I've been working on these projects for about  
4 three years.

5 MS. JOAN KONRAD: I'm Joan Konrad. I'm a  
6 public member of the FISC RAB.

7 MR. LOU OCAJMPO: I'm Lou Ocampo, and I'm  
8 the Navy's remedial project manager managing the  
9 cleanup program for six months now for the Annex.  
10 And before that I was the RPM, remedial project  
11 manager, on site.

12 MS. GINA BARTLETT: My name is Gina  
13 Bartlett, and I'm a consultant to the Navy. I'm a  
14 facilitator, and I do community relations work.

15 MR. STEVE EDDE: Okay. And in the corner,  
16 we have our court reporter. So everything we say  
17 tonight will be taken down, right?

18 THE REPORTER: Right.

19 MR. STEVE EDDE: Okay. Why are we here  
20 tonight? The reason we're here tonight -- I'll just  
21 give you a brief reason -- is that we have two  
22 documents that have recently been published. One is  
23 called the proposed plan.

24 Is there anyone here who hasn't seen the  
25 proposed plan?

1 (No response.)

2 MR. STEVE EDDE: Good. Everybody has  
3 probably read this.

4 This is essentially a six-page program that  
5 synthesizes the larger document, which is the draft  
6 Remedial Action Plan/Record of Decision.

7 Has anybody not seen this document yet?

8 This document is -- you haven't seen it,  
9 David? Well, we have it in the library, and anybody  
10 who would like to sign up for an extra copy of it,  
11 we'll have it mailed out to you.

12 But essentially what we're talking about are  
13 about 700 acres on the bases, both the Annex and the  
14 Naval Air Station. And this yellow on here  
15 represents the FISC Annex (indicating). It's about  
16 150 acres, a little less than that.

17 And then the part of the Naval Air Station  
18 that's covered by tonight's meeting is a little over  
19 500, 550 acres, and it includes everything that is  
20 within -- it's actually east of this pink line here  
21 (indicating), which is the border of the subtitle  
22 zone.

23 So Marsh Crust is in the marshlands -- the  
24 subtidal area is between the green line and pink  
25 line -- all of that space there is Marsh Crust.

1           The two decisions that we're looking at.  
2   One, for the Annex, is for Marsh Crust and shallow  
3   groundwater, and for Alameda Point, we're looking at  
4   Marsh Crust Subtidal area, and that's it. No  
5   groundwater issues there. So those are the only  
6   environmental issues being discussed tonight.

7           There are, as you all know, many IR sites  
8   within these boundaries. Those are going to have  
9   separate decision documents. There will be meetings  
10   in the future, just like this one, to cover those  
11   aspects of the cleanup.

12           So in this book, Remedial Action Plan/Record  
13   of Decision -- there will be a final copy of this  
14   coming out, and in the back of it will be the  
15   responsiveness summary, which will include any  
16   comments the public makes tonight with the Team's  
17   response to those comments.

18           So in here we have listed the alternatives,  
19   which I'll just show you quickly. You're probably  
20   familiar with these. There are four alternatives  
21   for the Marsh Crust, the former subtidal area.  
22   No action is included in every one.

23           Alternative number two, which is currently  
24   the preferred alternative, is for land use controls,  
25   and then we have off-site disposal of the soils, and

1 we have excavation and on-site treatment and  
2 reputting the soils back into the ground where they  
3 came from.

4           The preferred alternative at the present  
5 time is land use controls, and we have a consensus  
6 among the Team that that is the proposal at this  
7 point in time pending public comments. That might  
8 change when the final decision comes out.

9           The final -- the public comment period ends  
10 on the 20th of July, which I think we have up here.  
11 So it goes from June 20th to July 20th. After  
12 July 20th, then, the Team will be looking at all the  
13 comments and working up the answers.

14           And we have a target date. Our plan is to  
15 publish the final RAP/ROD by the end of July. So  
16 it's a rather aggressive schedule. But that's kind  
17 of it in a nutshell.

18           So I think we'll just do it kind of  
19 informally now and open it up to questions. If  
20 anybody has questions, or if anybody on the Team has  
21 questions, or if anybody wants to make a comment for  
22 the record, this is the time to do it.

23           Anybody like to say anything else? Did I  
24 miss something?

25           MR. MIKE QUILLIN: Do you want to go over

1 the groundwater one?

2 MR. STEVE EDDE: Yeah. The second issue  
3 that's being discussed tonight as a decision point  
4 is what to do about the shallow groundwater at this  
5 Annex, which means the yellow area only on the map.

6 And by shallow groundwater, we're talking  
7 about groundwater that exists, maybe, in some cases,  
8 during the seasonal fluctuations as close to the  
9 ground surface as within two feet, possibly, no more  
10 than 20 feet deep. So that any groundwater that's  
11 in that level there is what we're talking about.

12 And there are two alternatives: One, is no  
13 action; the other is land use controls, again, with  
14 groundwater monitoring. What that means is we will  
15 put in restrictions and covenants so that the water  
16 will not be brought up without certain people  
17 looking at it. And there really have to be permits  
18 issued to bring this water above ground. We're  
19 talking about chemicals that are concerned and being  
20 petroleum-related in the groundwater.

21 So any other questions?

22 Mike?

23 MR. MIKE QUILLIN: I notice for the former  
24 subtidal area, you have some remedial approaches  
25 that you addressed as alternatives, but you did not

1 for the shallow groundwater. Is that because it's  
2 been determined that that is not an underground  
3 source for drinking water?

4 What's the basis for that?

5 MR. STEVE EDDE: That's a very good  
6 question.

7 Yes. And that is exactly the answer. It is  
8 not a source of drinking water. The total dissolved  
9 solids are much too high for drinking in the water.  
10 So it has been determined that it is not a drinking  
11 water source, and drinking that water will be  
12 prohibited.

13 MR. MIKE QUILLIN: And I thought that was  
14 the answer, but I thought the public may want to  
15 know.

16 MR. STEVE EDDE: I thought you knew that.

17 Okay. Anything else?

18 All right. Mary?

19 MS. MARY SUTTER: I had seen the internal  
20 draft of that, so I haven't actually looked at this.  
21 So this is the official draft?

22 MR. STEVE EDDE: Yes, it is.

23 MS. MARY SUTTER: Which I haven't seen.

24 But one of the questions I had dealt with in  
25 the review requirement -- and it wasn't clear to me

1 whether there was a five-year review for 30 years.  
2 So, therefore, like a review that was going to  
3 happen every five years for 30 years, or one review  
4 in five years?

5 MR. STEVE EDDE: And you're talking now  
6 about the review of the --

7 MS. MARY SUTTER: I don't know.

8 MR. STEVE EDDE: Yeah.

9 MS. MARY SUTTER: Page 242 originally. And  
10 I think -- I can't remember what it was in.

11 It wasn't clear on the cost, what was going  
12 to happen. In the FS, it looked like it was going  
13 to happen every 30 years. There were going to be  
14 six reviews and the costs were in there for 30  
15 years. And this one has been in there for one  
16 five-year period and the cost went down. I couldn't  
17 figure that out.

18 MS. ANNA-MARIE COOK: Good eyes.

19 MR. PHILLIP RAMSEY: There is more than one  
20 five-year review for CERCLA remedies on contaminants  
21 that are left in place, or in this example, there's  
22 more than one five-year review for CERCLA.

23 MS. MARY SUTTER: Yeah. I guess it's  
24 unclear where it starts.

25 MR. STEVE EDDE: I think that's a good

1 point.

2 MS. MARY SUTTER: Because the description of  
3 the selected remedy on page 240 -- 241, I'm sorry.  
4 And it has estimated a five-year review cost, and it  
5 starts out small --

6 MR. STEVE EDDE: Uh-huh.

7 MS. MARY SUTTER: -- but it should have a  
8 cost in there for six reviews.

9 MR. STEVE EDDE: If in fact there are six  
10 reviews.

11 MS. MARY SUTTER: In fact, there are. The  
12 FS -- I went back and looked at the feasibility  
13 study that said there was going to be 30 years'  
14 worth of review.

15 MR. STEVE EDDE: Does anybody know the  
16 answer to that question?

17 MR. LOU OCAJMPO: I'll try, subject to  
18 correction.

19 I thought after the five-year review, if we  
20 found, or it was determined that the remedy is  
21 working, that is the end and the site would close  
22 up. That is my view.

23 MR. PHILLIP RAMSEY: That would be  
24 incorrect, Lou, because what happens -- I think, the  
25 basic concept is that if you left contamination in

1 place, the five-year continues until there's no  
2 longer contamination.

3           If you have a pump-and-treat-system, if  
4 you're pumping groundwater until you've achieved  
5 your cleanup standards, those five-year reviews  
6 occur, and I think the same would be for a site  
7 that's leaving contamination in place and you're  
8 using institutional controls. But those five-year  
9 reviews would occur until you're -- essentially they  
10 may go forever, I would think. Because, again, if  
11 you stop the reviews, what happens to the remedy?

12           Well, no one will know. So I don't think --  
13 a lot of us in EPA, you know, not a lot of people  
14 have gotten construction completions or a site that  
15 has been pump-and-treat. Everything has been done.  
16 So a lot of this is really new ground for a lot of  
17 people.

18           But my sense is that -- I don't even  
19 understand about a 30 years, because the concept is  
20 you're making sure that nothing has happened or  
21 contamination hasn't changed or hasn't migrated.  
22 You're assessing the remedies or are trying to  
23 achieve a certain cleanup standard, and until that's  
24 done, those are views continuing.

25           MR. STEVE EDDE: So that would apply to both

1 the decisions. I think what we ought to do is make  
2 this a formal comment period and answer it in the  
3 responsiveness of a summary.

4 MR. MIKE QUILLIN: And another point, the  
5 30 years is generally used as an engineering costing  
6 factor, because the net present value, you know,  
7 after 30 years, is essentially the same as it is at  
8 30 years.

9 MR. STEVE EDDE: Yeah, I agree with you,  
10 Mary. I read it, and it wasn't clear to me either.  
11 So that's a very good question, and I think we  
12 should put an answer in the responsiveness in the  
13 summary. A right answer.

14 Okay. Anything else?

15 MR. DAVID COOPER: It's not really a  
16 comment, but I just wanted to make sure everybody  
17 signs in. That's something we typically do in a  
18 meeting particularly for a comment period. That's  
19 part of the formal record too.

20 MR. STEVE EDDE: So is there anyone who  
21 didn't sign in?

22 Everybody signed in.

23 MR. DAVID COOPER: It's something that we  
24 should save.

25 MR. STEVE EDDE: Good idea. But these

1 people come to RAB meetings and they're so used to  
2 signing in.

3 MR. DAVID COOPER: They're all pros.

4 MR. STEVE EDDE: Joan, do you have anything?

5 MS. JOAN KONRAD: No. We've gone over this  
6 a number of times at the RAB meetings, and we had a  
7 lot of questions, and they were answered over a  
8 period of time. So I'm satisfied with the results,  
9 with the remediation.

10 MR. STEVE EDDE: Thank you for that comment.

11 MR. DAVID COOPER: Actually, you know, maybe  
12 for the record, since there is time, maybe you can  
13 talk a little bit about how the institutional  
14 control responsibility is going to be implemented.  
15 I mean, obviously, the Navy is not planning on  
16 having you work here another 30 years if these  
17 remedies are in place.

18 MR. STEVE EDDE: I don't want to do that.

19 MR. DAVID COOPER: Maybe you can talk about  
20 how the city is going to take over that and what,  
21 you know, their plans are for doing that.

22 MR. STEVE EDDE: Well, I can briefly say  
23 that under both scenarios, when we talk about the  
24 selected alternatives being land use controls, that  
25 there will be a covenant between the city and DTSC,

1 Department of Toxic Substance Control. And then  
2 that covenant will be carried on and followed with  
3 whoever the landowner is.

4           There will also be restrictions between the  
5 city and the U.S. Navy that'll run with the land as  
6 well. And in the case of the groundwater, it's the  
7 whole process of extracting groundwater from the  
8 ground is going to be subject to the covenant and  
9 subject to the deed restrictions.

10           And in the case of Marsh Crust, any  
11 excavation primarily would be related to more than  
12 likely large scale construction projects, because  
13 the depth to Marsh Crust in the yellow area,  
14 averages 15 feet below the ground surface, and in  
15 the Air Station part, about eight feet.

16           So digging, it might bring that  
17 contamination to the surface is what the main  
18 concern is, and also the construction workers who  
19 are dealing with it.

20           So did you want more than that, or is that  
21 enough?

22           MS. MARTI BUXTON: I don't know. From the  
23 developer's standpoint, it will work at least in the  
24 East Housing area that Cattelus is responsible for.  
25 Certainly, the land use controls for excavation, you

1 know, where we would expect to encounter it  
2 primarily would be in utility quarters, particularly  
3 ones that are quite deep, you know.

4 Mike can tell you after all the boring is  
5 done. Only once have we seen Marsh Crust, one  
6 boring, and that was one out of what, 60?

7 MR. MIKE QUILLIN: Something like that.

8 MS. MARTI BUXTON: Yeah. So the housing  
9 area -- the business park, for those of you who  
10 don't know, it's in the FISC area where sort of that  
11 long narrow area is, that's residential. But --  
12 well, actually, that's residential, but everything  
13 before that is business parks.

14 And we don't expect -- once we build the  
15 business park, it probably wouldn't have any further  
16 excavation, as a rule. So it would really be in  
17 utility quarters, particularly in the storm drain,  
18 because it's an extremely flat site. And so we've  
19 got a challenge of trying to put a prong (sic)  
20 instead of attempting to put a new storm drain out  
21 to the estuary.

22 We don't know. We're not sure how deep we  
23 have to go. It depends on the utility size of the  
24 pipe. But once that's done, it's done. You've  
25 built your Flextech Office buildings and all that,

1 R & D type of buildings.

2 But in the residential, theoretically, the  
3 homeowners, after we build it, could do swimming  
4 pools or hot tubs or something -- and Mike can speak  
5 to this better -- but we don't expect people to with  
6 that kind of depth. As Steve was saying, we don't  
7 expect people to. But they would be subject to the  
8 same controls through the ordinance that the  
9 developer would be. They have to assume it is all  
10 Marsh Crust, or you have to do some festing or --  
11 and then you have to encounter it, and dispose of it  
12 in the proper way.

13 But I think -- Mike, maybe you want to speak  
14 on this. We don't anticipate anybody doing a hot  
15 tub or swimming pool, theoretically.

16 MR. MIKE QUILLIN: In that residential area,  
17 we think Marsh Crust is greater than 10 feet deep,  
18 and given the shallow groundwater, that's not a very  
19 conducive environment for building a swimming pool  
20 anyway. I've seen swimming pools pop out of the  
21 ground in shallow groundwater. So I don't  
22 anticipate people would actually be doing that sort  
23 of thing.

24 But as Marti says, there has to be that  
25 assumption that there's contamination there. And if

1 you're going to dig down 10, 12 feet, you better be  
2 able to demonstrate, before you try to get rid of  
3 that soil, that it's not impacted.

4           So I think, in general, it's one of those  
5 things we won't have to deal with very much, because  
6 I don't think there's a realistic possibility that  
7 people would be digging that deep. But that would  
8 be the plan.

9           MS. MARTI BUXTON: And then on the  
10 groundwater, I would just say that in residential  
11 areas, in the inner Bay Area, people don't expect to  
12 do wells. And it's almost a hundred percent that in  
13 new development, there's a restriction as to using  
14 the groundwater for anything. So we don't see that  
15 being an issue.

16           MS. MARY SUTTER: I just want to make sure.  
17 I don't know what the word is, and I'm not a real  
18 estate person, but what sort of information is  
19 available to landowners or potential buyers  
20 regarding the descriptions of -- what's the  
21 disclosure?

22           MS. MARTI BUXTON: We have a disclosure  
23 statement, but we like to actually put it on the  
24 deeds, because people lose disclosure statements or  
25 they claim they don't remember signing that. But if

1 it's on your deed, it's always there.

2           So any institutional controls, we put on the  
3 deed. We also put it on the disclosure statement,  
4 and they sign the disclosure statement. But somehow  
5 they'll lose that. But if you lose your deed --  
6 first of all, it's a recorded document. And it's  
7 just something that if they lost it, at least it's  
8 recorded, and you can get it from the recorder's  
9 office, and title companies won't have it.

10           MS. MARY SUTTER: Knowing the public,  
11 though, sometimes people aren't aware what's on  
12 their deeds and things.

13           MS. MARTI BUXTON: Well, they claim they  
14 are.

15           MS. MARY SUTTER: If their spouse passed  
16 away and they weren't involved in the aspect of the  
17 household?

18           MS. MARTI BUXTON: Well, anybody. If  
19 it's -- if they bought it, and they were married,  
20 they both signed the disclosure statements, and they  
21 both sign the deeds.

22           So that's why the best thing is to have it  
23 both in a disclosure statement and a deed, because,  
24 as I say, the deed gets recorded, whereas the  
25 disclosure statements aren't so accessible. You'll

1 always have the deed.

2 MR. MIKE QUILLIN: Then there will be, as I  
3 understand, the city's excavation ordinance there.  
4 If you're going to dig a hot tub or swimming pool,  
5 you have to pull a permit for that anyway. That'll  
6 trigger someone in the city to say, "Oh, by the way,  
7 if you have to dig, you have to excavate it."

8 So it would be hard to dig unless you're  
9 just going to bring a back hoe in and dig your own  
10 pool, you know. But no one would probably do that.

11 MS. MARY SUTTER: I think you just answered  
12 my question.

13 MS. JOAN KONRAD: Well, I have a question.

14 MR. STEVE EDDE: We have two more comments,  
15 okay.

16 MS. JOAN KONRAD: I have a point of  
17 curiosity. Marsh Crust is located between high and  
18 low tides; is that true? And the average depth is  
19 15 feet on this property and 8 feet on the -- on the  
20 Alameda Point property. That's seven feet  
21 difference.

22 How does -- how do we account for that?

23 MR. STEVE EDDE: Mary is going to get a map  
24 to help explain that.

25 MS. MARY ROSE CASSA: I think Steve has a

1 map too.

2 There's a map by Steve's knees.

3 This shows (indicating), this butterscotch  
4 area, that was an early phase of fill. It was  
5 between 1887 and 1915, and this area was probably a  
6 channel that went back to Lake Merrit.

7 So this was always originally deeper water,  
8 so it took more fill. The bottom of the channel was  
9 deep, and it would take more fill to fill this in.  
10 So it was ringed with fill, and then later on,  
11 additional fill was added. And it's represented on  
12 this contour map that shows the depths below,  
13 essentially, the depth below ground surface.

14 So this area in here is sort of this  
15 bull's eye of the deepest contour. This is greater  
16 than 15 feet down here. So part of it is an  
17 artifact of the original topography of the bay  
18 bottom and then slight variations in elevations of  
19 the fill.

20 MR. STEVE EDDE: Is that San Antonio Creek?

21 MR. PHILLIP RAMSEY: That would have been --  
22 the Antonio Slough was that original harbor, and  
23 that thing next to it could have been shifted or  
24 something.

25 MR. STEVE EDDE: That's a good answer.

1 Does that satisfy you, Joan?

2 MS. JOAN KONRAD: Yeah. If someone wanted  
3 to put a basement, a wine cellar -- some of the  
4 crazy things that people do, they can still do that,  
5 right?

6 The ground will be tested; is that right?

7 MR. MIKE QUILLIN: And, again, my  
8 understanding of that, we did a removal action plan  
9 with DTSC and, actually, that work was part of that.  
10 So I should know it better than I'm going to  
11 describe here.

12 But at any rate they can do that, and the  
13 assumption, as Marti said before, is that you either  
14 assume that you got that contamination and test for  
15 it, you know, as in drill borings. And very rarely  
16 are you going to see those sort of things. But the  
17 Marsh Crust ordinance will require that you dig up a  
18 bunch of soil and have a stock pile in your backyard  
19 that has to be tested before that can go off to a  
20 Class III landfill, something like that.

21 And the likelihood, if someone does want to  
22 build a pool like that, it's -- well, what we saw in  
23 all the bores that we've done down there -- and the  
24 Navy has done a ton more than we have -- we've only  
25 seen the Marsh Crust once. So it's my feeling that

1 it's not as present as people tend to think it is.

2 But again, the idea is that you're just  
3 going to have it tested either before or afterwards  
4 to demonstrate that you don't have that problem.  
5 And that will mean that it'll be required when you  
6 get your permit pulled by your contractor. He's  
7 going to come back and say, "By the way, it's going  
8 to cost you another \$2,000 to build that pool  
9 because we have to do this testing."

10 MR. STEVE EDDE: Mary, you have another  
11 question?

12 MS. MARY SUTTER: It wasn't clear to me when  
13 you talked about the solid groundwater  
14 contamination, and I'm not familiar with that.

15 When I was looking through the document, on  
16 one page it talks about the chemicals that are in  
17 the groundwater like benzine, qualuline (phonetic),  
18 silene, and naposoline (phonetic). And then on  
19 another page it says the only chemical concern that  
20 was found was benzene.

21 It was unclear to me whether the listing of  
22 the chemicals that were found at that site, why the  
23 other three were left out when they were talking  
24 about that.

25 MR. STEVE EDDE: I don't know the specific

1 answer to that.

2 Are those concentration levels?

3 MS. MARY ROSE CASSA: Right. I think it has  
4 to do with concentration, and then going into the  
5 risk assessment, as far as the chemical is  
6 concerned, and it's subject to the assessment.

7 MR. BRAD JOB: When you look at drawing in  
8 constituents, benzene is considered to be the most  
9 potentially carcinogenic. So it has, really, the  
10 lowest allowable level of benzene, silene, or the  
11 allowable exposure that one is considered to be at  
12 risk is much higher.

13 MR. STEVE EDDE: And all of those are  
14 petroleum constituents?

15 MS. MARY SUTTER: Yes. And I had another  
16 question about -- and this is more general to  
17 institutional controls and the cost that is borne by  
18 the Navy versus the cost that's borne by the city  
19 when an institutional control is put on.

20 And from what I understand from reading  
21 here, the cost for the institutional control at the  
22 Marsh Crust institutional control and the ordinance  
23 has no cost borne by the Navy; is that true?

24 MR. STEVE EDDE: In Table 2 under tables?

25 MS. MARY SUTTER: Table 2, yeah.

1 MR. STEVE EDDE: Yeah. Does it say "none"  
2 under land use controls?

3 MS. MARY SUTTER: Land use controls of  
4 97,440, and that was including -- that's the  
5 five-year review.

6 MR. STEVE EDDE: The monitoring in the case  
7 of the groundwater?

8 MS. MARY SUTTER: No, it's a five-year  
9 review, \$5,000.

10 MS. MARY ROSE CASSA: Land use control.

11 MR. LOU OCAJMPO: It's a different table.

12 MR. STEVE EDDE: You got my book, Mary?

13 MS. MARY SUTTER: I'm sorry.

14 MR. STEVE EDDE: There would be attorneys  
15 fees, reporters fees, the costs associated with  
16 developing land use control, and everything else.

17 MR. DAVID COOPER: I just want to ask a  
18 question for the court reporter. This is pretty  
19 informal now. Are you having any problem hearing or  
20 identifying anyone?

21 THE REPORTER: I have to get everyone's  
22 names later on, but I'm fine.

23 MR. DAVID COOPER: Because I hear a lot of  
24 smaller conversations going on.

25 THE REPORTER: Oh, I'm not getting those

1 smaller conversations.

2 MR. DAVID COOPER: Okay. Good. Well, she  
3 knows who to listen to.

4 MR. STEVE EDDE: So I'm sure the costs here  
5 don't reflect the cost of the city.

6 Was that part of your question?

7 MS. MARY SUTTER: Yeah. I guess that it's  
8 more of a -- it's a larger picture than just this.  
9 But when institutional controls are put on, then the  
10 city goes into it knowing that they're going to have  
11 to maintain those institutional controls and the  
12 costs that go with it.

13 And my assumption is they go into the  
14 agreement knowing how much that's going to cost  
15 them, but I'm not sure.

16 MR. STEVE EDDE: Yeah. The city tends to be  
17 very keen on what things cost them. But they are in  
18 negotiations pretty much all the time over cost.  
19 DTSC also has a role, and they're concerned about it  
20 as well, because they're involved in the  
21 institutional control and the Navy is also.

22 But, Mary, if you have a more specific  
23 question, whether you want to see a better breakdown  
24 of the numbers? Would that be it, when it comes to  
25 institutional controls?

1 MS. MARY SUTTER: It's in the feasibility  
2 study.

3 MS. MARY ROSE CASSA: Is it something that  
4 should be added for clarification?

5 MR. STEVE EDDE: Okay. That's a formal  
6 comment then.

7 MR. LOU OCAJMPO: Are you referring to the  
8 permitting process that the planning developer from  
9 a particular --

10 MR. STEVE EDDE: She would like to see a  
11 breakdown of the costs in Table 2 of the RAP/ROD.

12 MR. LOU OCAJMPO: -- and I would say the  
13 cost of that -- if the DTSC, through their covenant  
14 with the city, is not satisfied with whatever they  
15 saw, they got the power to enforce whatever they see  
16 fit when they try to reach the Marsh Crust. And  
17 then if the Navy, through the deed restriction, will  
18 deed the land to the city, they could also enforce  
19 its federal power to do whatever is needed or  
20 whatever is left to do to the Marsh Crust.

21 Is that the kind of course you have in mind,  
22 or am I offline or something like that?

23 MS. MARY SUTTER: I guess I'm not clear  
24 exactly what your question was.

25 I am interested on a general view as far as

1 when institutional controls are put in for cleaning  
2 up for remediation. This is the remedial choice;  
3 it's the institutional control, as opposed to  
4 cleaning it up and having the Navy carry the burden  
5 of the cost.

6 Now, the cost of this remedial control is  
7 now borne by the city, partially, as well.  
8 Actually, with the exception of the five-year  
9 reviews, the cost is then transferred.

10 MS. GINA BARTLETT: So I'm not clear about  
11 your concern, though.

12 Is your concern that the city doesn't  
13 understand those costs, or that the city is not  
14 going to meet those costs, or the Navy should meet  
15 them?

16 MS. MARY SUTTER: I wanted to comment during  
17 the official comment period.

18 MS. GINA BARTLETT: You're going to comment,  
19 okay.

20 MR. BRAD JOB: And not to speak for the  
21 city, but quite frequently when there is a permit  
22 that's required, the permit cost -- the cost of the  
23 person -- you know, the person who issues the  
24 permit, his wage is usually paid by the permit fees  
25 that are governed by the city.

1 MR. STEVE EDDE: By the person putting the  
2 swimming pool in is going to pay.

3 MR. DAVID COOPER: Has the city provided any  
4 comments to this proposed plan, so to speak?

5 MR. STEVE EDDE: Not that I know.

6 MR. DAVID COOPER: Concerns about the costs  
7 they're going to incur?

8 MR. STEVE EDDE: The comment period just  
9 started. So from June 20th and goes until  
10 July 20th, so they have time.

11 I think, Mary, though, there are other costs  
12 of the Navy under institutional controls certainly  
13 for groundwater. Monitoring isn't for five years.  
14 I remember five years. Is it more than that?

15 MR. LOU OCAJMPO: Right after this record of  
16 decision is finalized, then we start monitoring the  
17 groundwater.

18 MS. MARY ROSE CASSA: Yeah. The annual cost  
19 here is \$60,000.

20 MR. STEVE EDDE: Good.

21 Okay. Anything else anybody thought of in  
22 all this?

23 MR. PHILLIP RAMSEY: I don't have a response  
24 but kind of some input to the whole layering issue  
25 and a little bit of addressing the issue.

1           Is any one entity paying, like, picking up  
2 all the fees and things? That's why EPA believes,  
3 you know, and it's all very consistent with the  
4 guidance. And we'd like to see layering in these  
5 when we see institutional controls, and I think  
6 having that, I tend to -- you know, it tends to  
7 divide the resources, you know, who's paying, by  
8 having these series of layering.

9           And that's why all these discussions are  
10 going on with the Navy as far as them retaining this  
11 enforcement component and also for sharing these  
12 controls or maintaining things. And we are making  
13 progress.

14           The one thing we want to point out. A lot  
15 of this is very legal. We're dealing with property  
16 law-type terms and scientists and engineers. That's  
17 sometimes kind of a difficult subject matter for  
18 some of us. And I don't know where I'm going with  
19 this, but by having these series of layering, you  
20 provide the protectiveness so that not any one  
21 person is spending all the money, and to ensure  
22 these things are effective and remain in place and  
23 things.

24           And we are still working. Obviously, it's  
25 still very legal, and we're kind of moving in the

1 right direction, essentially, with the Navy having  
2 them be more of an equal partner and assuring that  
3 the remedy is effective and they can enforce under  
4 their restrictions.

5 MR. STEVE EDDE: There are mechanisms in the  
6 system, built in the systems for the Department of  
7 Defense to reimburse EPA. And there are also  
8 mechanisms for the Navy to reimburse the State of  
9 California for both BRAC and Mary Rose's time, and  
10 things like that, and those kinds of things will be  
11 ongoing.

12 I think the bottom line is that all of these  
13 funds are to come out of all of our pockets as  
14 taxpayers to either the city or the state or to the  
15 federal government one way or another. We all pay  
16 for it.

17 MR. PHILLIP RAMSEY: But my point, though,  
18 is that the Navy needs to retain -- they aren't just  
19 allocating or pushing responsibility to other  
20 entities.

21 The EPA, we were writing a lot of letters  
22 about the issue of controls, and it's been kind of a  
23 dynamic progress. It's revolving; documents are  
24 moving in the right direction toward -- you may have  
25 noticed in these discussions that some documents may

1 have come out of the East Housing Transfer RAP/ROD.  
2 There has been kind of a little bit of a shift from  
3 the Navy in being more willing to be part of  
4 those -- more actively a part of ensuring that these  
5 remedies are in place.

6 MR. STEVE EDDE: Anybody else have any more  
7 comments?

8 Anybody else have any more comments?

9 (No response.)

10 Maybe what we can do now is sort of break  
11 out of the semi-formal and go into the really  
12 informal. And please help yourselves to the coffee,  
13 the tea, the cookies, the cream puffs. They're  
14 delicious.

15 And I'll stay here until 9:00 o'clock, so if  
16 anybody wants to bring me written comments, you've  
17 got those forms. So fill those out, take them to  
18 your neighbors. If you've heard of anybody who had  
19 a comment and couldn't make it tonight, hand those  
20 out and give them to the RAB members. That would be  
21 terrific, and then they can be mailed in and be  
22 brought back to me here in Alameda, or however you  
23 want to do it.

24 MS. JOAN KONRAD: Will the RAB have a record  
25 of this meeting at our next meeting?

1           MR. STEVE EDDE: Let's see. When is our  
2 next meeting?

3           MR. PHILLIP RAMSEY: The 11th.

4           MR. STEVE EDDE: That's when the Alameda RAB  
5 is also, on the 11th.

6           No. The comment period doesn't end until  
7 the 20th of July.

8           MS. JOAN KONRAD: I guess we do need more  
9 than just this meeting. We do need the written  
10 comments too.

11           MR. STEVE EDDE: The written comments?

12           Our target to finalize all written comments  
13 in a responsiveness summary, and that'll be part of  
14 the final RAP/ROD which is at the end of this month.  
15 So that by the end of the August RAB meeting, you  
16 should have those documents in writing.

17           MS. JOAN KONRAD: Good.

18           (Proceedings concluded at 8:12 p.m.)

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## REPORTER'S CERTIFICATE

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at which time the witness was put under oath by me;

That the testimony of the witness and all  
objections made at the time of the examination were  
recorded stenographically by me and were thereafter  
transcribed;

That the foregoing is a true and correct  
transcript of my shorthand notes so taken.

I further certify that I am not a relative  
or employee of any attorney or of any of the  
parties, nor financially interested in the action.

I declare under penalty of perjury under the  
laws of California that the foregoing is true and  
correct.

Dated this 11th day of July, 2000.

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11 constitute a true and correct copy of the original  
12 proceedings taken at the Restoration Advisory Board  
13 Meeting held at 950 West Mall Square, Building 1,  
14 Alameda, California, taken on June 29, 2000.

15           I declare under penalty of perjury under the  
16 laws of the State of California that the foregoing  
17 is true and correct.

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19           Dated this 11th day of July, 2000.

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FROM: Daniel Chow, Program Manager

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