

NAVAL AIR STATION ALAMEDA RESTORATION ADVISORY BOARD
MEETING SUMMARY

NAS Alameda Bachelor Officers Quarters
NAS Alameda, California

Tuesday, June 4, 1996

MEETING SUMMARY

I. Introduction/Tonight's Format

Ken O'Donoghue, the community co-chair, called the meeting to order at 7:04 p.m. He announced that the standard agenda had been revised in order to accommodate presentations and discussions of (1) technical issues at Site 15, and (2) process issues regarding the responsibility of the Restoration Advisory Board (RAB) to represent the interests of the community.

Mr. O'Donoghue introduced Steve Edde, the new Base Realignment and Closure (BRAC) Environmental Coordinator (BEC). Mr. Edde presented a brief summary of his background, which includes 27 years of experience at Naval Air Station (NAS) Alameda, Naval Aviation Depot. He encouraged everyone to contact him with suggestions or ideas about environmental issues at NAS Alameda.

Mr. O'Donoghue read the agenda and explained that the RAB and community members would have an opportunity to form small groups to discuss issues and concerns raised at tonight's meeting. He explained that the small groups would then report back to the larger group. Karen Hack expressed concern that the RAB did not have an opportunity to read the report issued by the Clearwater Revival Company (CRC). She stated that she thinks that RAB members would like to have an opportunity to review the CRC report for about 10 minutes before the presentation by Patrick Lynch, the author. Mr. O'Donoghue said that he understands that the CRC report was not yet available. He stated that the Navy has not had sufficient time to review the CRC report and that the Navy and regulatory agency presentation at this meeting was not a rebuttal to the CRC report. He then stated that Mr. Lynch would discuss the contents of the report. Ms. Hack persisted that she felt the RAB would not be best served by a small discussion group format that would not provide a public airing of people's concerns. Mr. O'Donoghue stated that great effort has gone into trying to cultivate community involvement and that the BRAC Cleanup Team (BCT) and he, in his capacity as community co-chair, had decided to try the small discussion group format at tonight's meeting. He stated that there is evidence that many people are intimidated by large groups and are reluctant to speak. He explained that the small group format will encourage more candid and intimate discussion so that concerns that might not otherwise be shared can be discussed and shared with the larger group.

II. Clearwater Revival Company, Site 15 Report

Mr. O'Donoghue introduced Mr. Lynch of the CRC, author of the report, "One Million Dollars to Nowhere." Mr. Lynch began his presentation by describing his background. He stated that he is a registered professional civil and chemical engineer. His specialty is contaminated property reuse and he has extensive polychlorinated biphenyl (PCB) cleanup experience. Mr. Lynch also stated that he has a personal interest in NAS Alameda because he owns a house that is 250 feet

from an installation restoration (IR) site. He stated that he is interested in Site 15 because he believes that the site is being handled differently than other sites in the Bay area.

Mr. Lynch stated that cleanup is driven by developers. He stated that obstacles to land development at NAS Alameda are (1) prospective purchaser liability, (2) financing and insurance and, (3) an uncertain regulatory context. He stated that because superfund laws have not been tested in the courts, there are liability risks involved for developers. He stated that one way that businesses and developers can limit the risk is to perform "due diligence," which is similar to the Navy's environmental baseline survey (EBS). He stated that due diligence consists of (1) site historical characterization, (2) regulatory agency file review, and (3) site reconnaissance. Businesses and developers will rely on the administrative record (AR) for information that should be clear, accurate, and complete. Mr. Lynch stated that businesses will check the AR to help determine whether the final action at a site was (1) protective of human health and the environment, and (2) in compliance with all applicable or relevant and appropriate requirements (ARAR).

Mr. Lynch stated that contaminated sites are typically in neighborhoods with low socioeconomic standing which is why these issues are about environmental justice. A site will remain "dirty" until there is a developer who is interested in the site. He stated that this is a public health concern, not only an economic concern, and that developers are interested in reducing cleanup standards and liability. He explained that liability may be reduced by continuing to hold the City of Alameda or the Navy liable. If a policy is not consistently applied, it loses its legal force. If the Navy is not held to the same standards as other industrial sites, other industrial sites will be able to loosen their standards.

Mr. Lynch highlighted his report, "One Million Dollars to Nowhere." He stated that Site 15 was a 3-acre "problem." He explained that lead and PCB contaminated soil was moved to a 1-acre landfill and a future disposal site will be needed for the soil containing residual PCBs and lead. He stated that this process turned a 3-acre problem into a 7-acre problem.

Based on his analysis, Mr. Lynch made the following 5 recommendations in his report:

- **Clarify Regulatory Status**
Because there is uncertainty regarding ARARs, and there is no legally enforceable cleanup agreement, he believes that NAS Alameda should be placed on the National Priorities List (NPL).
- **Objective Communications**
He believes that the RAB and the regulators were misinformed about the purpose of the Site 15 action.
- **Risk Assessment Decisions**
The Site 15 action was not based on risk as it should have been. The beneficial use of groundwater was not determined, and Regional Water Quality Control Board's (RWQCB) nondegradation policy should have been the basis of determining use

status. The only human health risk that justifies cleanup at Site 15 is to eliminate risk to those who eat fish caught in the Bay.

- **Use Registered Professionals**
A registered professional should take personal responsibility for cleanup at NAS Alameda.
- **Contractor Performance Evaluations**
The RAB should evaluate contractors to determine cost effectiveness.

Mr. Lynch stated that removal actions require the completion of a risk assessment and, according to the Environmental Protection Agency (EPA) and California EPA (Cal/EPA) guidance, a removal action should require no further action after it has been completed. Cleanup levels were based on assumption of residential use of the property and, realistically, could not be achieved. He stated that the State's nondegradation policy should have been driving the cleanup decisions, and the following should have been determined and considered regarding Site 15:

- Beneficial uses of groundwater
- Background concentrations
- Cost-benefit analysis
- Technological limitations

Mr. Lynch stated that technology selection should involve setting realistic treatment levels, using good engineering judgment, and using "proven" technology rather than "innovative" technology. He stated that "Site 21" is an illegal waste landfill and not a corrective action management unit (CAMU). The "landfill" is not legal because the following requirements were not met (1) actions carried out in accordance with a work-plan, (2) 30-day public comment period provided, (3) cost-effectiveness evaluation, and (4) compliance with all laws. He stated that because contaminant migration or leakage is inevitable, "Site 21" is not safe.

Mr. O'Donoghue asked that no questions be asked until the question-and-answer period at the end of the presentations. He introduced Tom Lanphar from the Department of Toxic Substances Control (DTSC).

III. Site 15 Update

Mr. Lanphar began his presentation by stating that he is glad that there is discussion about Site 15 and he is very supportive of community involvement. He encouraged anyone interested in discussing these to call him, James Ricks of EPA, Steve Edde (Navy BEC) or the Regional Water Quality Control Board. He stated that the RAB is an important and consistent form of community involvement and there are many other ways in which the community can be involved in discussions about cleanup at NAS Alameda.

Mr. Lanphar then explained the history of actions and decisions at Site 15. He explained that the soil removal at Site 15 was an interim removal action; the decision to conduct the Site 15 removal action was based on the criteria in the National Contingency Plan (NCP). According to the NCP criteria, conducting an interim removal action is considered appropriate if there is (1) Actual or potential exposure to humans or the environment from hazardous substances,

pollutants or contaminants, (2) high levels of hazardous substances, pollutants or contaminants in soils at or near the surface that may migrate or (3) weather conditions that may cause hazardous substances, pollutants or contaminants to migrate or to be released. He explained that Site 15 was found to have high levels of PCBs and lead. Further investigation showed that there was a pathway of exposure for humans, plants, and animals, so the BCT decided to take action.

Mr. Lanphar explained that the preferred action to address the problem was to remove the contaminated soil and truck it to an off-site landfill. He explained that this preferred remedy was presented to the RAB for consideration in January 1994, and RAB members expressed concern about trucking contaminated soil through the neighborhoods of Alameda and placing it in a landfill. RAB members stated that they would prefer that the soil be treated on-site. Mr. Lanphar explained that the Navy, after four months of discussion, agreed to the RAB's recommendations and decided to use an innovative technology to treat the soil on-site. He explained that this process was an example of successful community involvement and Camille Garibaldi would be presenting more information regarding the innovative technology. Because there was a pathway of exposure to humans, plants, and animals, the BCT decided to take action rather than conduct more studies.

Mr. Lanphar introduced Ms. Garibaldi, the lead remedial project manager (RPM) for the Navy's Engineering Field Activities West (EFA WEST). Ms. Garibaldi continued the Site 15 update. She explained that innovative technology was set up to treat the soil at Site 15; soil excavation was begun in November 1995. In January 1996, activity at Site 15 was delayed because of the extremely heavy rains. A containment berm was constructed to ensure that contaminated soil did not migrate off-site. The site was monitored through the rainy season to ensure the site was properly contained. Cleanup activities continued in June 1995, and the soil excavation was completed. Ms. Garibaldi explained that the soil washing technology was set up by the vendor to treat the excavated soil, but it was delayed because of technical and equipment problems. RAB input continued throughout this process. She explained that there was concern that, because of the delays, the soil would not be treated before the start of the next rainy season. Additionally, the U.S. Army Corps of Engineers needed to gain access to Site 15 to replace a sewer line. There were concerns about the potential for off-site contaminant migration as a result of heavy rains, and the potential exposure to workers from accessing the sewer line. Therefore, a temporary storage and treatment area (TSTA) was constructed and an interim removal action was conducted; the soil was moved to a more secure location for the rainy season and for eventual treatment in accordance with the existing action memo.

Ms. Garibaldi explained that the TSTA was established with the concurrence of DTSC, EPA and the RAB. Under the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) ARARs, the Site 15 TSTA was built adhering to regulations for establishing a CAMU. She explained that the TSTA is monitored daily.

Ms. Garibaldi ended her presentation by stating the Navy's goals for Site 15:

- Treat the soil on-site: an approach that the RAB suggested in 1994.
- Treat it as a priority project.

- If possible, apply economies of scale; for example, soil treatment technologies may be used to treat soil from other sites on base.

Kent Rosenblum, chair of the early action focus group, read from the minutes and focus group meeting notes, highlighting some of the RAB dialogue associated with the interim removal action at Site 15. Mr. Rosenblum's material was consistent with the chronology outlined by Ms. Garibaldi and Mr. Lanphar. Mr. Rosenblum stated that, as the early action focus group chairperson, he believed that the BCT's/Navy's actions at Site 15 had been clearly presented to him and the other RAB members during past RAB meetings.

IV. Questions and Answers

Mr. O'Donoghue invited Mr. Lynch, Mr. Lanphar and Ms. Garibaldi to the front of the room to field questions from the RAB and the community.

- Michael Torrey asked Mr. Rosenblum what would happen if the soil treatment technology ultimately fails to work at Site 15. Mr. Rosenblum stated that if the technology works it will be very cost-effective. If it does not work, more traditional approaches will be used.
- Ron Basarich stated that he doesn't believe that using innovative technologies at the base is worth taking the risks articulated by Mr. Lynch. He explained that he voiced this concern at early RAB meetings. He wants all California regulations to be met and believes that the use of innovative technologies is a public relations gesture by the Navy.
- Norma Bishop stated that the action taken at Site 15 was not a public relations gesture. She explained that for the City to acquire funds to fix the sewer line at Site 15, the property would need to be transferred. The U.S Army Corps of Engineers agreed to replace the sewer at no cost to the City of Alameda, saving the city over a million dollars. She explained that the sewer was also necessary for implementing the community's reuse plan.
- Doug deHaan asked if Site 15 has been cleaned up as a result of the interim removal action. Ms. Garibaldi explained that cleanup standards for the interim action had been met at Site 15. She explained that final cleanup goals for Site 15, and other sites at NAS Alameda, would be established during the remedial investigation (RI), and feasibility study (FS).
- Mr. deHaan asked whether the U.S. Army Corps of Engineers had replaced the sewer line at Site 15. Ms. Garibaldi stated that she did not know whether the work had been completed.
- Mr. Basarich stated that he believes that the Navy should abandon all interim actions. Mr. Lanphar explained that the heavy rains during the winter of 1994-95 resulted in

severe flooding at Site 15. He explained that the berms containing the site were being maintained but there was fear that, if the flooding increased in severity, contaminants could migrate off-site. He stated that Navy people, including Teresa Bernhard, worked through weekends to ensure that the site was secure. He also stated that, because of the serious threat of flooding in the rainy season of late 1995, he supported the interim action to stockpile the soil from Site 15.

- Mr. Torrey asked what would happen if the Navy abandoned the use of innovative soil washing technology at Site 15. Mr. Lanphar stated that other demonstrated innovative technologies would be considered and, as a last resort, the soil would be trucked through the streets of Alameda to a landfill for disposal.
- Jim Haas asked what part of the soil washing technology had failed. Ms. Garibaldi stated that it was not the actual washing that had failed, rather, the engineering process of moving the soil through the system had failed. She explained that clean soil was used to demonstrate the process.
- Lyn Stirewalt asked whether the vendor owns the technology. Ms. Garibaldi stated that the vendor does own the technology and that the Navy had been working with the vendor to develop a cooperative demonstration project up until March of 1996. Ms. Stirewalt asked whether this is the only technology being considered. Ms. Garibaldi stated that treatment technologies that are consistent with the action memo are being considered.

Ms. Gitterman asked that, if any questions remained unanswered, that they be submitted on the index cards provided.

V. Discussion Groups

Mr. O'Donoghue and Ms. Gitterman directed RAB members and community members who wanted to participate in the breakout sessions to count off into five groups. Ms. Hack and Ardella Dailey stated that they wanted clarification on the purpose of the breakout groups. Ms. Dailey asked whether the concerns raised in the groups would be addressed. There was a brief discussion about the purpose of the breakout groups. Mr. O'Donoghue and Mr. Lanphar stated that the purpose of the breakout groups is to create an atmosphere in which people who might otherwise be silent can talk more comfortably about their concerns; this process will allow members of the BCT to be more aware of community concerns so that they may address them. Ms. Daily asked what would be done with the information that the groups report back. Mr. O'Donoghue stated the RAB and the BCT would decide what to do with the information.

There were five breakout groups with both community and RAB members. The groups met for approximately 45 minutes and discussed these two questions:

- 1. Do you have any concerns with the Site 15 site removal?**
- 2. What is the role and responsibility of RAB members in representing the diverse interests of the community? What suggestions do you have for improvement?**

The groups then returned to the general meeting, and a spokesperson from each group shared a summary of the small group discussions. Ms. Gitterman wrote the summaries on a flipchart.

VI. Group Reports

Ms. Gitterman welcomed the groups back from their small group discussions and asked for a report from each group.

GROUP 1

Ms. Daily explained that her group had many opinions and that each highlight point does not necessarily represent more than one person's opinion. She gave the following summary:

Site 15

1. How do we monitor more closely the Navy's reporting information to the RAB?
2. The process at Site 15 was okay. We understand this was an experiment.
3. How clean is Site 15? What are the specific cleanup levels?
4. How much was really spent for activities at Site 15?
5. CRC: Is the report raising issues or creating issues?

RAB Process

1. Suggestions for better informing the public: Regular update by the Navy using weekly press release with pictures.
2. Have open public discussion on any topic of concern as a permanent agenda item.
3. Establish a monitor and follow-through process for requests for topics to be included on the agenda.
4. Enough training! It's time to get into the issues. Plan agenda accordingly.
5. We assume that the BCT is an accurate and honest source of information. Request that a technical assistant be hired to consult the RAB and monitor technical issues. We question the value of the facilitator role and suggest that the money used for the facilitator be used for technical assistance or other things.
6. RAB members have a responsibility, when speaking to the press as RAB members, to make it clear that they are speaking for themselves and do not represent the entire RAB.

GROUP 2

A community member gave the report for Group 2. She stated that the opinions were diverse and the following does not represent the entire group.

1. Why was the public process abandoned when the plans at Site 15 were changed?

2. Request: The Navy hire a licensed engineer to oversee compliance with the process of early actions, and report to the RAB (see Group 1, RAB Process, No. 5).
3. The Navy should use recognized technology and not experimental technology.
4. Risk assessment was downplayed and needs to be brought back as an active part of the process.
5. RAB meetings should be held off base, because entering the base is intimidating for the public.
6. Community outreach focus group should be reimplemented.
7. Microphones should be used at the meeting.
8. Meeting room configuration should be open so that RAB members face the audience.
9. Show some closure to issues: record and report RAB decisions in some public manner.

GROUP 3

Ms. Stirewalt gave the report for Group 3. She stated that the opinions were diverse and that the following does not represent the entire group.

Site 15

1. Some RAB members feel they were not completely informed when the Site 15 soil was removed.
2. Is the CAMU legal?
3. There is confusion regarding the technology used at Site 15: was it experimental or guaranteed?
4. There was trust that the focus group would filter information and report to the RAB.

RAB Process

1. RAB members should inform each other if they make public comments to the press.
2. There was disagreement on whether Mr. Lynch's approach was appropriate. Some people felt that he should have come to the RAB before holding a press conference and releasing the CRC report.
3. The group stated that cleanup decisions should be guided by the following three principles:

- A. Remediation must be legal.
- B. Budget must be adhered to.
- C. Every innovative technology proposal must be reviewed by an independent, qualified reviewer, who will report to the RAB.

GROUP 4

Karin King gave the report for Group 4. She stated that the opinions were diverse and that the following does not represent the entire group. She stated that there was no consensus among the group.

Site 15

1. Concerned about the lack of documentation in the administrative record regarding the interim action at Site 15.
2. Support use of innovative technology, especially when it is demonstrated at no cost.
3. What is the planned treatment for Site 15? Where do we go from here?
4. How much money has actually been spent on Site 15? (see Group 1, Site 15, No. 4)
5. It was suggested that a presentation on CAMUs be given to the RAB.
6. Clarification of ARARs applied at Site 15.
7. There were questions about the urgency of the Site 15 excavation, since the Army Corps of Engineers has apparently not been to the site yet.

RAB Process

1. Want better reporting on what is going on at the base. Suggest that the Navy prepare a project schedule that can be updated monthly.
2. Breakout groups are a good way to involve the community in the discussions.
3. Want clarification about RAB members being involved in a press release. RAB members should indicate that they are speaking for themselves, not the RAB. (see Group 1, RAB Process, No. 6)

VII. Adjournment

Mr. O'Donoghue thanked the community members for participating in the breakout groups. He stated that the BCT and the RAB need help in responding to the issues that have been raised during the meeting, and he welcomes and encourages anyone interested in these issues to get involved.

The meeting was adjourned at 10:25 p.m.

The next meeting will be held at 7:00 p.m. on Tuesday, July 2, 1996, at the Bachelor Officers Quarters, NAS Alameda.