

HUNTERS POINT SHIPYARD
RESTORATION ADVISORY BOARD MEETING MINUTES
27 SEPTEMBER 2007

These minutes summarize the discussions and presentations from the Restoration Advisory Board (RAB) meeting held from 6:00 to 8:30 p.m. Thursday, September 27, 2007, in the Alex L. Pitcher, Jr. Room at the Southeast Community Facility. A verbatim transcript was also prepared for the meeting and is available in the information repository for Hunters Point Shipyard (HPS) and on the Internet at <http://www.bracpmo.navy.mil/bracbases/california/hps/default.aspx>. The list of agenda topics is provided below. Attachment A provides a list of attendees. Attachment B includes action items that were requested or committed to by RAB members during the meeting.

AGENDA TOPICS:

- (1) Welcome/Introductions/Agenda Review
- (2) Approval of Meeting Minutes from the August 23, 2007 RAB Meeting
- (3) Navy Announcements
- (4) Community Co-Chair Report/Other Announcements
- (5) Parcel E-2 Groundwater Data Gaps Investigation
- (6) 2008 Environmental Cleanup: The Next Steps at Hunters Point
- (7) Technical Assistance Grant (TAG) Update
- (8) Subcommittee Reports
- (9) Community Comment Period
- (10) Adjournment

MEETING HANDOUTS:

- Agenda for September 27, 2007, RAB Meeting
- Meeting Minutes from the August 23, 2007 RAB Meeting
- Navy Monthly Progress Report, September 27, 2007
- Power Point Presentation, Parcel E-2 Groundwater Data Gap Investigation
- Power Point Presentation, Hunters Point Shipyard 2008 A Look Ahead
- Pandora's Box – What to do with the U.S. Environmental Protection Agency (EPA) Superfund Site on Parcel E-2 in the Shipyard?
- City and County of San Francisco Police Department letter in response to HPS RAB letter regarding speeding at HPS, letter dated August 21, 2007
- Technical Review Subcommittee Meeting Minutes from September 11, 2007
- Membership, Bylaws, and Community Outreach (MBCO) Subcommittee Meeting Minutes from September 13, 2007

Welcome/Introductions/Agenda Review

Marsha Pendergrass, facilitator, called the meeting to order at 6:05 p.m. Ms. Pendergrass welcomed everyone to the meeting. All attendees introduced themselves and the organization they represent. She confirmed that there was a quorum of community RAB members present to conduct business at the meeting.

1 **Approval of Minutes from the August 23, 2007 RAB Meeting**

2 Ms. Pendergrass said that approval of the minutes is needed for the RAB meeting on August 23,
3 2007. Raymond Tompkins, RAB member, stated that on page 5, line 4, to change his name to
4 read Dr. Tompkins, not Ray Tompkins. The RAB meeting minutes with the revision were
5 approved unanimously and were accepted into the record.

6 Ms. Pendergrass addressed the status of the action items:

7 **Carry-over Item Number 1:** The HPS RAB will comment on the draft Parcel E-2 Remedial
8 Investigation/Feasibility Study (RI/FS) that the RAB cannot provide significant comments based
9 on the inadequacy of information since the Radiological Addendum has not yet been submitted.
10 Leon Muhammad, Community RAB Co-Chair, confirmed that this action item was completed
11 and will be removed from the table.

12 **Carry-over Item Number 2:** The RAB will draft a follow-up letter to the San Francisco
13 Mayors Office, the Police Chief, and the Police Department based at HPS requesting a written
14 response to the letter submitted in March 2007. Sudeep Rao, RAB member, explained that there
15 is a letter from Captain Daniel McDonagh that says he may have potentially misplaced the letter
16 from the HPS RAB. The letter from Captain McDonagh says, however, that “. . . actions were
17 taken regarding officers traveling on the roads to and from the shipyard. I hope you have seen an
18 improvement.” The original letter from the HPS RAB, however, referred to speeding inside HPS
19 so there may need to be additional follow up on this issue.

20 Dr. Tompkins, RAB member, stated that the speeding issue was also discussed at the Technical
21 Review Subcommittee meeting. At that meeting, Melanie Kito, Navy Lead Remedial Project
22 Manager (RPM), indicated that she would follow up with the police on this issue because there
23 were some concerns regarding jurisdiction and enforcement for not complying with the law. Mr.
24 Muhammad stated that the RAB could draft another letter that according to eyewitnesses, there
25 has not been compliance from police for speed limits within the shipyard. This action item will
26 be revised and carried over until October 2007.

27 **Carry-over Item Number 3:** On the Base Realignment and closure (BRAC) Project
28 Management Office (PMO) Website, provide the RAB with monthly air monitoring reports from
29 Radiological Time Critical Removal Action (TCRA) activities. Ms. Kito confirmed that the air
30 monitoring results are now available on the website. Mr. Rao asked if there are any other
31 passive monitors at HPS collecting air monitoring data. Ms. Kito explained that air monitoring
32 will always be connected to current activities at HPS, because monitoring is part of dust control
33 measures to protect workers on site. There are no passive air monitors at HPS. This action item
34 was completed and will be removed from the table.

35 **Carry-over Item Number 4:** The RAB will review the Monthly Progress Report (MPR) format
36 and provide the Navy comments for providing additional information. Mr. Forman indicated
37 that he received additional feedback from the RAB since the MPR was revised for the last RAB
38 meeting, and those changes have been incorporated. Specifically, the calendar on the back page
39 now lists all the items the RAB suggested in a two-month timeframe. He asked the RAB to
40 please review the schedule for documents listed for each parcel and continue to provide feedback
41 on improvements to the MPR. This action item was completed and will be removed from the
42 table.

43 **New Action Item Number 1:** Establish a policy for informing the Navy when dust plumes cross
44 property boundary. Ms. Pendergrass noted that the action items list states that the Navy BEC is
45 now on the City of San Francisco's distribution list for notices on Lennar development activities,

1 including notices of violation (NOVs). Mr. Muhammad stated that he recalls there being a
2 motion on what the HPS RAB would like as a response on the Navy's position regarding this
3 violation. Mr. Forman clarified that the Navy position is for the local enforcement agencies to
4 perform their job and issue NOVs when Lennar activities are not in compliance with dust control
5 requirements at HPS. Amy Brownell, San Francisco Department of Public Health (DPH), has
6 ensured that the Navy is now on the distribution list to be informed in real-time of any future
7 violations.

8 Mr. Muhammad explained that there was no set protocol for the Navy to be informed when dust
9 crossed onto Navy property, so the Navy was not informed until seven days after the fact. The
10 Navy response is therefore not sufficient and should be more direct, that this type of event is
11 unacceptable and will not be tolerated. There does not appear to be any accountability for this
12 violation. Mr. Forman explained that the Navy has taken a firm stance, not an antagonistic one,
13 on this issue. Lennar has an ongoing large-scale construction project with a proper dust control
14 plan, but that plan is not correctly implemented every day. The dust control plan seeks to
15 minimize dust, but dust will never be completely eliminated so there are going to be times when
16 dust crosses onto Navy property. The Navy does take these violations seriously and wants to see
17 the plan appropriately followed at all times.

18 Ms. Brownell explained that the HPS RAB, the Navy, and the regulators are all aware that
19 former Parcel A was properly cleaned up with signoff from the Navy and regulators on all the
20 relevant documents. Consequently, dirt from Parcel A is not considered an environmental
21 hazard and that is the reason construction is allowed to proceed. Minimizing dust is a best
22 practice for construction projects, and at HPS it is necessary because of naturally occurring
23 asbestos. This NOV was issued because on one particular day there was more dust than allowed
24 under the Lennar dust control plan. She added that all the NOVs for Lennar activities are now
25 posted on the DPH environmental health website. In addition, Mr. Muhammad was personally
26 notified of this NOV minutes after it was issued to Lennar.

27 Mr. Muhammad stated that he is requesting that the Navy send a letter or written statement so
28 that there is a record of the Navy's position that this violation is unacceptable. Mr. Forman
29 responded that his statement at this RAB meeting is part of the official record in the meeting
30 minutes and transcript. Part of the reason the Navy has a court reporter at the HPS RAB
31 meetings is to have a verbatim record for the meetings. He indicated that he is not going to send
32 a letter because there is no need for an antagonistic response on this issue. Ms. Brownell has
33 already ensured the Navy is immediately informed of all violations in the future as Mr.
34 Muhammad was in this case.

35 Mr. Muhammad stated that a written response would not be antagonistic. If he were in charge of
36 a situation like this where there is heightened community concern, then a written response
37 indicating that the situation is unacceptable would be appropriate. Ms. Pendergrass suggested
38 that Mr. Muhammad and Mr. Forman discuss this issue further outside of the RAB meeting.

39 Dr. Tompkins stated that he would like the Navy to have Carolyn Hunter, Tetra Tech EMI, e-
40 mail the HPS RAB when a violation has occurred so the RAB can then disseminate information
41 to the Community. Mr. Forman responded that the Navy would now issue a Community
42 Notification Plan message to the RAB when a violation has occurred for Lennar activities.

43 This action item was completed and will be removed from the table.

1 **New Action Item Number 2:** Prepare statement clarifying the distinction between Navy and
2 RAB activities at HPS, and Lennar and CAC activities with redevelopment and former Parcel A.
3 Robert Van Houten, RAB member, indicated that he does not have this statement ready, so he
4 would like to continue this action item to October 2007.

5 **Navy Announcements**

6 Mr. Forman stated that this is the first HPS RAB meeting where the Navy has a new permanent
7 Lead RPM, Melanie Kito. He congratulated Ms. Kito and explained that it is a very challenging
8 position. He thanked the RAB for their patience and forbearance while the Navy rotated the lead
9 RPM position.

10 Dr. Tompkins asked for an explanation of the Lead RPM position with the Navy. Mr. Forman
11 explained that RPM stands for Remedial Project Manager. The Lead RPM is in overall charge
12 of the HPS Environmental Program, specifically the technical aspects of the program.

13 Mr. Forman explained that later this evening he will be discussing plans for HPS in fiscal year
14 (FY) 2008 and how certain aspects of the environmental program will change. The first change
15 is for the BRAC Cleanup Team (BCT) Meetings, which have been held on the Tuesday before
16 the RAB meetings. The BCT Meetings are going to be moved to the Wednesday before the
17 RAB meetings starting in October 2007 so the meetings are held closer together.

18 **Community Co-Chair Report/Other Announcements**

19 Mr. Muhammad said that he would like to schedule a site tour with the Navy of all the air
20 monitors at HPS as soon as possible. That will provide him with a visual understanding of those
21 locations.

22 Mr. Muhammad indicated that last night he received an email of an exceedance at air monitoring
23 location HV-12. The email stated that the exceedance did not constitute shutdown of Lennar
24 activities. He would like Ms. Brownell to explain where HV-12 is located and the possible
25 source of that exceedance. Ms. Brownell explained that there is a network of asbestos monitors
26 around the Lennar Bayview Hunters Point (BVHP) redevelopment site on former Parcel A. Five
27 of those air monitors were set up under a protocol established by Bay Area Air Quality
28 Management District (BAAQMD) requirements. After last summer's issues with air monitoring
29 for Lennar activities, an additional four air monitors, referred to as community monitors, were
30 added to that network. There was one location, HV-10, that was originally on Navy property and
31 was moved about 100 feet to be on former Parcel A property. That monitor was renamed HV-12
32 and is located adjacent to Fisher Street near Robinson Road. In the professional opinion of DPH
33 personnel, the asbestos levels from that monitor do not appear to be directly related to Lennar
34 activities. Since HV-12 is an additional monitor that was not required by the BAAQMD, it was
35 agreed that it would be removed from the requirements for Lennar to shutdown construction
36 activities. Ms. Brownell offered to discuss this issue in more detail outside the RAB meeting if
37 anyone is interested.

38 Mr. Muhammad asked when he gets a report that particulates are 53,000 structures per cubic
39 meter what is the source of those particulates? Ms. Brownell replied that one theory or good
40 guess is that the asbestos readings from HV-12 are from traffic on Fisher Street since the monitor
41 is adjacent to that street. The monitor is also located behind Building 101, so it is somewhat
42 shielded from Lennar activities and does not react like the monitors directly downwind of the
43 Lennar site. Mr. Muhammad stated that he wants facts on the source of those asbestos levels,

1 and would like to see how close that monitor is to Navy property. Mr. Forman noted that he
2 would contact Mr. Muhammad to schedule a site tour of the air monitors.

3 Dr. Tomkins stated that he would like to invite Ms. Brownell to attend the next Technical
4 Review Subcommittee meeting on October 11, 2007 to explore what is taking place with the air
5 monitors in depth. Ms. Brownell agreed to attend the meeting.

6 **Parcel E-2 Groundwater Data Gaps Investigation (Presentation)**

7 Ms. Kito explained that the draft Parcel E-2 RI/FS has been out for review, and the comment
8 period ended on Monday, September 24, 2007. The comment period was extended because the
9 RI/FS has two components, including a Radiological addendum that was submitted for review
10 about a week ago. The RI/FS was also missing a groundwater remedy for Parcel E-2.

11 Ms. Kito reviewed the Parcel E-2 RI/FS background. The RI/FS evaluated three alternatives for
12 Parcel E-2, the no action alternative, a full excavation alternative, and a containment alternative.
13 A schematic of the landfill was provided that shows additional issues to be addressed for the
14 landfill: surface runoff, landfill gas, and leaching. Surface runoff would be controlled through a
15 storm water program for Parcel E-2. The landfill gas produced by the landfill would be
16 addressed by installing a cap for containment. Leachate is created when water flows through the
17 landfill material and out to surrounding areas. That water flow can carry contamination out of
18 the landfill and may be harmful to the Bay.

19 Ms. Kito explained that the purpose of further investigation of Parcel E-2 is to provide additional
20 data to assist with the selection and design of a groundwater remedy for the RI/FS. There is not
21 enough data available for many Parcel E-2 areas for a clear understanding of groundwater
22 conditions. The additional data would also assist in the location of a groundwater containment
23 wells around the landfill. A groundwater containment wall would need to go as deep as
24 necessary to prevent leachate from reaching the Parcel E-2 wetlands or the Bay. The additional
25 data would also determine the quality of groundwater near the landfill and in the PCB hotspot
26 removal area to protect the Bay from potential contamination in those areas. The groundwater
27 contaminants of concern (COCs) at Parcel E-2 include metals, polychlorinated biphenyls
28 (PCBs), ammonia, and total petroleum hydrocarbons (TPH) (gasoline, diesel, motor oil).

29 Ms. Kito reviewed the possible location of a containment wall at Parcel E-2. The wall could
30 extend around the entire landfill to the PCB Hot Spot area where the removal action was
31 conducted but there is still contamination present. Areas where contaminants are not a concern
32 would not need a containment wall.

33 Ms. Kito explained that the Navy is going to install well points in certain areas at Parcel E-2 to
34 gather additional groundwater data. Well points are small temporary wells installed using a drill
35 rig that pushes PVC pipe into the ground with sand packed around the pipe. The pipe is
36 basically a well with a well screen that is tiny slits that allow groundwater to slowly flow into the
37 pipe. A pump is placed into the pipe that withdraws water. A water sample is then collected for
38 laboratory analysis to see if there are contaminants that could be of concern for the Bay. If an
39 area has no COCs that would impact the Bay, then there would be no need for a containment
40 wall in that area. It is likely that an additional removal action would be conducted for the PCB
41 Hot Spot area, and this investigation will provide data to determine where additional material
42 needs to be removed.

43 Ms. Kito summarized the schedule for the Parcel E-2 data gap investigation. Direct push and
44 piezometer sampling is scheduled for October 2007, but that is dependent on funding and

1 weather. The goal is to get into the field as soon as possible so the rainy season does not make
2 sampling a challenge. Once sample results are received from the laboratory, the Navy will
3 determine locations for permanent Parcel E-2 wells that will provide real-time groundwater data
4 into the future. Sample results will also be used to better assess the extent of a groundwater
5 remedy for the parcel.

6 Ms. Kito explained that there were two options for the Parcel E-2 RI/FS schedule. The first
7 option was to submit the draft final RI/FS as originally scheduled at the end of October 2007.
8 That report would indicate that there was not enough groundwater data available for Parcel E-2,
9 and would document the potential extent of a containment wall. The Navy decided to pursue a
10 second option to complete the data gap investigation, and then prepare a complete draft final
11 Parcel E-2 RI/FS that would be delayed approximately six months.

12 Dr. Tompkins stated that he has a question for both the San Francisco Bay Regional Water
13 Quality Control Board (Water Board) and the Navy. He asked if there is already a well at Parcel
14 E-2 monitoring groundwater to determine if contamination is leaking into the aquifer. Ms. Kito
15 explained that there are two aquifers at Parcel E-2 with wells that collect samples from both
16 aquifers. The top aquifer is referred to as Aquifer A and the aquifer below that is referred to as
17 Aquifer B. Parcel E-2 is divided into three areas, the landfill area, the adjacent area, and the
18 panhandle area. The Navy proposes to install two new permanent wells in the adjacent area, and
19 two new permanent wells in the panhandle area. The data gaps investigation will have
20 approximately 75 well points that are temporary wells.

21 Mr. Rao asked what is the depth to the water table at Parcel E-2. Ms. Kito replied that the depth
22 to groundwater varies at Parcel E-2, but on average is from 5 to 10 feet below ground surface
23 (bgs). Mr. Rao asked what material the Navy intends to use for the containment wall. Ms. Kito
24 explained that the material for the containment wall would be determined during the remedial
25 design phase. The Parcel E-2 FS evaluates the potential location and extent of the containment
26 wall, and may include recommendations for potential containment wall materials like slurry or
27 bentonite.

28 **Hunters Point Shipyard 2008 A Look Ahead (Presentation)**

29 Mr. Forman explained that he would like this presentation to be a conversation about what has
30 been going on at HPS particularly in the last 30 days. There will also be a look ahead at plans
31 for fiscal year (FY) 2008, which will not be like any other previous year at HPS. There is a
32 potential for more cleanup to be completed faster, and for a different path forward at HPS. Mr.
33 Forman explained that he would like to consider taking questions after each slide.

34 Mr. Forman stated that the community knows as much as the Navy based on the newspaper
35 articles and television coverage of potential plans for a San Francisco Forty Niners stadium at
36 HPS. That would be a large part of a plan to keep the Forty Niners in the City and County of
37 San Francisco. Another alternative being pursued is for a Forty Niners stadium in Santa Clara.
38 Recent developments have led to future HPS planning being dominated by the potential for a
39 future Forty Niners stadium at the shipyard.

40 Mr. Forman explained that the Navy position on a Forty Niners stadium at HPS has been neutral.
41 The Navy's mission at HPS is to find and analyze contamination, and then clean it up in
42 preparation for conveyance and integration into the community. The Navy is not advocating any
43 particular reuse for HPS, but is open to whatever options the Local Reuse Authority (LRA), the
44 City of San Francisco, is planning for the shipyard. The possibility presented is for an
45 accelerated cleanup for a stadium site at HPS. The stadium would be located on specific

1 property at HPS that would need to be ready for construction of the stadium at a certain future
2 date.

3 Mr. Forman stated that there have been many different opinions covered in the local news, and
4 many people have indicated that the Forty Niners schedule to have a stadium ready for the 2012
5 football season is not a realistic cleanup scenario for HPS. When the site has to be cleaned up,
6 transfer paperwork completed, and then construction of the stadium, 2012 is not that far away.

7 Mr. Forman explained that the City and County of San Francisco, and the local community have
8 the burden of exploring options for the Forty Niners to remain in the City. For HPS, what that
9 involved was contacting the Navy to start exploring and planning for the possibility for a
10 stadium. There have even been some figures published in the *San Francisco Chronicle* already,
11 showing what a potential stadium at HPS could look like. The Navy has been informally calling
12 the proposed stadium area, which would fall mostly in Parcel D, as "Parcel 49."

13 Mr. Forman indicated that several aspects of the HPS Environmental Program would need to be
14 addressed to seriously pursue this option for a Forty Niners stadium. One of those aspects would
15 be to complete the radiological removal program for Parcel 49, and see how far other cleanup for
16 the stadium footprint could progress before the property was conveyed and a stadium built. The
17 main Navy concern, then, is to have a plan that is realistic. Once all the options have been
18 considered, if the Navy does agree to seriously pursue an early transfer for a stadium site at HPS,
19 then everything involved in making that happen would need to be evaluated. Mr. Forman
20 explained that there are two important ingredients for a realistic schedule, time and budget. The
21 Navy would need a larger than normal budget to proceed with cleanup at an accelerated pace.

22 Ms. Pendergrass asked what is the expectation for this presentation. Mr. Forman replied that his
23 goal is to have a conversation with the RAB and get feedback on plans for a stadium at HPS and
24 what is planned for HPS in 2008. This is a good time to discuss future plans to minimize
25 surprises and get the community focused on the future at HPS.

26 Dr. Tompkins stated that there was mention of the Navy completing radiological cleanup for
27 Parcel 49, but would the property still have chemical contamination when it was turned over to
28 the City for redevelopment. Mr. Forman replied that there is the possibility that chemical
29 contamination would still be present when the property was conveyed for redevelopment. When
30 the Navy considers a request for early transfer, a line is drawn for the Navy to complete cleanup
31 to a certain point. Then the City and County of San Francisco would complete any remaining
32 cleanup of the property. A clear picture of where that line would be drawn should unfold in
33 2008 after further negotiation with the City and County. The Navy would not be have time to
34 complete all clean up and the necessary paperwork because that would be a regular transfer, not
35 an early transfer.

36 Mr. Rao stated that there have been recent public scoping meetings for a Bayview Waterfront
37 project. The notice of preparation of an Environmental Impact Report (EIR) for that project has
38 already been published. He is assuming the Navy has also had a chance to review that project
39 plan. The reason he is asking this question is that the HPS RAB could be dissolved if HPS is
40 transferred to a private developer. Mr. Forman responded that a different Navy team reviews
41 EIRs because that is part of environmental planning, not environmental cleanup. The City of
42 San Francisco has indicated a firm commitment not to dissolve the RAB. In addition, the Navy
43 does not want to see the RAB dissolved. Kind in mind, however, that early transfer plans only
44 involve certain sections of the shipyard, Parcel B and a portion of Parcel D informally called
45 "Parcel 49." The HPS RAB would exist until all of the HPS Parcels have been conveyed, and
46 that will take many years.

1 Mr. Muhammad asked what would be the expected date for a regular transfer of potential
2 stadium property. Mr. Forman replied that the FFA schedule has a regular transfer with all
3 cleanup complete listed for 2011 or 2012. That schedule would not allow for completion of a 3
4 to 3 ½ year construction project for the stadium. To pursue a potential stadium location at HPS
5 would mean accelerating the cleanup schedule and offering an early transfer for the community
6 to review and critique.

7 Mr. Forman stated that for FY 2008, the Navy expects to receive a regular budget of \$37 million.
8 The beginning of the fiscal year is October 1, 2007, but the U.S. Congress has not yet approved
9 the budget so that is not a firm amount. In addition, there is potential additional funding up to
10 \$28 million from other sources and legislation. Recently, Speaker of the House Pelosi and
11 Senators Boxer and Feinstein have expressed interest in keeping the Forty Niners in San
12 Francisco. These representatives have been willing to look at options for additional funding
13 because that would be necessary to accelerate cleanup for early transfer of the relevant HPS
14 property.

15 Mr. Forman explained that the regular budget of \$37 million would focus on continuing projects
16 to meet Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA)
17 milestones. That would include finalizing HPS documents that are currently in the draft and
18 draft final stages. Any additional funding would focus on TCRA and treatability studies
19 because those types of cleanup actions help accelerate the HPS schedule to be ready for an early
20 transfer.

21 Mr. Forman reviewed Navy goals for FY 2008. FY 2007 has been the “year of the FS” at HPS.
22 He stated that one of his personal goals is to keep that momentum going to finalize all five FSs
23 and move forward into the proposed plan stage for all HPS parcels, not just the areas proposed
24 for early transfer. Another FY 2008 goal is to aggressively pursue radiological sewer and storm
25 drain removals, and survey and cleanup of radiologically-impacted buildings across the shipyard.
26 Radiological removal is almost complete for Parcel B and nearly 20 percent of the current Parcel
27 D project is complete. The Navy would also proceed with a TCRA to address mercury at Parcel
28 B Site 26 that was developed based on discussions with the Water Board. A final FY 2008 goal
29 would be to perform an extensive treatability study (TS) for Parcel D to address groundwater
30 plumes in Sites 9, 33, and 71. The work plan for the Parcel D TS has been finalized, but would
31 be revised for the TS to be more aggressive and use a different application of zero-valent iron
32 technology that hasn’t been used before at HPS.

33 Mr. Forman summarized the FY 2008 \$37 million budget breakdown for HPS. For Parcel B, a
34 five year ROD review is due in 2008. The last 5-year review was conducted in 2003. A removal
35 action for mercury at Site 26, and a methane survey are also Parcel B projects included in the FY
36 2008 budget. For Parcel E-2, continuing landfill gas monitoring activities, and completion of the
37 Parcel E-2 FS and Proposed Plan are part of the budget. The Navy hopes to complete the Parcel
38 C FS, the Parcel D FS and Proposed Plan, and the Parcel E RI/FS under the FY 2008 budget.
39 Continuing sewer/storm drain radiological removals in Parcel D, Parcel F sampling to support a
40 radiological addendum, conveyance of Parcel D-2, and basewide groundwater monitoring are
41 also included in the FY 2008 budget.

42 Mr. Forman indicated if the Navy gets additional funding up to \$28 million then additional
43 projects could be completed in FY 2008. These additional projects, in order or priority, include a
44 Parcel D groundwater TS, radiological survey and cleanup of buildings in the stadium footprint,
45 radiological investigation and cleanup of Spear Avenue, a radiological closeout survey of Parcel
46 B Sites 7 and 18, and radiological survey and cleanup of buildings in Parcel B, and the start of

1 building surveys in Parcel D. The radiological activities for Spear Avenue cover property within
2 the stadium footprint. Spear Avenue has a deep sewer/storm drain conveyance system that will
3 be expensive to investigate and potentially remove. The Navy now has a new radiological
4 screening yard (RSY), so sites 7 and 18 where the former radiological screening yard was
5 located needs to be surveyed for closeout.

6 Mr. Forman explained that the Navy has been working on a master schedule and plans to submit
7 that for review in the next two weeks. The master schedule will document when and in what
8 order the Navy plans to complete projects, including projects that have to be completed for an
9 early transfer of Parcel B and the stadium footprint. There will be many meetings and
10 negotiations if the final decision is to pursue early transfer. Once the Navy has a final budget
11 amount and the master schedule has been completed, then there will be discussions on a path
12 forward for HPS.

13 Mr. Forman stated that the Navy would like to pursue conveyance of additional property at HPS,
14 Parcel D-2. Parcel D-2 was originally part of Parcel A, but was moved to Parcel D due to the
15 presence of two radiologically-impacted buildings. Those buildings have now been investigated
16 and the Navy will be generating the final report for that area soon. If closeout for Parcel D-2 is
17 completed in the near future, then that property will be ready for conveyance in 2008. The Navy
18 and potentially Ms. Brownell representing the San Francisco Redevelopment Agency (SFRA)
19 and the City of San Francisco plan to provide regular progress reports on HPS activities to the
20 RAB.

21 Ms. Pendergrass noted that there are about five minutes left to answer questions on this
22 presentation. Foregoing the subcommittee reports would provide additional time to answer
23 questions. Dr. Tompkins made a motion to extend the RAB meeting by 15 minutes to entertain
24 questions. The motion was accepted unanimously.

25 Dr. Tompkins stated that he would like to make the FY 2008 budget a topic for the Technical
26 Review Subcommittee meeting so he can develop a 2008 calendar for upcoming HPS projects.
27 Mr. Forman asked that Dr. Tompkins confer with other RAB members about presenting this
28 topic at the subcommittee meeting because it is not a technical topic that fits the framework for
29 the Technical Review Subcommittee.

30 Aleta Bryant, RAB member, asked if the potential Forty Niners stadium at HPS would influence
31 the decision for complete removal or capping the Parcel E-2 Landfill. Mr. Forman responded
32 that Ms. Bryant is referring to Parcel E-2, which is not part of the property included in the
33 stadium footprint. There are certain activities that need to be completed for Parcel B and the
34 stadium footprint in Parcel D in time for early transfer of that property. Parcel E-2 will continue
35 on a standard schedule under CERCLA, with the addition of the groundwater data gaps
36 investigation presented earlier. The Navy does expect to have funding to continue Parcel E-2
37 activities in FY 2008.

38 Mr. Muhammad asked if the City of San Francisco has proposed any company to complete
39 cleanup in the case of an early transfer. Ms. Brownell replied that property included in an early
40 transfer would go to the SFRA who would work with the Lennar, the master developer. Lennar
41 itself, however, would not complete the cleanup but would hire an independent environmental
42 company. Mr. Forman added that the Navy would have no role in the City's decision on who to
43 hire to complete cleanup of the early transfer property.

44 James Morrison, RAB member, stated that it was his understanding that the stadium footprint for
45 a parking lot would approach the Parcel E-2 boundary. Mr. Forman explained that the stadium

1 would need a lot of parking, but no decision has been made on locations for stadium parking.
2 With a large, complex project like this one for early transfer, the various phases of the project are
3 broken down to simpler steps that can be addressed one-by-one. The Navy is currently working
4 on a master schedule to determine dates and what activities can be completed if an early transfer
5 were pursued. Over the next couple of months, the Navy will develop a clearer understanding of
6 what can be completed and if the timing can support early transfer. The funding, however, has to
7 be available to accelerate cleanup.

8 Ms. Brownell explained that to get buy in from all the relevant parties and obtain additional
9 funding to accelerate cleanup, the concept for a Forty Niners stadium at HPS was proposed. The
10 City, however, is planning to proceed with early transfer with or without a stadium at HPS. If
11 the Forty Niners decide to go to Santa Clara, the plans for accelerated cleanup and early transfer
12 would still continue so property would be redeveloped for productive reuse. All of the effort and
13 money would not just go towards a potential stadium. Mr. Forman stated that all the funds spent
14 on accelerated cleanup for early transfer would be used for environmental cleanup. None of that
15 funding would go towards constructing the stadium. The FFA schedule for HPS that is still in
16 full force. Mark Ripperda, EPA, explained that in the event of an early transfer, the City would
17 have to enter into an agreement with the State of California and EPA and would be responsible
18 for environmental cleanup of the property.

19 Ms. Bryant asked if the HPS RAB would be included in negotiations for early transfer, or at least
20 kept informed during the process to provide suggestions or comments. Mr. Forman replied that
21 the RAB's role would be input based on the review of the documents issued to support an early
22 transfer. There will be a number of documents, including a Finding of Suitability for Early
23 Transfer (FOSET) that would be submitted for RAB review. The RAB will also be reviewing
24 the Master Schedule to support early transfer, and documents for all the projects, including
25 removal actions and TSs, which support early transfer. The Navy is currently preparing the
26 Master Schedule to determine if timing allows for an early transfer, and there is still the issue of
27 additional funding to accelerate cleanup.

28 Dr. Tompkins asked if the Navy or the City is liable for any chemical contamination left in place
29 after early transfer. Mr. Forman explained that under CERCLA, the Navy will always be liable
30 for ensuring the protectiveness of remedies put in place for contamination left by their activities
31 at HPS. A typical early transfer involves a negotiation to determine what cleanup the future
32 owner will be responsible for completing. The Navy then provides funding to compensate for
33 completing those cleanup activities. Cleanup activities conducted by other parties after early
34 transfer are still subject to the same regulatory oversight as those conducted by the Navy.
35 Another party that agrees to cleanup contamination, however, has an obligation to pursue an
36 acceptable cleanup and ensure remedies are protective of human health and the environment.

37 Mr. Rao stated that the notice of preparation for the Bayview Waterfront Project EIR does not
38 list the EPA as one of the agencies reviewing the EIR. He asked if Mr. Ripperda is aware of that
39 project. Mr. Ripperda responded that EPA provides regulatory oversight for environmental
40 cleanup and does not get involved with local development projects. Review of EIRs for local
41 development is delegated to the State and local municipalities.

42 Mr. Van Houten stated that the community has the impression that early transfer means Lennar
43 would handle cleanup of HPS property and has questions about who would provide oversight for
44 cleanup after transfer. The regulators have indicated that they would provide the same level of
45 oversight for cleanup activities at HPS regardless of the party conducting that cleanup.
46 Consequently, there does not need to be a lot of concern over who would be responsible for

1 cleanup in the future. Mr. Forman indicated that Mr. Van Houten's statement is accurate, and
2 the Navy would still have to complete environmental cleanup for the rest of HPS.

3 **TAG Update**

4 Dr. Tompkins stated that on the information table are copies of an article titled "Pandora's Box."
5 The article was prepared by the TAG advisor and was published in the Asian Weekly and the
6 Bayview newspaper. Unfortunately, changes were made to the article before it was published
7 and this is a copy of the original article submitted.

8 Dr. Tompkins explained that the TAG recently hosted a town meeting for the local community.
9 At that meeting, residents provided letters expressing concerns about plans for Parcel E-2 and he
10 will informally submit copies of those letters to the Navy.

11 Dr. Tompkins stated that the TAG advisors are in the midst of reviewing the many HPS
12 documents submitted in 2007 and have spent a lot of hours reviewing that material.

13 **Subcommittee Reports**

14 **Technical Review Subcommittee**

15 Dr. Tompkins explained that the meeting minutes for the September 2007 Technical Review
16 Subcommittee meeting are being prepared and a draft agenda for the next meeting will be
17 submitted for RAB review. One agenda topic is to set up the calendar for 2008, and he would
18 like to have the Technical Review Subcommittee work closer with the regulators. That would be
19 constructive for both the HPS RAB and the regulators, and would assist in preparing community
20 comments on documents in a timely manner. At the next meeting, the subcommittee will review
21 comments on the Parcel E-2 Radiological Addendum.

22 Dr. Tompkins complimented the Navy for providing the air-monitoring data requested at the
23 August 2007 RAB meeting. The data indicate that conditions are safe for workers at HPS. Ms.
24 Kito will also be providing baseline medical data for workers at HPS as a continuation of that
25 request.

26 **MBCO Subcommittee**

27 Mr. Van Houten stated that the MBCO Subcommittee has approved a RAB membership
28 application for Jocquay Thomas and asked Mr. Thomas to introduce himself to the RAB. Mr.
29 Thomas said that he grew up in and lives in the Bayview/Hunters Point community. He finds it
30 interesting how the RAB makes decisions and provides input for the Navy's planning at HPS.
31 He confirmed that he is associated with the Literacy for Environmental Justice (LEJ). Dr.
32 Tompkins noted that Mr. Thomas resides on Harbor Road, so he would be considered a resident
33 RAB member, rather than an associate of LEJ. Mr. Van Houten made a motion to accept Mr.
34 Thomas as a new RAB member and Mr. Rao seconded the motion. Mr. Thomas was
35 unanimously accepted as a RAB member and welcomed to the table.

36 Mr. Van Houten explained that there is a questionnaire that was distributed to the RAB members
37 he would like feedback on. The questionnaire will be used to standardize questions asked of
38 future RAB member applicants. Ms. Hunter clarified that the questionnaire was emailed to RAB
39 members and included in the mail packet for this meeting.

40 Mr. Van Houten stated that it is time for the HPS RAB to approve the 2007 revisions to the
41 Bylaws. A copy of the proposed revisions to the Bylaws is available on the information table.
42 There are five changes to the Bylaws. First, on page 1, no. 5 under voting, a phrase was added

1 "RAB members should disclose and abstain on any voting due to a conflict of interest pertaining
2 specifically to direct economic gain." Ms. Pendergrass explained that there would need to be a
3 mechanism, or consequences, if a RAB member violated this provision.

4 Mr. Van Houten reviewed the second revision, on page 5, no. 15 under duties of Navy and
5 Community Co-Chairs. "The Community Co-chair will have a quarterly meeting with the
6 subcommittee chairs to evaluate the goals and responsibilities of the RAB. A summary of the
7 discussion will be provided by the Community Co-chair to the full RAB. The third revisions is
8 for no. 16. "Subcommittees shall prepare meeting minutes to reflect a summary of the meeting.
9 Minutes shall be distributed to the RAB at the following RAB meeting or in a timely manner (7
10 calendar days after the subcommittee meeting). The meeting minutes shall contain the following
11 information: a listing of meeting attendees, outline agreements and sub and key discussion
12 items, action items determined with a due date, and next meeting date." The change is for 7 days
13 after the subcommittee meeting. Ms. Pendergrass noted that this revision should probably read
14 "motions that will be asked at the next RAB meeting," instead of or in addition to "action items."

15 Mr. Van Houten reviewed the fourth revision on page 5. The change here is "The Subcommittee
16 Chair may serve an indefinite number of terms but may not serve more than two terms back to
17 back." The final revision is also on page 5: "The Subcommittee Chairs will meet with the
18 Community Co-chair to evaluate the goals and responsibilities of the RAB on a quarterly basis.
19 A summary of the discussion will be provided by the Community Co-chair to the full RAB."

20 Ms. Pendergrass explained the process for approving revisions to the Bylaws. The
21 recommended revisions to the Bylaws are submitted to the RAB members, who have 30 days for
22 review. RAB members can then recommend any further changes, and the RAB would get an
23 additional 30 days to review any additional changes. There would then be a vote on all the
24 proposed revisions at the following RAB meeting.

25 Mr. Morrison stated that he has a concern that he would like addressed in the Bylaws. The RAB
26 needs to be able to verify an applicant's legal address if the application is for membership as a
27 resident. Jesse Mason, who is not present tonight, is a RAB member who has never provided a
28 verifiable address to be considered a resident. His RAB application lists the Arc Ecology
29 address as his mailing address. Mr. Morrison indicated that he would attend the next MBCO
30 Subcommittee meeting so this issue could be addressed in the Bylaws.

31 Dr. Tompkins stated that he would recommend deferring the vote to approve the Bylaws
32 revisions until the MBCO Subcommittee can evaluate consequences for violation of the conflict
33 of interest provision on page 1.

34 Mr. Van Houten explained that revisions to the Bylaws were discussed and approved at the
35 September 11, 2007 MBCO subcommittee meeting. If there are any additional concerns with or
36 revisions to the Bylaws, then RAB members need to attend the MBCO Subcommittee meetings
37 to provide input. The next MBCO Subcommittee meeting is on November 15, 2007, so approval
38 of the Bylaws will now be delayed until the December 2007 RAB meeting.

39 **Economic Subcommittee**

40 Ms. Bryant introduced herself as the new Economic Subcommittee chair. Since the last
41 Economic Subcommittee meeting, the RAB has discussed the need to develop policies and
42 procedures to provide structure for the Economic Subcommittee. She initially approached Dr.
43 Tompkins, Dr. Mike McGowan, RAB member, and Kristine Enea, RAB member, to participate
44 in the Economic Subcommittee meetings and they all accepted.

1 Ms. Bryant explained that a round table discussion is planned for the next Economic
2 Subcommittee meeting to develop and implement a structure for the subcommittee. A report on
3 plans for moving forward will be provided after that round-table discussion.

4 The next Economic Subcommittee meeting will be held on November 14, 2007 from 6:00 to
5 8:00 p.m.

6 **Community Comment Period**

7 Harrell Powell, resident, asked if the Navy would be available to oversee or advise on
8 environmental cleanup after early transfer of property in Parcels B and D. Mr. Forman replied
9 that the Navy would still be present at the shipyard and would be part of the process for
10 environmental cleanup at HPS.

11 Connie Shahid, LEJ, asked if the Forty Niners would potentially contribute any funding for
12 cleanup of HPS property that would be part of the stadium. Ms. Brownell responded that her
13 understanding is that the Navy would continue to pay for cleanup after early transfer, and the
14 Forty Niners would pay for construction of the stadium. The Forty Niners would then own the
15 stadium, but there would probably be a lease for the property under the stadium.

16 Ms. Pendergrass adjourned the meeting at 8:22 p.m.

17 **Reminder: The next RAB meeting will be held from 6:00 p.m. to 8:00 p.m., Thursday,**
18 **October 25, 2007, at the Alex Pitcher Jr. Room, 1800 Oakdale Avenue, San Francisco,**
19 **California 94124.**

**ATTACHMENT A
27 SEPTEMBER 2007- RAB MEETING
LIST OF ATTENDEES**

Name	Association
1. Bryan Black	EDL
2. Amy Brownell	San Francisco Department of Public Health
3. Aleta Bryant	RAB member, CAMKAL Trucking
4. David Cacciatore	Shaw Environmental & Infrastructure
5. Vincent Chan	Shaw Environmental & Infrastructure
6. Charles Dacus	RAB member, Bayview/Hunters Point Resident
7. Day De Faro	RAB Attendee
8. Michael Dennis	Resident and Small Business Owner
9. Bill Dougherty	Tetra Tech ECI
10. Keith Forman	Navy RAB Co-chair
11. Larry Frias	RAB member, Waste Solutions Group
12. Veronica Hunnicutt	SEC/Community College Southeast Facility/Community Advisory Committee
13. Carolyn Hunter	Tetra Tech EMI
14. Melanie Kito	Navy Lead Remedial Project Manager
15. Oscar James	Resident
16. Jackie Ann Lane	U.S. EPA Region IX
17. James Morrison	RAB member, ROSES
18. Gianna Muhammad	Literacy for Environmental Justice (LEJ)
19. Leon Muhammad	Community RAB Co-chair, University of Islam, Center for Self Improvement
20. Christine Niccoli	Niccoli Court Reporting
21. Peter Palmer	San Francisco State University (SFSU)- TAG
22. Marsha Pendergrass	Pendergrass & Associates
23. Harrell Powell	Bayview/Hunters Point Resident
24. Sudeep Rao	RAB member, LEJ
25. Brian Rebold	SFSU
26. Mark Ripperda	U.S. EPA Region IX
27. Connie Shahid	LEJ
28. Erich Simon	San Francisco Bay Regional Water Quality Control Board
29. Peter Stroganoff	Navy, Resident Officer in Charge of Construction (ROICC) Office
30. Jocquay Thomas	RAB member, LEJ
31. Raymond Tompkins	RAB member, Community First Coalition
32. Robert Van Houten	RAB member, Morgan Heights Resident
33. Julia Vetromile	Tetra Tech EMI
34. Angela Williams	Barajas & Associates

**ATTACHMENT B
27 SEPTEMBER 2007 – RAB MEETING
ACTION ITEMS**

Item No.	Action Item	Person Authoring the Action Item	Due Date	Person/Agency Committing to Action Item	Resolution Status
Carry-Over Items					
1.	The RAB will draft a letter to the San Francisco Mayors Office, the Police Chief, and the Police Department based at HPS stating that police officers are still not complying with speed limits at the shipyard. The letter will request a written response from the police department.	Leon Muhammad, Community RAB Co-Chair	October 2007	Mr. Muhammad	This action item to be completed during October 2007.
2.	Prepare statement clarifying the distinction between Navy and RAB activities at HPS, and Lennar and CAC activities with redevelopment and former Parcel A.	Ray Tompkins, RAB member	September 2007	Robert Van Houten, RAB member	This action item to be completed during October 2007.
New Action Items					
	None				

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5 HUNTERS POINT SHIPYARD
6 RESTORATION ADVISORY BOARD
7
8
9 REPORTER'S TRANSCRIPT OF MEETING
10
11 SEPTEMBER 27, 2007
12
13
14 City College of San Francisco
15 Southeast Campus
16 Alex Pitcher, Jr., Community Room
17 1800 Oakdale Avenue
18 San Francisco, California
19
20 Reported by Christine M. Niccoli, RPR, C.S.R. No. 4569
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1 PANEL OF REGULATORS & U.S. NAVY 3
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3 AMY D. BROWNELL - San Francisco Department of Public
4 Health
5 MELANIE KITO - United States Navy
6 JACQUELINE ANN LANE - U.S. Environmental Protection
7 Agency (EPA)
8 MARK RIPPERDA - U. S. Environmental Protection Agency
9 (EPA)
10 ERICH SIMON - San Francisco Bay Regional Water Quality
11 Control Board
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1 PARTICIPANTS 2
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3 FACILITATOR:
4 MARSHA PENDERGRASS - Pendergrass & Associates
5 CO-CHAIRS:
6 KEITH FORMAN - United States Navy
7 Project Managers Office (PMO) West
8 LEON MUHAMMAD - Center For Self Improvement,
9 Muhammad University of Islam
10
11 RAB MEMBERS
12
13 ALETA BRYANT - CamKal Industrial Transport
14 CHARLES L. DACUS, SR. - Bayview-Hunters Point resident,
15 Residents of the Southeast Sector (R.O.S.E.S.)
16 LARRY FRIAS - Waste Solutions Group, Bayview-Hunters
17 Point resident
18 JAMES MORRISON - Environmental Technology, Residents of
19 the Southeast Sector (R.O.S.E.S.)
20 SUDEEP M. RAO - Literacy for Environmental Justice (LEJ)
21 RAYMOND J. TOMPKINS - Bayview-Hunters Point Coalition on
22 the Environment
23 ROBERT VAN HOUTEN - Morgan Heights Homeowners
24 Association
25 ---oOo---

1 AUDIENCE 4
2
3 BRYAN BLACK - EDL
4 DAVID CACCIATORE - Shaw Environmental & Infrastructure,
5 Inc.
6 VINCENT CHAN - Shaw Environmental & Infrastructure, Inc.
7 MICHAEL DENNIS - MCD Trucking
8 BILL DOUGHERTY - Tetra Tech ECI
9 DAY DE FARO
10 VERONICA HUNNICUTT - City College of San Francisco,
11 Southeast Campus
12 CAROLYN HUNTER - Tetra Tech EMI
13 OSCAR JAMES
14 GIANNA MOHAMMAD - Literacy for Environmental Justice
15 (LEJ)
16 PETER T. PALMER, PH.D. - San Francisco State University,
17 Community First Coalition
18 HARRELL POWELL - Bayview-Hunters Point resident
19 BRIAN REBOLD - San Francisco State University
20 CONNIE SHAHID - Literacy for Environmental Justice (LEJ)
21 PETER STROGANOFF - United States Navy ROICC Office
22 JOCQUAY THOMAS - Literacy for Environmental Justice
23 (LEJ)
24 JULIA VETROMILE - Tetra Tech EMI
25 ANGELA WILLIAMS - Barajas & Associates, Inc. (BAI)

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1 SAN FRANCISCO, CALIFORNIA, THURSDAY, SEPTEMBER 27, 2007
 2 6:07 P.M.
 3 ---oOo---
 4 MS. PENDERGRASS: Welcome, everyone. Can you
 5 hear me?
 6 MR. DACUS: Yes.
 7 MS. PENDERGRASS: Good. Okay. So welcome to
 8 the Thursday, September 27th, 2007, Hunters Point
 9 Shipyard Restoration Advisory Board meeting.
 10 Okay. Let's see. So how's everybody doing?
 11 Seems like -- you know, this kind of feels like summer,
 12 doesn't it? Everybody doesn't show up because we're off
 13 at the beach or whatever.
 14 Anyway, tonight let's start with introductions,
 15 and maybe we'll get halfway through before everybody
 16 else comes. Sound like a plan?
 17 I'm Marsha Pendergrass, and I'm your host this
 18 evening for a fabulous romp through the shipyard,
 19 through the mud, through the yuck, and through the
 20 muck.
 21 And let's start with you.
 22 MR. SIMON: I'm Erich Simon with the San
 23 Francisco Bay Water Board.
 24 MS. PENDERGRASS: Perfect. Welcome.
 25 MR. RIPPERDA: And I'm Mark Ripperda with the

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1 U.S. EPA.
 2 MS. PENDERGRASS: Welcome.
 3 MR. MORRISON: James Morrison, resident.
 4 MS. PENDERGRASS: Welcome, Mr. Morrison. How
 5 are you?
 6 MR. MORRISON: Fine; thank you.
 7 MS. PENDERGRASS: Great.
 8 MR. FORMAN: Keith Forman, Navy BRAC
 9 environmental coordinator and RAB co-chair.
 10 MS. PENDERGRASS: Oh, Miss Kito, it's nice to
 11 see you.
 12 MS. KITO: Melanie Kito, lead RPM.
 13 MR. VAN HOUTEN: Robert Van Houten, resident.
 14 DR. RAO: Sudeep Rao, Sudeep Rao, Literacy for
 15 Environmental Justice.
 16 MR. FRIAS: Larry Frias, resident, local
 17 business.
 18 MS. BROWNELL: Amy Brownell, San Francisco
 19 Health Department.
 20 MR. DACUS: Charles L. Dacus, Sr., ROSES and
 21 resident.
 22 DR. TOMPKINS: Dr. Raymond Tompkins, Community
 23 First Coalition.
 24 MS. PENDERGRASS: Love that lavender shirt.
 25 DR. TOMPKINS: Oh, thank you.

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1 MS. PENDERGRASS: All right. Please start
 2 here.
 3 MR. THOMAS: Jocquay Thomas from LEJ.
 4 MS. PENDERGRASS: Let's say that again a little
 5 bit louder.
 6 MR. THOMAS: Jocquay Thomas from LEJ.
 7 MS. PENDERGRASS: Jocquay?
 8 MR. THOMAS: Jocquay.
 9 MS. PENDERGRASS: Jocquay Thomas from LEJ.
 10 And you are, Miss? I'm sorry.
 11 MS. MOHAMMAD: Gianna Mohammad from LEJ.
 12 MS. PENDERGRASS: Gianna?
 13 MS. MOHAMMAD: Gianna Mohammad.
 14 MS. PENDERGRASS: Gianna Mohammad. Okay.
 15 Thank you. From LEJ as well?
 16 (No audible response.)
 17 MS. PENDERGRASS: Thank you.
 18 MS. LANE: Jackie Lane, EPA.
 19 MS. PENDERGRASS: Jackie Lane, EPA.
 20 MR. REBOLD: Brian Rebold, San Francisco State
 21 University.
 22 MS. PENDERGRASS: And that was Gregory Bold?
 23 MR. REBOLD: Brian.
 24 MS. PENDERGRASS: Brian Bold?
 25 MR. REBOLD: Brian.

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1 MS. PENDERGRASS: From San Francisco State
 2 University. Okay.
 3 DR. PALMER: Pete Palmer, San Francisco State
 4 University.
 5 MS. PENDERGRASS: Okay. Pete.
 6 Did you get that?
 7 THE COURT REPORTER: (Nods.)
 8 MS. PENDERGRASS: Excellent.
 9 MR. DOUGHERTY: Bill Dougherty with Tetra Tech.
 10 MS. PENDERGRASS: Bill Dougherty with Tetra
 11 Tech.
 12 MR. JAMES: Oscar James, native resident,
 13 property owner.
 14 MS. PENDERGRASS: Hello, Mr. James. How are
 15 you?
 16 All right, Oscar James.
 17 All right. So we have a co-chair. Would you
 18 like to introduce yourself, Mr. Muhammad?
 19 MR. MUHAMMAD: Yes. I apologize for being
 20 late. Brother Leon Muhammad. Brother Leon Muhammad,
 21 co-chair Restoration Advisory Board.
 22 MS. PENDERGRASS: Excellent.
 23 Anybody else new around the Board? Okay.
 24 MS. WILLIAMS: Angela Williams of Barajas &
 25 Associates.

1 MS. PENDERGRASS: Thank you, Miss Williams.
 2 MS. VETROMILE: Julia Vetromile, Tetra Tech.
 3 MS. PENDERGRASS: Julia. Thank you. It's so
 4 nice to see you.
 5 We have some folks back here that are coming
 6 in.
 7 Why don't we start with you, though, Carolyn?
 8 MS. HUNTER: Carolyn Hunter, Tetra Tech.
 9 MS. PENDERGRASS: Okay.
 10 Go back to the table there. Get those folks so
 11 we don't have to start again.
 12 Who you are, sir. That's all we need. How are
 13 you?
 14 MR. BLACK: Hi. I'm from New Zealand from
 15 Environmental Decontamination.
 16 MS. PENDERGRASS: And your first name, sir?
 17 MR. BLACK: Bryan Black.
 18 MS. PENDERGRASS: Bryan Black. Nice to meet
 19 you. Come on in. Just getting started.
 20 Yes, ma'am.
 21 MS. FARO: I'm Day De Faro.
 22 MS. PENDERGRASS: Okay.
 23 Did you get that?
 24 THE COURT REPORTER: Day De Fare?
 25 MS. PENDERGRASS: Day De Fare? Is that the

1 last name, De Fare?
 2 MR. ATTENDEE: Faro.
 3 MS. FARO: Faro.
 4 MS. PENDERGRASS: Faro. Okay. Excellent.
 5 Thank you.
 6 All right.
 7 And yes, sir, in the brown. I know you're
 8 signing in. I'm not going to give you any slack
 9 tonight.
 10 MR. DENNIS: Michael Dennis.
 11 MS. PENDERGRASS: Thank you, Mr. Dennis.
 12 All rightie, then. Let's get this party
 13 started tonight, and let's start with an agenda review.
 14 We have a fabulous night planned for you tonight,
 15 starting with approval of minutes. We're going to move
 16 right into action items right after that. We are going
 17 to have a few announcements, both from the Navy and our
 18 community co-chair.
 19 And then we're going to have a raptured
 20 presentation on Parcel E-2 groundwater data gap
 21 investigation. Is that not going to be fun?
 22 Then we might take a break or we might not, and
 23 then we are going to do environmental cleanup for 2008,
 24 the next steps at Hunters Point. That's just going to
 25 be so exciting.

1 Then we are going to do Technical Assistance
 2 Grant update by Dr. Tompkins, and we will have a few
 3 minutes to talk about the important work that's happened
 4 during the month by the subcommittees.
 5 Sound like a plan?
 6 MR. VAN HOUTEN: (Nods.)
 7 MS. PENDERGRASS: All rightie, then. So let's
 8 talk about the minutes. Did everybody receive a copy of
 9 the August 23rd RAB meeting minutes? They were raptured
 10 reading, were they not?
 11 (No response elicited.)
 12 MS. PENDERGRASS: This is a tough crowd. I
 13 could see how -- tough crowd, tough crowd.
 14 Anyway, anybody have anything to say about
 15 those minutes?
 16 DR. TOMPKINS: Yes.
 17 MS. PENDERGRASS: Yes.
 18 DR. TOMPKINS: Page 5, line 4, put it
 19 "Dr. Tompkins," not "Ray Tompkins." No nicknames in a
 20 official document, please.
 21 MS. PENDERGRASS: Certainly. We can make that
 22 happen, Dr. Tompkins.
 23 DR. TOMPKINS: Thank you.
 24 MS. PENDERGRASS: All rightie. Any other
 25 changes? I'm sensing --

1 Yes. Mr. Muhammad?
 2 MR. MUHAMMAD: Maybe this might be considered
 3 part of the action items in regards to what was
 4 discussed on line.
 5 MS. PENDERGRASS: Speak into the microphone so
 6 we can hear you.
 7 MR. MUHAMMAD: Sorry.
 8 MS. PENDERGRASS: That's okay.
 9 MR. MUHAMMAD: -- discuss in regards to the
 10 Notice of Violation and that --
 11 MS. PENDERGRASS: What page are you on?
 12 MR. MUHAMMAD: I'm on Page 6 of 15 --
 13 MS. PENDERGRASS: Okay.
 14 MR. MUHAMMAD: -- where it was stated that a
 15 written protocol for informing the Navy of dust control
 16 issues that cross over to property boundary, should that
 17 be -- is that something that I would address as a action
 18 item, or has that been done?
 19 MS. PENDERGRASS: Well, let's take a look and
 20 see if it's on the action item list. Did you take a
 21 look?
 22 DR. TOMPKINS: Where's that --? Excuse me.
 23 MR. MUHAMMAD: Page 6 of 15, line No. 6.
 24 MS. BROWNELL: It's done. It's an action item,
 25 but it's been completed, if you look on new action

1 items.
 2 MS. PENDERGRASS: Was it --? Isn't that No. 1
 3 a new action item? Okay. So we'll get to that when we
 4 cover the action items.
 5 So I'm sensing here this aura of something
 6 coming, like a motion to accept these minutes into
 7 record. Is that happening?
 8 DR. TOMPKINS: I move acceptance of the meeting
 9 [sic] with amendments made.
 10 MS. PENDERGRASS: Oh, we have a motion on the
 11 floor by Dr. --
 12 MR. DACUS: Second.
 13 MS. PENDERGRASS: -- Tompkins.
 14 We have a second by Mr. Dacus.
 15 So now we're ready to move on to business. Do
 16 we have any other discussion on them?
 17 DR. TOMPKINS: Call the question.
 18 MS. PENDERGRASS: Yes.
 19 DR. TOMPKINS: No. Call for vote.
 20 MS. PENDERGRASS: Okay. I'm waiting for you to
 21 ask questions.
 22 All right, then. All in favor of accepting the
 23 minutes of the 23rd August 2007 RAB board meetings [sic]
 24 into the record as they are written with the changes as
 25 stipulated, all signify by saying, "Aye."

1 THE BOARD: Aye.
 2 MS. PENDERGRASS: Anybody opposed to that?
 3 Anybody just want to sit this vote out?
 4 All rightie, then. The ayes have it, and we're
 5 going to move right along.
 6 Okay. So let's review the action items. All
 7 right. We have the RAB will commit -- will comment on
 8 draft Parcel E-2 RI and FS that the RAB cannot provide
 9 significant comments based on the inadequacy of
 10 information since the radiological addendum -- addendum
 11 has not yet been submitted. Mr. Rao brought that, and
 12 Mr. Muhammad was going to take care of that.
 13 So it says here this action item was completed
 14 August 27. Is that correct, sir?
 15 MR. MUHAMMAD: Correct.
 16 MS. PENDERGRASS: All right, then. We'll just
 17 delete that one off of our list. Loving it.
 18 The RAB will draft a follow-up letter to the
 19 San Francisco Mayor's Office, the police chief, and the
 20 police department based at the Hunters Point Shipyard
 21 requesting a written response to the letter submitted on
 22 March 2007. Mr. Tisdell brought that, and Mr. Tisdell
 23 and Mr. Muhammad were going to collaborate on that.
 24 Was that completed, Mr. Muhammad?
 25 MR. MUHAMMAD: There is a response. So that

1 has been completed.
 2 MS. PENDERGRASS: Okay. There's a response
 3 letter. Doesn't that require a little additional
 4 follow-up, since it just says that they got the letter?
 5 MR. MUHAMMAD: Does it?
 6 MS. PENDERGRASS: Mr. Rao? Yes.
 7 DR. RAO: Microphone, please.
 8 Actually, Keith would be the perfect person for
 9 this. But since he's not here, I'm just going to on his
 10 behalf. The letter from Captain Daniel McDonagh says
 11 that he may have potentially -- they may have
 12 potentially misplaced that letter. But it says here
 13 that "actions were taken regarding officers traveling on
 14 the roads to and from the shipyard. I hope you have
 15 seen an improvement."
 16 But I think the original intent was that inside
 17 the shipyard, that they are speeding inside the shipyard
 18 was why this whole thing came up. So I think there may
 19 be still some follow-up after this. Thanks.
 20 MS. PENDERGRASS: So how would you like to see
 21 that proceed, Mr. Rao? Don't just drop it there.
 22 DR. RAO: I think --
 23 MR. FORMAN: Can I ask . . . ?
 24 MR. MUHAMMAD: See --
 25 MS. PENDERGRASS: Let's let Mr. Rao finish

1 that.
 2 What did you expect to see next on that?
 3 Just a minute.
 4 DR. RAO: I think as a continuation of that, I
 5 think we should just follow up with that same captain
 6 and say that our concern was within the shipyard itself;
 7 and if we have observed anything, to provide that
 8 feedback.
 9 But I think that action item, I believe, is not
 10 complete until we can get a confirmation from the
 11 captain that they have taken actions with regard to
 12 speeding in the shipyard. Thanks.
 13 MS. PENDERGRASS: Mr. Muhammad, did you have a
 14 follow-up to that?
 15 MR. MUHAMMAD: No.
 16 MS. PENDERGRASS: I'm sorry. Then Mr. Forman
 17 and then Dr. Tompkins.
 18 MR. FORMAN: I was just going to ask Mr. --
 19 Mr. Dougherty, who is on the base every day, have you
 20 seen -- have you seen a difference in the speed that the
 21 police cars were traveling on the base?
 22 Okay. I thought we might just ask him before
 23 we just --
 24 No? Okay.
 25 MS. PENDERGRASS: All right. So that requires

1 a continuation of this action item.
 2 So Dr. Tompkins, did you have some light to
 3 shed on that?
 4 DR. TOMPKINS: Yes. We did also discuss this
 5 in the Technical Committee meeting as well. Melanie was
 6 going to do follow-up because we had concerns of
 7 jurisdiction --
 8 MS. PENDERGRASS: Okay.
 9 DR. TOMPKINS: -- who will watch and in
 10 compliance of state law, which you shouldn't be
 11 traveling beyond 15 miles a hour on the property, and
 12 the police have been. And who will be in the enforces
 13 when the enforces [sic] are not complying with the law?
 14 And Melanie was going to do a follow-up on that
 15 and, I'm assuming, at the next Tech meeting that she
 16 would work on dealing with the problems.
 17 So I think it would be appropriate for a
 18 continuation on the matter.
 19 MS. PENDERGRASS: So I just need a clarity.
 20 Are we dropping this action item --
 21 DR. TOMPKINS: No.
 22 MS. PENDERGRASS: -- entirely, or are we
 23 amending it and making it a new action item with
 24 something else that's due to be done, or what? Doctor?
 25 DR. TOMPKINS: I think it would be appropriate

1 as a continuation on the initial because our initial
 2 letter to the police department did state about
 3 compliance and reduction of speed on the shipyard.
 4 MS. PENDERGRASS: Okay. With Mr. Tisdell and
 5 Mr. Muhammad on that, that would require their agreement
 6 to see that forward. Is that correct?
 7 MR. MUHAMMAD: That's correct.
 8 MS. PENDERGRASS: Do you agree?
 9 MR. MUHAMMAD: I agree.
 10 MS. PENDERGRASS: All right. So we're going to
 11 change this action item completion at the resolution
 12 status to not complete and anticipate that this should
 13 be completed by when? And Mr. Muhammad, perhaps you
 14 could shed some light in the time line.
 15 MR. MUHAMMAD: I think that what we should do
 16 is probably draft another letter stating that according
 17 to eyewitnesses, that there is no compliance. How do we
 18 answer to this in regards to stating in the original
 19 letter that you sent to the RAB that the action -- you
 20 know, the matters would --
 21 MS. PENDERGRASS: Okay.
 22 MR. MUHAMMAD: -- take place?
 23 MS. PENDERGRASS: So when should we put the due
 24 date on this?
 25 MR. ATTENDEE: Next week.

1 MS. PENDERGRASS: Next week. So that would be
 2 October what? Let's pick October 7th. What a nice
 3 day.
 4 MR. MUHAMMAD: Put it next RAB meeting?
 5 MS. PENDERGRASS: Can we do that?
 6 MR. FORMAN: The next RAB meeting --
 7 MS. PENDERGRASS: That's a Sunday? No wonder I
 8 like that day. Okay. October 8th? Yes.
 9 DR. TOMPKINS: Would it be appropriate that
 10 this -- that we submit the letter I -- and be completed
 11 by the -- so that they can report back to the next RAB
 12 meeting on the --?
 13 MS. PENDERGRASS: That's what we're talking
 14 about. We're trying to figure out a day by which he'll
 15 complete the letter. So we're just saying October 8th.
 16 DR. TOMPKINS: I would --
 17 MS. PENDERGRASS: You said next week.
 18 DR. TOMPKINS: I would defer [sic] not because
 19 of the Tech Committee won't meet until the 11th of
 20 October.
 21 MS. PENDERGRASS: This mee- -- This letter
 22 doesn't require a meeting from you.
 23 DR. TOMPKINS: But the meeting -- Melanie may
 24 have information since she was going to do investigation
 25 on this for us --

1 MS. PENDERGRASS: Okay. I think we're --
 2 DR. TOMPKINS: -- that --
 3 MS. PENDERGRASS: -- talking about two
 4 different things here.
 5 DR. TOMPKINS: No.
 6 MS. PENDERGRASS: This is a follow-up to the
 7 letter. I understand what you said about what Miss Kito
 8 would be doing.
 9 DR. TOMPKINS: Okay.
 10 MS. PENDERGRASS: But this is a follow-up to
 11 this letter, so this is kind of in addition to.
 12 DR. TOMPKINS: Okay.
 13 MS. PENDERGRASS: All right. So Mr. Muhammad,
 14 we -- is it safe to put a October 8th deadline for you?
 15 MR. MUHAMMAD: That's fine.
 16 MS. PENDERGRASS: Very fine. All right. So
 17 then we'll look forward to the completion of that one by
 18 next month.
 19 All right. Action Item No. 3: On the BRAC PMO
 20 Web site, provide the RAB with monthly air-monitoring
 21 reports from radiological time-critical removal action
 22 activity. That almost sounds sexy.
 23 Mr. Rao brought that. It was supposed to be
 24 done in September. Mr. Dougherty was going to happen --
 25 help with that. And was that completed? Did you want

1 to report on that?
 2 MS. KITO: Yes, that was done, and the
 3 air-monitoring results are on the BRAC PMO Web site.
 4 MS. PENDERGRASS: Okay. And Mr. Rao, are you
 5 satisfied with that?
 6 DR. RAO: Just to clarify, Keith and Melanie,
 7 now, the air-monitoring data, it says, from radiological
 8 time-critical removal action activities, are there any
 9 other -- so there are monitors for those -- the TCRA
 10 activities, but are there any other monitors that are
 11 also there as passive monitors throughout the base that
 12 are also collecting data?
 13 MR. FORMAN: Connected to an investigation.
 14 MS. KITO: The monitor that we do for air will
 15 always be connected to the activities that we do out
 16 there because the dust control we want to protect would
 17 be for the workers that we have on site.
 18 So if we have active -- any type of active
 19 actions out there that has -- that may kick up dust,
 20 that's when we have monitoring stations.
 21 So if you're asking if we just have passive
 22 stations just in other areas where we're not -- we do
 23 not have activities at, the answer would be no, we do
 24 not, 'cause there's no really need for us to monitor in
 25 areas that we're not doing anything at.

1 DR. RAO: Okay. So there are no passive
 2 monitors anywhere in the shipyard in areas other than
 3 the TCRA site?
 4 MS. KITO: Only in areas that we're actually
 5 doing activities in.
 6 DR. RAO: Okay.
 7 MS. PENDERGRASS: Okay. So we're --
 8 DR. RAO: Thank you.
 9 MS. PENDERGRASS: -- we're feeling this is
 10 resolved? All right. Action Item No. 3 will be deleted
 11 from the list.
 12 Number 4, the RAB will review the Monthly
 13 Progress Reports format and provide the Navy comments
 14 for providing additional information.
 15 Mr. Forman, you brought that forward? Don't
 16 remember that.
 17 MR. FORMAN: No. The action item was
 18 completed. I have since then received more feedback
 19 from the RAB; and if you look at your colorful MPR this
 20 month, we have made the changes, and I want to thank
 21 everybody for the input I did receive, and we have
 22 incorporated those changes; and you'll see that the
 23 calendar on the very back is full with the items that
 24 you suggested should be on the calendar for the
 25 two-month look-ahead.

1 And then please take the time when you have
 2 time to review on each parcel where we're at in the
 3 documents. You can see how this is working out with the
 4 dates and everything, and just continue to provide me --
 5 I think we can delete this as an action item, but
 6 continue to provide me feedback whenever you feel you
 7 have a good idea.
 8 MS. PENDERGRASS: Excellent. Excellent work.
 9 I love that call-and-response stuff, you know. We ask;
 10 get it done.
 11 All right. Then we had a couple of new items.
 12 Establish a policy for informing the Navy when dust
 13 plumes cross property boundary.
 14 Now, Mr. Muhammad brought this forward.
 15 Mr. Forman and Miss Brownell said that they would be
 16 working on this, and the resolution says this action was
 17 completed at the RAB meeting.
 18 The Navy BEC is now on the City's distribution
 19 list for notices on Lennar's redevelopment activities,
 20 including notices of violation. Is everybody happy with
 21 that?
 22 MR. FORMAN: Yes.
 23 MS. PENDERGRASS: And Mr. Muhammad, you're
 24 happy? As long as you're happy. Okay. Knitted brow.
 25 What does that mean?

1 MR. MUHAMMAD: Was there a statement by the
 2 Navy, or did we posi- -- what was our position from the
 3 RAB or the Navy regarding this violation? 'cause I don't
 4 see that there was anything stated.
 5 I'm sorry. The position, was there a position
 6 or something, a statement from the Navy or from the RAB
 7 regarding the violation, that we put out some type of
 8 statement? Was there any type of --?
 9 MS. PENDERGRASS: If my memory serves me
 10 correct, at the last RAB meeting, that was discussed in
 11 what kind of agreement was that the Navy didn't know so
 12 they needed to be in the loop was basically what that --
 13 MR. MUHAMMAD: Is there something --
 14 MS. PENDERGRASS: -- outcome --
 15 MR. MUHAMMAD: -- that I can make a motion or
 16 something that we want to say -- something that we want
 17 to hear from the Navy in regards to their position
 18 regarding this violation?
 19 MS. PENDERGRASS: Well, what do you --? The
 20 Navy doesn't have anything to do with it until they know
 21 about it, and it was Miss Brownell's problem or --
 22 I mean, you were responsible for that
 23 information, is that not correct --
 24 MS. BROWNELL: For the --
 25 MS. PENDERGRASS: -- the way I understand it?

1 MS. BROWNELL: For the notice.
 2 MS. PENDERGRASS: The Health Department's kind
 3 of responsible for monitoring Lennar's activities?
 4 MS. BROWNELL: Yes.
 5 MS. PENDERGRASS: And so when they are
 6 monitoring those activities and know about that, that
 7 information is passed on, if it's crossing boundaries,
 8 to the Navy is what I'm understanding. Is that correct?
 9 MS. BROWNELL: That's the resolution that we --
 10 MS. PENDERGRASS: Yeah.
 11 MS. BROWNELL: -- had at the --
 12 MR. FORMAN: So --
 13 MS. BROWNELL: -- last meeting.
 14 MR. FORMAN: Right. And so the Navy's position
 15 is we expect the local enforcement agencies to perform
 16 their job, and they issued a Notice of Violation when
 17 they saw that something was wrong and that they had --
 18 that there was something out of compliance. And --
 19 MS. PENDERGRASS: Yeah.
 20 MR. FORMAN: -- so we're happy to see that, and
 21 Miss Brownell has now included us on the distribution
 22 list so in the future we'll get a real-time response to
 23 any other violations.
 24 MS. PENDERGRASS: So Mr. Muhammad, what were
 25 you envisioning?

1 MR. MUHAMMAD: Some type of a real response in
 2 regards --
 3 MS. PENDERGRASS: For what purpose?
 4 MR. MUHAMMAD: For the purpose of --
 5 MS. PENDERGRASS: Maybe I need to get to that.
 6 MR. MUHAMMAD: -- the violation where the Navy
 7 did not -- was informed I think it was seven days, six,
 8 seven days after the fact.
 9 There was no set protocol set in place, that it
 10 did cross over to the boundaries. The response from the
 11 Navy or -- quote, unquote -- RAB I don't think is
 12 sufficient.
 13 MS. PENDERGRASS: What response are you
 14 expecting from the RAB?
 15 MR. MUHAMMAD: Well, you know, as, for example,
 16 if I was a landlord and somebody crossed into my
 17 property and trespassed, there would be a certain type
 18 of response.
 19 MS. PENDERGRASS: But if a skunk did it on the
 20 other side of the fence --
 21 MR. MUHAMMAD: Well, we're not talking about
 22 it.
 23 MS. PENDERGRASS: But, I'm sorry, we're talking
 24 about the --
 25 MR. MUHAMMAD: If a skunk came on --

1 MS. PENDERGRASS: -- smell and that --
 2 MR. MUHAMMAD: -- I --
 3 MS. PENDERGRASS: -- 'cause there's no
 4 physical -- I mean --
 5 MR. MUHAMMAD: No. We're talking about
 6 something crossed over into another person's property.
 7 They were not informed seven days after the fact, close
 8 to seven days after the fa- -- They were -- The Navy
 9 was unaware of it.
 10 MS. PENDERGRASS: Okay.
 11 MR. MUHAMMAD: So I want what is the response?
 12 What should be the response from the Navy --
 13 MS. PENDERGRASS: Oh, I understand.
 14 MR. MUHAMMAD: -- regarding their situation --
 15 MS. PENDERGRASS: Okay.
 16 MR. MUHAMMAD: -- other than saying that "Okay,
 17 yeah, that was a mistake. We do admit you made a
 18 mistake"?
 19 You have a certain --
 20 MS. PENDERGRASS: Okay.
 21 MR. MUHAMMAD: -- protocol set in place.
 22 To me there's not any substance to that
 23 response because there could be other things that could
 24 be in violation or could --
 25 MS. PENDERGRASS: Okay.

1 MR. MUHAMMAD: -- be happening.
 2 And the response from the Navy in regards to
 3 environmental cleanup should be more direct, more
 4 standing on some type of firm principle foundation so
 5 they can say that's wha- -- that should not be
 6 tolerate -- that's unacceptable in regards to that.
 7 Somebody should be held accountable --
 8 MS. PENDERGRASS: Okay.
 9 MR. MUHAMMAD: -- in regards to that.
 10 MS. PENDERGRASS: Dr. Tompkins, did you want to
 11 add to that?
 12 DR. TOMPKINS: Yeah. I think appropriate also
 13 since Mr. Forman said that the Health Department will be
 14 informing. The Navy then -- would Miss Hunter then
 15 E-mail the rest of the RAB members that a violation
 16 occurred so that we're in the loop as well as to what an
 17 occurrence was in terms so that we can disseminate
 18 information as well.
 19 MR. FORMAN: Yeah. That's not Miss Hunter's --
 20 DR. TOMPKINS: Rolling around --
 21 MR. FORMAN: She doesn't -- she doesn't E-mail
 22 the -- You mean, do you want to --? We could put
 23 out -- yeah. I think what you're asking for is you want
 24 to use the Community Notification Program, the CNP,
 25 messages.

1 And so if the Navy gets informed that there's
 2 an NOV, that pertains to Navy property in any way,
 3 shape, or form that city DPH then forwards to us, then
 4 we would forward that in an NOV -- then we would forward
 5 that -- excuse me -- in a CNP message?
 6 DR. TOMPKINS: Correct, to the RAB. It's
 7 similar to what he we talked about when we reviewed --
 8 MR. FORMAN: Yeah, I un- -- I understand
 9 that's --
 10 DR. TOMPKINS: -- in the Tech Committee.
 11 MR. FORMAN: That's --
 12 DR. TOMPKINS: Yeah. It's just that --
 13 MR. FORMAN: I understand. That's fine.
 14 DR. TOMPKINS: -- information is similar.
 15 MR. FORMAN: I -- We can do that.
 16 DR. TOMPKINS: Okay.
 17 MS. PENDERGRASS: Now, Mr. Muhammad, it seems
 18 like everybody pretty much understands what your end
 19 goal is. Does that sound like that works for you?
 20 MR. MUHAMMAD: No, it doesn't.
 21 MS. PENDERGRASS: Okay.
 22 MR. MUHAMMAD: It doesn't. I think that as --
 23 What I'm trying to say -- let me see if I can put it
 24 right.
 25 As a RAB board members [sic] that we are, this

1 body, we are in charge environment -- make sure the
 2 environment cleanup concept is safe for the community.
 3 MS. PENDERGRASS: Right.
 4 MR. MUHAMMAD: There was a violation in which
 5 the RAB board members and the Navy were not informed
 6 until seven days after the fact.
 7 MS. PENDERGRASS: Okay.
 8 MR. MUHAMMAD: Well, that should -- you know,
 9 it shouldn't come and we shouldn't minimize that and
 10 say, "Okay, we'll make sure that it doesn't happen
 11 again." There should be an immediate response saying
 12 that this is unacceptable, especially from an agency
 13 that represents the San Francisco city. You should be
 14 held accountable. There should be protocols that should
 15 have been put in place to make sure that we were well
 16 informed once it occurred.
 17 MS. PENDERGRASS: Okay.
 18 MR. MUHAMMAD: And that there should be some
 19 accountability here.
 20 MS. PENDERGRASS: Right.
 21 MR. MUHAMMAD: And it seems like that to me --
 22 I could wrong. But I'm not sensing any
 23 accountability --
 24 MS. PENDERGRASS: Okay.
 25 MR. MUHAMMAD: -- in regards to that, and I'm

1 not sensing that the Navy is taking a firm stance in
 2 regards to this violation of their property.
 3 So I just want some clarity in that.
 4 MS. PENDERGRASS: Does anybody else want to add
 5 or, you know, fill in?
 6 MR. FORMAN: I can -- I think the Navy's taken
 7 a firm stance but not an antagonistic one. The idea is
 8 you've got a large-scale construction project out there,
 9 the idea by a dust-control plan.
 10 The dust-control plan is -- that is in place is
 11 a proper dust-control plan. As the NOV cited, it just
 12 wasn't correctly implemented every day. There were
 13 times when it was violated when the plan was not
 14 followed. The Navy wishes the plan to be followed all
 15 the time.
 16 But we do understand at the same time that it
 17 is a -- it -- that a dust-control plan seeks to minimize
 18 the dust. That doesn't mean it will never eliminate
 19 totally the dust in a large-scale construction project.
 20 And so some dust is going to come onto the Navy -- the
 21 Navy Shipyard. There's no doubt about it.
 22 The idea by the dust-control plan is to be
 23 properly implemented and to minimize that dust, and
 24 that's what we want to see happen. And we are glad that
 25 somebody was there, monitored it, and that the end

1 result was an NOV; and we hope that that's taken
 2 seriously because we want to see the dust-control plan
 3 that is in place followed.
 4 MS. PENDERGRASS: Miss Brownell.
 5 MS. BROWNELL: And I just wanted to add that,
 6 as the RAB is well aware and the regulators and the Navy
 7 are well aware, is Parcel A was cleaned up and signed
 8 off, and the dirt on Parcel A is not considered a hazard
 9 to anyone and the reason that construction is allowed to
 10 proceed.
 11 So the dust from the site is not any
 12 environmental hazard. We want to keep it down because
 13 that's just a good -- best practice for construction and
 14 because of the naturally occurring asbestos issues. But
 15 there is no -- in our opinion, no implication that
 16 there's any, you know, immediate hazard.
 17 So this Notice of Violation is about the
 18 operation of their construction; and as Keith said, that
 19 particular day they had too much -- they had more dust
 20 than they were allowed to have under their dust-control
 21 plan, which is not to say that they don't -- they do
 22 have small amounts of dust on a regular basis, but the
 23 way -- if you want -- I mean, we can get into the
 24 details that's allowed under the dust-control plan, and
 25 the violation was because they had too much dust on that

1 one day.

2 MS. PENDERGRASS: But Miss Brownell, I --

3 MS. BROWNELL: Do --

4 MS. PENDERGRASS: -- I don't think

5 Mr. Muhammad's point, though, was about the dust.

6 MS. BROWNELL: I -- Okay. I just wanted to

7 reiterate that.

8 MS. PENDERGRASS: Okay.

9 MS. BROWNELL: The other thing I wanted to

10 mention is we now have all the Notices of Violation

11 posted on our environmental health -- DPH environmental

12 health Web site. And I will -- if there's ever another

13 one, I will post it again.

14 So in addition to telling the Navy immediately

15 after it happens and -- and by the way, Mr. Muhammad,

16 you got a notice of that violation within minutes after

17 it was sent out. So you personally were notified.

18 So anyways, we will now do that with the Navy

19 also, and it will be posted on the Web site. So there

20 is -- it will be widely available. Thanks.

21 MS. PENDERGRASS: Mr. Muhammad?

22 MR. MUHAMMAD: I'm requesting that the Navy

23 puts out a letter or some type of statement in regards

24 to that Notice of Violation in regards to what he's

25 saying, what you're expressing right now, if that can be

1 MR. FORMAN: I expressed my --

2 MR. MUHAMMAD: Especially if we're in charge of

3 a situation where the heightance [sic] of this cleanup

4 is affecting this community, then the community is

5 requesting, then, a response saying from the Navy or

6 from the Restoration Advisory Board that that practice

7 that was done is unacceptable and we do not agree to

8 what -- how it was handled, and we wish in the future

9 that it is handled appropriately.

10 MR. FORMAN: I believe I'd already --

11 MR. MUHAMMAD: That's all that we're saying.

12 MR. FORMAN: I'd already -- I believe I

13 already stated that, and I -- you can ask Ms. Brownell.

14 I expressed my displeasure at the delay.

15 Her correction of the situation was to ensure

16 that in the future I'll be immediately informed, very

17 quickly informed, as you were on this occasion.

18 MR. MUHAMMAD: Okay. I'm informed because it's

19 another situation.

20 MR. FORMAN: Okay. Well --

21 MR. MUHAMMAD: That's why. It has nothing to

22 do with the RAB.

23 MR. FORMAN: Well, it doesn't matter why. As

24 long as I'm informed real time, that's fine; and that

25 situation has been corrected.

1 put in a letter form so it could be for the record that

2 they are not -- that they were --

3 MR. FORMAN: Mr. Muhammad, it's for the

4 record. It's in this record, and that's --

5 MR. MUHAMMAD: Right, and I'm requesting it --

6 MR. FORMAN: That's my statement.

7 MR. MUHAMMAD: I'm requesting it on a letter

8 form if that's possible.

9 MR. FORMAN: No, sir, I'm not going to put out

10 a letter to that. It's part of the record here at this

11 meeting. And I'm not going to be overly -- The idea is

12 for the dust-control plan to be followed, not to create

13 antagonism over this.

14 MR. MUHAMMAD: That's not antagonism,

15 Mr. Forman. You -- you know, you are not --

16 MR. FORMAN: Okay. Well, no, I'm not putting

17 out a letter --

18 MR. MUHAMMAD: Excuse me.

19 MR. FORMAN: -- Mr. Muhammad.

20 MR. MUHAMMAD: Excuse me. Excuse me. You were

21 not informed seven -- until six or seven days. You are

22 in charge of the overall project of that situation. You

23 were not informed of a violation. As a person who's in

24 charge of that and I'm not informed in a violation, my

25 response would be different.

1 MR. MUHAMMAD: I'm just requesting a letter

2 from Mr. Forman if he can send that to me --

3 MS. PENDERGRASS: I --

4 MR. MUHAMMAD: -- so I can have that for my

5 record. That's all I'm saying.

6 MS. PENDERGRASS: I think, gentlemen, both of

7 you have a good point.

8 But Mr. Muhammad, if it's not -- Mr. Forman's

9 not willing to go beyond his statement that is now in

10 the record and that will be posted, I don't know what

11 else we can do. You might want to talk with him off

12 line about --

13 MR. MUHAMMAD: I'm sure we will discuss that.

14 MS. PENDERGRASS: -- things like that.

15 MR. FORMAN: Okay.

16 MS. PENDERGRASS: I'm sorry?

17 MR. FORMAN: But again, there's an official

18 record that we have here, and the meeting minutes are

19 official, and both the meeting minutes that come that we

20 read and the meeting minutes that the court reporter

21 takes verbatim are both part of an official record.

22 Part of the reason why the Navy at this

23 particular RAB has a court reporter is that that expense

24 is worth it because it creates an official record, and

25 that's part of the reason why the Navy does that, so

1 that we don't have to do things like keep issuing
 2 statements and letters and things like that for things
 3 that actually happen at the RAB.
 4 MR. MUHAMMAD: If it's simpler, I understand.
 5 Don't worry about it.
 6 MR. FORMAN: Okay.
 7 MS. PENDERGRASS: All right. So we can move
 8 on, then, to Action Item -- the new Action Item No. 1,
 9 then, will be removed from our list.
 10 And we'll go to the final action item, which is
 11 prepare statement clarifying the distinction between
 12 Navy and RAB activities at the shipyard and Lennar and
 13 CAC activities with redevelopment in former Parcel A.
 14 So Dr. Tompkins is the author of that action
 15 item. It was due in September, and Mr. Van Houten . . .
 16 MR. VAN HOUTEN: I don't have it ready, so I'll
 17 do that for next month. Sorry.
 18 MS. PENDERGRASS: All right.
 19 So if it's -- unless someone has an objection,
 20 we'll move the date on that to October?
 21 DR. TOMPKINS: Mm-hmm.
 22 MS. PENDERGRASS: Okay.
 23 DR. TOMPKINS: No objection.
 24 MS. PENDERGRASS: No objection. All right.
 25 Very fine, then.

1 So let's move on to Navy announcements and
 2 co-chair announcements. Shall we start with you,
 3 Mr. Forman?
 4 MR. FORMAN: Okay. First announcement is I
 5 believe this is the first Restoration Advisory Board
 6 meeting where we have a permanent lead RPM. So I'd like
 7 to say congratulations to Ms. Melanie Kito. She's . . .
 8 (Applause.)
 9 MR. FORMAN: She's our new Hunters Point lead
 10 RPM. Very challenging position, but -- and I want to
 11 thank all of you for your patience and forbearance these
 12 last nine months while we have been rotating lead RPMs
 13 with me here.
 14 DR. TOMPKINS: Clarification.
 15 MR. FORMAN: Yes.
 16 DR. TOMPKINS: Please explain what RPM is to
 17 general public, 'cause you're using --
 18 MR. FORMAN: Oh, I'm sorry.
 19 DR. TOMPKINS: -- acronym that --
 20 MR. FORMAN: Thank you.
 21 DR. TOMPKINS: -- many of the audience wouldn't
 22 know.
 23 MR. FORMAN: Appreciate that.
 24 Remedial project manager. And since that is
 25 even too wordy, project manager. She is the lead

1 project manager who is overall in charge of the
 2 environmental projects, the technical aspect of it.
 3 So anyway, congratulations, Melanie. I think
 4 we'll be a good team moving forward.
 5 Next item was to just let you know that we are
 6 trying to -- we are going to change a few things in the
 7 new fiscal year. I'll talk about that some tonight.
 8 But I just want to let you know that when it
 9 comes to the BRAC cleanup team regulators, which is the
 10 Water Board, the state -- the California EPA, which
 11 their representatives DTSC and then United States EPA,
 12 we have BCT meetings normally on Tuesdays before a RAB,
 13 which is always the fourth Thursday of a month.
 14 Instead, we are going to move those to Wednesday so
 15 we'll have them closer together. And just want to let
 16 you know.
 17 And that starts in October where on October
 18 24th we are going to be up here for a BCT meeting. The
 19 next day, October 25th, will be -- will be the RAB
 20 meeting. Okay?
 21 And I wanted to clarify too, I -- or not --
 22 Dr. Tompkins, are you going to address the next
 23 Tech Subcommittee meeting? because I have it down as
 24 October 11th.
 25 DR. TOMPKINS: Yes, I did.

1 MR. FORMAN: But --
 2 DR. TOMPKINS: That is one of the requests I
 3 had to make.
 4 MR. FORMAN: Great.
 5 DR. TOMPKINS: So I'll bring that up during my
 6 report, and I thank -- I've already worked it out with
 7 the bylaws, Robert --
 8 MR. FORMAN: Okay.
 9 DR. TOMPKINS: -- of changing --
 10 MR. FORMAN: All right.
 11 DR. TOMPKINS: -- because of contractual
 12 commitments.
 13 MR. FORMAN: All right. I appreciate that,
 14 then. Thank you, 'cause that helps me out too with
 15 schedule. All right. Thanks.
 16 That's all I had.
 17 MS. PENDERGRASS: Mr. Muhammad?
 18 MR. MUHAMMAD: Yes. I just want to know if I
 19 can request a site tour of all the monitors on the Navy
 20 Shipyard so I can have an idea of visual each is if
 21 that's something that is -- that can be done.
 22 MR. FORMAN: Sure.
 23 MS. PENDERGRASS: We can't hear you.
 24 MR. FORMAN: Air monitor?
 25 MR. MUHAMMAD: Air monitors.

1 DR. TOMPKINS: Please speak up into the
 2 microphone.
 3 MR. MUHAMMAD: Site tour of all the air
 4 monitors on the Navy site, if that can be done as soon
 5 as possible so I can have a visual of where all the
 6 monitors are in adjacence [sic] to all the parcels.
 7 MR. FORMAN: Sure.
 8 MR. MUHAMMAD: And secondly, I had a -- got an
 9 E-mail last night -- late last night of an exceedance in
 10 regards to HV-12. And according to the report, it was
 11 the San Francisco --
 12 Maybe Amy Brownell, you can probably come in on
 13 that.
 14 That is not connected to Lennar. That is
 15 another source in regards to that, and I just wanted an
 16 idea where HV-12 --
 17 DR. TOMPKINS: I couldn't hear him.
 18 MR. MUHAMMAD: -- actually is; and if they're
 19 stating that the exceedance is not from them, where is
 20 the exceedance then coming from?
 21 DR. TOMPKINS: Sorry, Mr. Muhammad, I couldn't
 22 hear you.
 23 MR. MUHAMMAD: HV-12 is a monitor. Amy
 24 Brownell can assist in following up on that. And in
 25 that, Lennar or the San Francisco Department of Health

1 has stated that that does not constitute a shutdown in
 2 regards to an exceedance that that -- whatever the
 3 exceedance is coming from another site or another
 4 source.
 5 And I just wanted some ideas of where that
 6 source is coming from or where the exceedance is coming
 7 from, or is that even connected whatsoever to the Navy
 8 Shipyard?
 9 MS. BROWNELL: Okay. I'll try to do this as
 10 briefly as possible.
 11 There's a network of asbestos air monitors
 12 around the Parcel A site, the Lennar BVHP redevelopment
 13 site. And five of the monitors were originally set up
 14 under a protocol established by the Bay Area Air Quality
 15 Management District as required monitors.
 16 And then after the incidents that happened last
 17 summer with Lennar's having problems with their air
 18 monitoring, we added an additional four monitors at --
 19 that -- we called them community monitors, but they are
 20 essentially just additional monitors around the
 21 perimeter.
 22 In the process of adding those, we added one
 23 basically at the corner of Robinson and Fisher and --
 24 long, long story, which I'm happy to explain to anybody
 25 the details -- used to be in one location. It was

1 called HV-10, and we later moved it because it was on
 2 Navy property and the Navy did -- respectfully asked us
 3 to move it about a hundred feet away. And so we changed
 4 the number, and that became this HV-12.
 5 But during all this process, we realized, based
 6 on monitoring the data, that the level of the asbestos
 7 that we were getting at that monitor did not appear, in
 8 our professional opinion, to be directly related to
 9 Lennar's activities.
 10 So since it was an additional monitor that
 11 wasn't required by the Air District in the first place,
 12 we agreed that it could be removed from the requirement
 13 of shutting down Lennar. But we -- But it's still
 14 there, long story short. Again, I could explain all the
 15 details to anyone who's interested.
 16 So it's still there. It's still monitoring.
 17 But it doesn't require Lennar to shut down. And it's
 18 adjacent to Fisher, and one theory is it's reflecting
 19 what's going on on that road right there because it's
 20 right next to that road.
 21 MS. PENDERGRASS: Okay. Mr. Muhammad?
 22 MR. MUHAMMAD: That plume --
 23 MS. BROWNELL: Yeah, I can show you.
 24 MR. MUHAMMAD: -- show us?
 25 MS. BROWNELL: Okay. So it's essentially right

1 here [indicating] on this -- right in this corner. So
 2 it's right along Fisher, and it's right on the corner of
 3 the property.
 4 MR. MUHAMMAD: So is that on Parcel C?
 5 MR. FORMAN: No.
 6 MS. BROWNELL: No. It's on Parcel A, but it's
 7 right, right, right on the corner.
 8 The main reason why we feel like it's not
 9 monitoring the Lennar work is because it's kind of --
 10 it's behind Building 101. So it's shielded.
 11 So all the Lennar work is up here [indicating],
 12 and the prevailing wind direction is this way
 13 [indicating]. So any of the Lennar work is captured by
 14 all their monitors around this parcel and this parcel
 15 [indicating], and we have a monitor right here
 16 [indicating], HV-11, which is definitely downwind of
 17 Lennar's work.
 18 But this one is on the other side of
 19 Building 101, and so it gets shielded by Building 101,
 20 and it doesn't -- it doesn't react the same way that all
 21 the other monitors do, so that's --
 22 MR. MUHAMMAD: So when I get a report --
 23 THE COURT REPORTER: I'm sorry.
 24 MR. MUHAMMAD: I'm sorry.
 25 THE COURT REPORTER: I can't hear you.

1 DR. TOMPKINS: You got to talk into the mic.
 2 MR. MUHAMMAD: I'm sorry.
 3 THE COURT REPORTER: Please --
 4 MR. MUHAMMAD: So when I get a report stating
 5 that there -- the particulates were 53,000, where is
 6 that substance coming from? If it's not coming from
 7 Parcel A and it's adjacent -- it looks as close as it
 8 can be to Parcel C right on the corner, where is that
 9 extra particulates or substance --
 10 MS. BROWNELL: It's a --
 11 MR. MUHAMMAD: -- coming from?
 12 MS. BROWNELL: It's asbestos --
 13 MR. MUHAMMAD: As --
 14 MS. BROWNELL: -- structures per cubic meter.
 15 And -- I mean, we have our theories, and one theory is
 16 it's coming from the road, the traffic on the road on
 17 that Fisher, which I think that's a pretty good guess.
 18 MR. MUHAMMAD: "Pretty good guess"?
 19 MR. FORMAN: There's no activity going on.
 20 MS. BROWNELL: Well, I mean, it's --
 21 MR. MUHAMMAD: Actual facts.
 22 MS. BROWNELL: That's -- It's at that
 23 location. You can go out and look for yourself at the
 24 location.
 25 MR. MUHAMMAD: That's what I want to see, how

1 Miss Brownell to attend the Technical Committee so that
 2 we can have a little bit more time to go in depth and
 3 explore possibilities of what's taking place out there
 4 rather than just at the Board, 'cause I know it's a
 5 rush; and therefore, she'd have time to prepare and we
 6 can look at the whole scope of things.
 7 MS. PENDERGRASS: All right.
 8 DR. TOMPKINS: It would be --
 9 MS. PENDERGRASS: So you all can --
 10 DR. TOMPKINS: -- the 11th --
 11 MS. BROWNELL: Okay.
 12 DR. TOMPKINS: -- at the library.
 13 MS. BROWNELL: Okay.
 14 DR. TOMPKINS: Thank you.
 15 MS. PENDERGRASS: That will come up a little
 16 later, the exact time.
 17 Mr. Muhammad, did you have anything else to add
 18 to your report?
 19 MR. MUHAMMAD: No. That's it. Thank you.
 20 MS. PENDERGRASS: Okay. Very fine.
 21 So let's move on really quickly to Mr. Forman
 22 and Miss Kito's presentation on the Parcel E-2
 23 groundwater data gaps investigation.
 24 Miss Kito, can you speak just a little slower?
 25 MS. KITO: Slower. Okay.

1 close it is to Navy property --
 2 MS. BROWNELL: It's ri- -- it's --
 3 MR. MUHAMMAD: -- in regards --
 4 MS. BROWNELL: Like I said, it's on the corner.
 5 It's around the corner there.
 6 MR. FORMAN: But given the wind direction --
 7 MS. PENDERGRASS: All right. So Mr. Muhammad,
 8 you've made a request.
 9 And Mr. Forman, can you get back to
 10 Mr. Muhammad about when you --
 11 MR. FORMAN: For the site tour.
 12 MS. PENDERGRASS: -- set that up?
 13 MR. FORMAN: Sure [nods].
 14 MS. PENDERGRASS: Okay. And that can be off
 15 line, or did you want to make that as part of an action
 16 item --
 17 MR. FORMAN: Yeah, we can do that off line.
 18 MS. PENDERGRASS: -- Mr. Muhammad?
 19 MR. MUHAMMAD: That's fine.
 20 MR. FORMAN: I'll just call you for a
 21 convenient date for him.
 22 MS. PENDERGRASS: Okay. So you all will work
 23 that out. Okay. Very fine.
 24 Now, Dr. Tompkins had a comment.
 25 DR. TOMPKINS: I would like to add and invite

1 MS. PENDERGRASS: Sometimes you talk really
 2 fast.
 3 MS. KITO: Thank you for reminding me.
 4 MS. PENDERGRASS: Okay.
 5 MR. FORMAN: Is the lighting level appropriate?
 6 DR. TOMPKINS: Oh, yeah, it's fine.
 7 MS. KITO: Okay. The purpose of this
 8 particular presentation, first of all, is the Parcel E-2
 9 RI/FS is out for review. In fact, I believe that the
 10 comment period just ended for everyone on Monday, this
 11 last Monday.
 12 The reason why it was extended is because it
 13 actually didn't have two components in it. One of them
 14 was to the radiological addendum, which came out a week
 15 ago. And so we wanted to give everyone a chance to at
 16 least look at that before they actually gave their final
 17 comments on this document.
 18 Another area that was missing out of the draft
 19 RI/FS was the groundwater remedy and what we are going
 20 to be doing. Well, after looking at the remedies and
 21 what we were going to have as certain alternatives, we
 22 actually found out that there are areas that we had to
 23 look and do further investigation because we lack
 24 information there.
 25 So let's just give you a little bit of a -- of

1 a landfill backup. I'll give you a background of a
 2 landfill.
 3 Julia, can you just kind of go through a couple
 4 of slides till we get to the one slide that shows
 5 everything about a landfill?
 6 (Pause.)
 7 MS. PENDERGRASS: Are we technology dependent?
 8 Can we use our handouts?
 9 MS. KITO: Yeah, sure. It's a little bit
 10 easier, I think, to use the screen 'cause it's larger,
 11 but okay.
 12 If everyone flips to slide -- or there's no
 13 numbers on it. It basically is -- says "Landfill
 14 Schematic" on it.
 15 MR. MORRISON: What page?
 16 MS. PENDERGRASS: Page 3 bottom?
 17 MS. KITO: It's on page 3 on the very bottom.
 18 Thank you.
 19 Okay. This basically is just an overview of
 20 what a landfill is.
 21 And just to kind of refresh everyone's memory
 22 of the RI/FS, it has three alternatives. One of them's
 23 no action, which we just have to have so you have
 24 something to compare with. And then the other two are
 25 going to be full excavation, and the other one is

1 containment.
 2 Now, in the document right now, everyone, if
 3 you look at the schematic, we have the surface runoff,
 4 which we are concerned with; and that's why we have our
 5 storm water program. You also have the landfill gas,
 6 which is covered by containment by capping.
 7 And then the last component, if you look on the
 8 landfill schematic, you'll see the bottom portion. It
 9 says, "Leaching." Leachate is just when water goes
 10 through a landfill, goes through the material, and then
 11 out.
 12 So what we are -- what we want to see is if the
 13 leachate or if the groundwater, if it goes through the
 14 landfill, has any type of contaminants in there that we
 15 would be concerned with that may be harmful to the bay.
 16 And that's information that we need to go out and
 17 investigate a little bit more.
 18 So now if we go to the second slide, which is
 19 the "Purpose of Investigation." So again, this is to
 20 provide additional information, like I just said, to --
 21 for the RI/FS. And what this -- the additional
 22 information will actually show us a location of a
 23 groundwater containment wall, and I'll explain what that
 24 does.
 25 Can you flip over to the same -- the first one

1 that I was talking about, the schematic of a landfill?
 2 There you go. Okay.
 3 So what a groundwater -- what a groundwater
 4 containment wall is, is if this leachate here
 5 [indicating] is something that we do not want to go into
 6 the bay or to the wetlands, we basically just install a
 7 well -- I mean a big wall, a big wall that you -- goes
 8 through the -- through the ground and then all the way
 9 down here [indicating]. And then you go as deep you
 10 need to go where you basically stop any type of movement
 11 of the groundwater so you protect what you want to
 12 protect.
 13 In our instance, it's going to be protecting
 14 the bay. So that's what a -- that's what a containment
 15 wall is.
 16 So we go back to the purpose of investigation.
 17 So we want to locate where the groundwater containment
 18 wall will be. We also want to see what the quality of
 19 the groundwater is actually coming from the landfill or
 20 in the areas that we think are a potential concern.
 21 For -- That would be in the area of -- near the
 22 landfill, 'cause we know it's going through the waste
 23 there.
 24 And also, we also -- there's a TCRA here, and
 25 I'll show you that on the next slide.

1 The PCB hot spot area there, we know that there
 2 was contamination in that area too. So if any
 3 groundwater's going through there, we also want to
 4 protect the bay from that area. And like I mentioned
 5 before, there's obviously areas that we just don't have
 6 enough data. So we're just not too sure what exactly
 7 what it looks like.
 8 Next, please.
 9 So the contaminants of concern, which we call
 10 COCs, so -- and this is only in groundwater that we're
 11 looking at in this instance -- that could be harmful to
 12 the bay would include metals: PCBs, polychlorified --
 13 I'm sorry -- polychlorinated biphenyls, ammonia, and
 14 diesel, gasoline, motor oil, we also call TPH, which is
 15 total petroleum hydrocarbons.
 16 Possible location of the containment wall.
 17 Can you just go one slide over?
 18 And you guys can actually look at your bullets
 19 on your thing here [indicating] -- on your slides here.
 20 So here's -- what can happen is I'm mentioning
 21 that the wall can extend from all the way from one side
 22 of the landfill, which is over here [indicating], and
 23 extend all the way down to -- this is where our removal
 24 action was at for the PCB area, where it's -- where it
 25 was high in PCBs. We did a removal action, but there

1 still could be some substance there.
 2 So the worst-case scenario would be a wall
 3 would extend all the way there all the way down.
 4 The thing that we -- The areas that we don't
 5 know about is -- you could see where we have well points
 6 right now. We have one here, one here, and a couple
 7 here [indicating].
 8 So the bottom line is, when we were asking
 9 ourselves Where should we pull this well at, we didn't
 10 have a definite answer. So we're going to go back out
 11 in these areas where you could see the circles and
 12 actually do a lot of -- they're called well points.
 13 That's where we go out with a drill rig, and I'll show
 14 you what this is.
 15 There's supposed to be a little movie at the
 16 very end. I don't think it's working very well.
 17 But we're going to go in these areas, get a
 18 drill rig. It actually has this PVC piping which Keith
 19 is holding, and he can pass it around if you guys want
 20 to look at it.
 21 It's pretty simple. It actually has a -- we
 22 call it a well screen, which is just little tiny slits.
 23 You put it into the ground, and then you could put some
 24 sand around if you need to. But what will happen is
 25 that groundwater will very slowly go into this PVC pipe.

1 This PVC pipe then becomes basically a well;
 2 and what that means is then you can actually get a pump,
 3 stick it in the middle of this PVC pipe, and actually
 4 withdraw water. That's how we can actually determine
 5 what type of -- You can take up the water sample. You
 6 send it to a laboratory. The laboratory gives you
 7 real-time data, and then we could see if it's a concern
 8 or not to the bay.
 9 So if we find out that this area [indicating]
 10 is not a concern, that there is no -- of those
 11 contaminants of concern, or COCs, that go into the bay
 12 here [indicating], then we don't need a wall right
 13 here. And that basically is true all the way down here
 14 [indicating].
 15 More than likely, we were going to be doing
 16 more removal actions in this area [indicating]. So more
 17 than likely we're going to find something there, but
 18 that will just tell us that we need to remove more
 19 material like we did before.
 20 Next, please. Next, please.
 21 Okay. This is -- As you could see, here's the
 22 diagram of the piping that's going around right now.
 23 And then here is the pump that we use. It's very
 24 simple. You just put the pump, has a little tiny tube,
 25 goes in there. It draws up water. You put the water in

1 a tubing, send it to the laboratory, and that's how you
 2 sample it.
 3 Unfor- -- I was going to entertain you guys
 4 with a little movie, and for some reason it's not
 5 working. So I apologize for that. It actually wasn't
 6 very interesting anyhow. It just -- it just showed a
 7 lot of engineers going out with a big drill rig, getting
 8 that pipe in there, pounding it into the ground, and
 9 then taking samples. So I tried. I'm sorry, guys.
 10 Next, please.
 11 Okay. Schedule. So we are trying to get this
 12 done in October. And as you could see, what we have
 13 written on here is it's dependent on funding, so when we
 14 can actually get it funded, and also dependent on
 15 weather.
 16 We really want to get out there as quick as we
 17 can because once it starts raining, it's really
 18 difficult to do this. So we have to wait. And the main
 19 reason why it's difficult is it ponds an area; and then
 20 when it ponds, it's hard to get in certain areas in that
 21 one part.
 22 Once we get our results from all of these well
 23 points, we'll then determine where we can put --
 24 establish permanent wells and then put that into our
 25 groundwater program, and then we can find out kind of

1 what's going on real-time data, not just as one time,
 2 but actually down in the future as well.
 3 Now, this is probably the big one here
 4 [indicating], because we had two options. We could
 5 either have the RI/FS, the Parcel E Remedial
 6 Investigation/Feasibility Study, go as scheduled, which
 7 was supposed to be the end of next month. The problem
 8 would be, though, is that you would get a document that
 9 would just say we don't have enough data, and this is
 10 where a wall may go -- and you saw that the little
 11 bubble --
 12 Can you go back to the little bubble? Yeah,
 13 right here.
 14 This is where our wall may go, but we're not
 15 quite sure yet. So instead of doing that, we thought we
 16 would take the time, do this data investigation first,
 17 have a complete document, so that would mean --
 18 You can go -- I'm sorry. You now go back to
 19 the schedule.
 20 That would now mean that the -- enable to give
 21 us enough time to do this work, get the sampling, put it
 22 into the document; it would probably be delayed by
 23 approximately six months. So that's --
 24 Did you have anything to say?
 25 MR. FORMAN: (Shakes his head from side to

57

1 side.)

2 MS. KITO: Okay. Did --?

3 DR. TOMPKINS: Question.

4 MS. KITO: Yes.

5 DR. TOMPKINS: I'll speak up.

6 Could you go back to your slide where you are

7 doing potential siting of the well? I -- It's not

8 numbered. Page 3 on mine.

9 One more up from that land where she was trying

10 to place the wells.

11 Then I also want to involve the Water Board as

12 well in terms of your opinion.

13 Yeah. I'm waiting for the slide to come up so

14 we could talk at the same point.

15 "Area Requiring Further Analysis." There you

16 go. As I understood your presentation, Melanie, you're

17 still trying to make a determination of where to put the

18 other well at.

19 Where in this site --? As I understand,

20 there's an aquifer under E, E-2, and that we could not

21 or do you already have? 'cause it's not reflected, from

22 what I could see from the map, that there's a well there

23 where you're actually seeing if contamination is leaking

24 into the aquifer. And if so, where's that, and have you

25 determined the flow from there?

58

1 So it's two-part: one for you and one for her.

2 MS. KITO: Okay. Which one's --? Who do you

3 want to answer first?

4 DR. TOMPKINS: I'm open to whoever which --

5 MS. KITO: Okay.

6 DR. TOMPKINS: Are you going to put one in the

7 aquifer first to do a determination of contamination,

8 and where is the aquifer in relationship to E-2?

9 MS. KITO: Okay. The aquifer -- There's going

10 to be two aquifers.

11 DR. TOMPKINS: Okay.

12 MS. KITO: There's Aquifer A, which is the one

13 that' on top.

14 DR. TOMPKINS: Right.

15 MS. KITO: And there's Aquifer --

16 DR. TOMPKINS: And "B."

17 MS. KITO: -- B, which is on bot- --

18 DR. TOMPKINS: Right.

19 MS. KITO: -- -tom.

20 Where the aquifer is is basically everywhere on

21 base. So -- okay?

22 So you have -- you have your site -- your land,

23 and then you have Aquifer A down here [indicating], and

24 then you have Aquifer B down [indicating] --

25 DR. TOMPKINS: In your color schematic, are you

59

1 saying that Aquifer A is the tan colored?

2 MS. KITO: No, no, no, no. Aquifer -- The

3 entire --

4 DR. TOMPKINS: That's what I'm trying to get --

5 MS. KITO: If -- Okay.

6 DR. TOMPKINS: -- appreciation of.

7 MS. KITO: If you think about just groundwater

8 itself, groundwater is not going to just stay in one

9 area. It's going to be everywhere.

10 So the colors that you see here are areas that

11 we segregated off just for simplicity of the document.

12 So we call this the adjacent area.

13 We call the pink the landfill. And we call the

14 blue the panhandle, because they're a little bit

15 separate in how they are.

16 But when you're talking about the aquifer,

17 it's --

18 DR. TOMPKINS: Have you tapped into --

19 MS. KITO: -- it's --

20 DR. TOMPKINS: -- "A," and have you tapped into

21 "B" in terms --?

22 MS. KITO: Yes, we have. Yes, we have.

23 So the answer I think your second question is,

24 where are all the wells at? If you look at all of these

25 dots that are -- that are on this map, that's --

60

1 DR. TOMPKINS: On the shoreline.

2 MS. KITO: -- everywhere. Every single dot

3 that you see on this map are wells.

4 DR. TOMPKINS: Okay.

5 MS. KITO: Okay?

6 DR. TOMPKINS: See, in your presentation, I

7 wasn't clear.

8 MS. KITO: Okay. Thank you for asking so I can

9 clarify that.

10 Now, the two proposed wells that we're planning

11 on doing would be in this large area here [indicating].

12 There's also going to be a couple more wells be

13 put in this area [indicating]. And when I say proposed

14 wells, I mean permanent wells, 'cause this investigation

15 will have 7 -- 72, 75 data point which that one PVC pipe

16 has gone around, those are temporary wells.

17 Did I answer your question?

18 DR. TOMPKINS: Fine.

19 MS. KITO: Did you still need an answer from

20 the Water Board?

21 MR. SIMON: I think she answered.

22 DR. TOMPKINS: Okay. So it's -- okay.

23 MS. PENDERGRASS: Can we take a break, Mr. Rao,

24 or do you have a quick question?

25 DR. RAO: That's fine, take a break.

1 MS. PENDERGRASS: Can we take a break?
 2 MR. FORMAN: Take a break?
 3 MS. PENDERGRASS: Yes. Christine --
 4 THE COURT REPORTER: I can go a few more
 5 minutes.
 6 MS. PENDERGRASS: One more question?
 7 Okay. Go ahead. Thank you.
 8 DR. RAO: All right. Thank you. I was
 9 wondering about the depth of the water table and also
 10 the material that's -- for the containment wall, what
 11 the intended material is going to be, and also how deep
 12 you're doing the sampling.
 13 MS. KITO: Okay. Your first question, the
 14 depth of the groundwater, it kind of varies from place
 15 to place. The average depth, though, is going to be
 16 between 5 to about 10 feet, okay. So it kind of varies.
 17 Your second question was how deep are we going,
 18 the we- --? Oh, no. What material is the wall going to
 19 made of. Can't be determined at this point. That's
 20 actually what a remedial design phase is for.
 21 So the only -- the only thing that a
 22 feasibility study really will -- can state is what area
 23 do we think that the wall should be at. Now, we can
 24 give suggestions of all these different kinds of wells
 25 that you can have, and sometimes it could be -- it could

1 be metal; it could be like a slurry, which is -- or
 2 bentonite, which is kind of like a material that you add
 3 in there, and it hardens up, almost like cement.
 4 But that won't really be discussed in the FS,
 5 like I said, 'cause that's more of a design when you
 6 actually get into the meat of, you know, what you think
 7 what type of material that you need.
 8 And your second que- -- Did you have another
 9 question?
 10 MS. PENDERGRASS: That was it.
 11 MS. KITO: Okay.
 12 MS. PENDERGRASS: All right. Thank you so
 13 much.
 14 MS. KITO: Okay.
 15 MR. FORMAN: Good job.
 16 MS. PENDERGRASS: So we're going to take a
 17 quick ten-minute break and come back at a quarter after
 18 and continue on.
 19 (Whereupon, a recess is taken from
 20 7:05 p.m. to 7:16 p.m.)
 21 MS. PENDERGRASS: All right, then. Let us
 22 continue on with Mr. Forman's discussion on the 2008
 23 environmental cleanup, the next steps at Hunters Point.
 24 MR. FORMAN: Okay. We are done with the last
 25 presentation? Okay. I think I can -- as long as I have

1 a pointer. I've got it here now. Okay.
 2 All right. We're ready to go? Is the lighting
 3 okay?
 4 MS. PENDERGRASS: Perfect.
 5 MR. FORMAN: Is it? Good. Well, then, it was
 6 operator error on my part. Okay.
 7 All right, everybody. I'm hoping if I do this
 8 right, this isn't just a presentation in the sense that
 9 I speak and everybody sort of listens. Instead, I want
 10 to have more of a conversation with you about some of
 11 the things that have been going on, particularly in the
 12 last 30 days, and look ahead as to the impact for what
 13 2008 is going to be.
 14 The exciting thing about 2008 is that it's not
 15 going to be like any other year on the Shipyard.
 16 There's going to be possibilities for things to occur,
 17 for more cleanup to get done faster, and for there to be
 18 a different path forward. And I wanted to discuss with
 19 you some of the things that have gone on and some of the
 20 possibilities that are -- lie before us in the next
 21 year.
 22 So I think the way I want to do this --
 23 normally I'm kind of a stickler to get through my
 24 presentation and then take questions. Marsha, if it's
 25 okay with you, what I'd like to do is hold your

1 questions until I'm at the end of each slide, and then
 2 how about at the end of each slide we'll have
 3 questions?
 4 And that way I want to develop somewhat a
 5 conversational tone here because I think we have to have
 6 this conversation about the future and some of the
 7 things that are changing on the Shipyard.
 8 MS. PENDERGRASS: Okay.
 9 MR. FORMAN: Okay. Next.
 10 All right. So let's go into the background
 11 about what's happened.
 12 You've seen as much as I have -- probably more
 13 than I have -- the newspaper articles and the -- and the
 14 TV reports on the San Francisco 49ers and the potential
 15 to use Hunters Point Shipyard as -- as a future football
 16 stadium and to construct it there to have the site
 17 there. And that would be a large part, my understanding
 18 is, to keep the San Francisco 49ers within the City and
 19 County of San Francisco.
 20 As you know, there's other alternatives. In
 21 fact, the 49ers seem like they are pursuing the Santa
 22 Clara option with at least equal enthusiasm to what they
 23 would pursue keeping their stadium and their team in San
 24 Francisco.
 25 So the future site for the 49ers at Hunters

1 Point as a possibility for that has really started to
2 dominate all of our thinking because of things that have
3 happened.

4 The Navy's position has been pretty neutral on
5 this. You've heard my little mantra before: We're here
6 to clean up. I kind of have a very focused mission to
7 seek out the contamination, analyze it, and then clean
8 it up and get the base ready for conveyance so that it
9 can be integrated back into the community and it is no
10 longer federal property. That's really our mission in a
11 nutshell.

12 The Navy's position on this, then, has been a
13 pretty neutral one in that, you know, even though
14 personally we may be sports fans, the Navy's position is
15 that, you know, we are not advocating a stadium
16 anywhere. We are not advocating a particular use like
17 this on the base. But, you know, the Navy is
18 open-minded to explore the possibilities.

19 And that's really what the Base Realignment and
20 Closure Commission wanted all along is that the Navy
21 needs to be open to what the local reuse authority,
22 which is the City and County of San Francisco here, what
23 some of the options of the future are.

24 So the possibilities that have been presented
25 is that there could be an accelerated cleanup; that if a

1 stadium were put on Hunters Point, you'd need to locate
2 it in a certain position, and then you would have to
3 assure that it would be ready for the construction of
4 the stadium.

5 A lot of things would have to happen to make
6 that happen, and you probably heard in the news
7 different opinions. A lot of people think that that's
8 not a very realistic scenario, because I believe the
9 49ers want to open their 2012 football season, if I'm
10 not mistaken, in a new stadium somewhere. They don't
11 want to be at Monster Park in 2012.

12 So that sounds like a long way away; but when
13 you have to clean a place up and then you have to do all
14 the paperwork involved in transferring property to some
15 degree and then when you have to actually plan and build
16 the stadium, it's not very much time at all.

17 So who has the burden of that, looking into
18 those options? The burden falls with the local
19 community, with the City and County of San Francisco.
20 If they want to provide a plan, a path forward, that
21 gives an option for the 49ers to remain here in this
22 great city, then they have to put together a plan to do
23 so.

24 What that involves in this case is then
25 knocking on the Navy's door and saying, "Hey, Navy,

1 let's start a dialogue on some of the possibilities."

2 Okay. One of the things that's come out of
3 this is that the stadium -- and you've seen this in the
4 Chronicle already; they have had really nifty photos
5 there. Actually, some of them are more refined than
6 anything that I usually get.

7 It looks like a proposal for the stadium.
8 Could be in the stadium footprint here [indicating].
9 This is something that the Navy has informally been
10 calling "Parcel 49." Rather than labeling it a letter,
11 we just gave it a "49" to call it what it is.

12 This is where the stadium footprint would be
13 roughly in this area [indicating], just about all in
14 Parcel D, which is relative to some of the other parcels
15 is -- has fewer challenges.

16 And so what would have to occur for the City
17 and County of San Francisco to seriously pursue this as
18 an option to put forth before the 49ers and others,
19 well, we'd have to have a plan. There would have to be
20 a plan to be able to convey Parcel 4- -- Parcel D, this
21 portion [indicating] of Parcel D, in time to do that.

22 And certain things would probably have to be
23 done. Other things would not have to be done in time
24 before we convey. Certain things probably would have to
25 be done.

1 One of those things that we've talked about is
2 everything having to do with the radiological program
3 would probably be a good thing to have the Navy -- you
4 know, the Navy started it -- have the Navy finish it,
5 complete the cleanup there, and pursue other cleanups in
6 that area of the stadium footprint and see how far along
7 they could get before the property was conveyed and a
8 stadium built.

9 So the Navy's open-minded to this; but again,
10 our main concern for Melanie and I always is a plan that
11 is realistic, that -- where we have thought of
12 everything and then could look at all the options. And
13 if the Navy does agree to do this, our thinking was,
14 well, we want to put all the little moving parts
15 together and look at it and say, "We think we can make
16 this happen."

17 So to do that, there's two magic ingredients:
18 getting the realistic schedule, the time element, and
19 then the budget. It looks like we would need a larger
20 budget than we normally have if we want to proceed with
21 cleanup at a faster rate. So those two ingredients
22 would have to be present.

23 All right. Now I'm going to talk further on
24 that on the next slide. But I think, Marsha, if that's
25 okay, I --

1 MS. PENDERGRASS: Sure.
 2 MR. FORMAN: This is the end of the first
 3 slide -- if I can entertain some questions.
 4 MS. PENDERGRASS: Okay.
 5 MR. FORMAN: Keep in mind, I've got more of the
 6 presentation to go.
 7 DR. TOMPKINS: Okay.
 8 MS. PENDERGRASS: Can I just ask, what's the --
 9 what's the expectation for your presentation? What's
 10 the goal? Before everybody starts into a fray of what
 11 you're --
 12 MR. FORMAN: Yes.
 13 MS. PENDERGRASS: -- talking about and
 14 responding, what is it that you're trying to get to so
 15 we can make sure that we're not, you know, responding --
 16 when I say inappropriately, I'm not saying --
 17 MR. FORMAN: Sure.
 18 MS. PENDERGRASS: -- what we have to say is
 19 inappropriate. But we don't want it to fall on deaf
 20 ears.
 21 So what exactly are you looking for?
 22 Are you doing this presentation to get a feel
 23 for what people are thinking?
 24 MR. FORMAN: Yes.
 25 MS. PENDERGRASS: Or are you asking for

1 DR. TOMPKINS: Keith, for clarity --
 2 MR. FORMAN: Yes.
 3 DR. TOMPKINS: -- then --
 4 MR. FORMAN: Yes.
 5 DR. TOMPKINS: Mr. Forman, when you said
 6 possibilities of actual cleanup there, are you
 7 talking --? And you mentioned the radiological.
 8 You left me with the impression that the Navy
 9 would deal with the radiological cleanup, but the
 10 property -- in looking at the possibility of a chemical
 11 contaminate, turning the property over to the City for
 12 development where there may be possible chemical
 13 contamination or groundwater, these are the variables.
 14 Is --? Am I understanding --
 15 MR. FORMAN: Yes.
 16 DR. TOMPKINS: -- that correctly of one of the
 17 possibilities you're exploring?
 18 MR. FORMAN: Yes, that is one of the
 19 possibilities. And --
 20 DR. TOMPKINS: Yeah.
 21 MR. FORMAN: -- let me -- if I can state that
 22 in a nutshell --
 23 DR. TOMPKINS: Subset.
 24 MR. FORMAN: -- the current -- the current
 25 thinking on our team is that the Navy would -- the Navy

1 solutions, or what are you trying to get to?
 2 MR. FORMAN: Good question. My goal was to
 3 have a conversation with the RAB, in other words, for --
 4 to let you know I want to hear feedback; and at the same
 5 time, I want to let you know everything in general terms
 6 that I know about the situation that we are in, how
 7 things have progressed and what we have done so far and
 8 what we're about to do in 2008 or what we think we want
 9 to do in 2008 --
 10 MS. PENDERGRASS: Okay.
 11 MR. FORMAN: -- 'cause a lot of these issues
 12 will come up in 2008.
 13 But I thought this is a good time to talk to
 14 you about it rather than just you finding out about it
 15 as these things happen. As we are thinking about
 16 things, I want to minimize the amount of surprise and so
 17 people can, you know, start thinking about the future
 18 themselves.
 19 MS. PENDERGRASS: So Dr. Tompkins and then
 20 Mr. Rao and then Mr. --
 21 MR. FORMAN: Yes.
 22 MS. PENDERGRASS: -- Muhammad.
 23 DR. TOMPKINS: Okay.
 24 MS. PENDERGRASS: Could we limit our questions
 25 to one question and keep it very, very concise?

1 is committed to finishing the radiological cleanup.
 2 Now, when you do an early transfer, there's all
 3 different flavors of an early transfer. You draw a line
 4 somewhere in the process and say: Okay, they've done
 5 this cleanup. The future property owner will do that
 6 cleanup, which the this and the that, on which side of
 7 the line you're on, has to be determined. And that's
 8 something that will unfold in 2008, we hope, where we
 9 start to get a clear picture of where we're going to
 10 draw the line.
 11 Our current thinking is -- that I want to share
 12 with you is that the Navy would complete the
 13 radiological cleanup, that -- and further slides will
 14 show you some other things that I think we should do. I
 15 don't think we would do absolutely everything because if
 16 we did everything and could get the paperwork done too,
 17 then it would be a regular transfer.
 18 But I think if you'll start looking at time
 19 lines -- and we've just begun looking at the whole --
 20 the whole master schedule that we have to put
 21 together -- I don't think that the time allows for
 22 that.
 23 So what we would have to do is see what we
 24 could do and especially what we think we should do
 25 before we throw up an option for an early transfer.

1 And so some of the nonradiological cleanup
 2 efforts would be on the table as a negotiation as to,
 3 you know, where would we draw the line and who would do
 4 what. That is one of the possibilities.
 5 MS. PENDERGRASS: Mr. Rao?
 6 MR. FORMAN: It's a good question because that
 7 gets to the heart of it.
 8 DR. RAO: Thank you. You mentioned about this
 9 plan being proposed in the newspaper, et cetera. The
 10 Bayview waterfront project has been discussed in some
 11 scoping meetings recently in the public, and they have
 12 also issued -- sent those notice of preparation of the
 13 EIR for the Bayview waterfront project. I'm assuming
 14 that you've also had a chance to review that.
 15 MR. FORMAN: That's another part of our team
 16 that reviews that. That's known as -- That's a
 17 different part of -- It's not environmental science so
 18 much as environmental planning.
 19 And so yes, we're aware of it, and there's a
 20 special member of our team that deals with that.
 21 DR. RAO: I'm not done with my question. I'm
 22 just -- My question is based on that. If he has that
 23 knowledge, then I can ask --
 24 MS. PENDERGRASS: Mr. Rao, I --
 25 DR. RAO: -- the question.

1 MS. PENDERGRASS: In order for us to get
 2 through tonight and to get through this presentation,
 3 one question. Get an answer, and we're going to move to
 4 another person. If we have a whole conversation and
 5 dialogue, everyone else won't get a chance to ask any
 6 questions.
 7 DR. RAO: I understand, Marsha.
 8 MS. PENDERGRASS: So please respect the rules.
 9 DR. RAO: Sure, sure.
 10 MR. FORMAN: Okay.
 11 DR. RAO: It's a conversation also. So the
 12 reason why I ask is because the -- there's a very good
 13 potential based on this exploration that the RAB
 14 potentially will be dissolved as a result of the
 15 transfer because the RAB is existing because it's under
 16 Navy and it's under the federal guidelines if it's
 17 transferred over to a private developer. There's
 18 potential for that.
 19 So as a community member and also as a RAB
 20 member, I'm of course genuinely --
 21 MR. FORMAN: Sure.
 22 DR. RAO: -- concerned about it and --
 23 MR. FORMAN: I'll give you a quick answer to
 24 that --
 25 DR. RAO: Sure.

1 MR. FORMAN: -- from what I know right now.
 2 DR. RAO: Thanks.
 3 MR. FORMAN: Okay?
 4 We have talked to the City in meetings about
 5 that; and interestingly enough, the City was very firm
 6 when speaking to senior Navy people that they don't --
 7 they want to make sure the Navy doesn't resolve --
 8 dissolve the RAB just like you do.
 9 In addition to that, the Navy, Melanie and I
 10 and the team, we don't want to see the RAB dissolved
 11 either. But keep in mind -- those are all good
 12 thoughts, right?
 13 But aside from that is we're talking about
 14 early transfers of certain sections of the base. The
 15 RAB will not dissolve until, you know, every part of the
 16 base is conveyed. And the latter -- we'll be around
 17 here until we see Parcel E-2, E, and F conveyed.
 18 So any early transfer we are talking about --
 19 and again, this is a -- I'll get into that in another
 20 slide. I'll get a little more clarity on that for you,
 21 okay?
 22 But there's two sections of the base in
 23 particular that we're interested in looking at the
 24 possibilities for an early transfer, and that would be
 25 Parcel B and this [indicating] section of Parcel D that

1 we are informally calling "Parcel 49," not officially,
 2 just naming the region "Parcel 49." So the RAB will
 3 still be around.
 4 But in addition to that, the City of San
 5 Francisco has in these meetings indicated they really
 6 want the RAB to continue to be around. And the Navy,
 7 both in where we work and in Washington, D.C., has
 8 indicated they want the RAB to stay around.
 9 So I don't -- I don't think -- I don't think
 10 that you need to worry too much. I think the RAB's
 11 going to be around for many, many years.
 12 MS. PENDERGRASS: Okay. Mr. Muhammad.
 13 MR. FORMAN: Well, yeah.
 14 MR. MUHAMMAD: In regards to the regular
 15 transfer, what is the Navy's expected date if you were
 16 to do a regular transfer? How many years? What's the
 17 expected date?
 18 DR. TOMPKINS: Leon, speak into the mic,
 19 please.
 20 MR. MUHAMMAD: What is the expected date that
 21 you --
 22 MR. FORMAN: Okay. If you look at --
 23 MR. MUHAMMAD: -- regular transfer?
 24 MR. FORMAN: If you look at the FFA schedule --
 25 and that gets us to RODs in 2011 -- we're loo- -- we

1 were looking at something around 2011, 2012, 2011, 2012
 2 for these [indicating] to transfer.
 3 MR. MUHAMMAD: And that is an expected cleanup,
 4 or is that an early transfer?
 5 MR. FORMAN: No, no. That would be a regular
 6 cleanup.
 7 MR. MUHAMMAD: Expected for the cleanup?
 8 MR. FORMAN: Yes, yes. The problem with that
 9 is -- is that even if that didn't slip at all, you can't
 10 convey property in 2012 and then do a three,
 11 three-and-a-half-year construction project. You can't
 12 make that happen.
 13 So if we did want to pursue this and have a
 14 stadium footprint and have an early transfer of
 15 Parcel B, then we would need to accelerate the cleanup
 16 and see what the Navy could do and then offer up an
 17 early transfer for people to review, critique.
 18 MS. PENDERGRASS: Mr. Forman, based on the
 19 agenda that you put together --
 20 MR. FORMAN: Yes.
 21 MS. PENDERGRASS: -- you're going to run out of
 22 time in three minutes. So --
 23 MR. FORMAN: Harrumph.
 24 MS. PENDERGRASS: -- you said 7:35 --
 25 MR. FORMAN: Okay.

1 MS. PENDERGRASS: -- you said you'd be finished
 2 with your presentation.
 3 So I would suggest that you might move along a
 4 little quicker and then --
 5 MR. FORMAN: Okay.
 6 MS. PENDERGRASS: -- take questions at the end,
 7 and we'll -- because we don't want to squeeze out the
 8 subcommittee reports and the other things that need to
 9 be done tonight.
 10 MR. FORMAN: Understood. All right.
 11 MS. PENDERGRASS: So Miss -- Dr. Tompkins, if
 12 you'll just hold your point until he's finished.
 13 MR. FORMAN: Okay. Next slide.
 14 MS. PENDERGRASS: I understand you want to have
 15 a dialogue, but that takes time, and you haven't
 16 allotted enough time.
 17 MR. FORMAN: Yeah, and I apologize, because I
 18 think I had a good idea, but the time management aspect
 19 of this is it's going to take lot longer than --
 20 MS. PENDERGRASS: Yes, than you got. I got it.
 21 I'm sorry.
 22 MR. FORMAN: Yes. Okay. And I apologize for
 23 that.
 24 What I will do, though, is in addition to
 25 anything else that we end up doing here at tonight's

1 meeting, Melanie and I will be here after the meeting.
 2 We can continue the dialogue after the meeting as well
 3 for any individuals that have --
 4 DR. TOMPKINS: Point of clarity to help the
 5 time.
 6 MR. FORMAN: -- want to ask some questions.
 7 MS. PENDERGRASS: Dr. Tompkins.
 8 DR. TOMPKINS: Keith, it's like we are on the
 9 same wavelength. I was going to have that as a topic
 10 for the Technical Committee for planning so that maybe
 11 you can do a synopsis, a brief, and that we can really
 12 have the dialogue that you were -- which I think is an
 13 extremely good idea, at the Technical Committee, 'cause
 14 I wanted to set the calendar for 2008 for the Tech
 15 Committee to be in conjunction with BRAC. That was one
 16 of the topics. Unfortunately, the agenda didn't get
 17 printed out.
 18 MS. PENDERGRASS: But Dr. Tompkins, this
 19 subject is broader than a Tech Committee.
 20 DR. TOMPKINS: I know, but it's the same topic
 21 is what I'm saying.
 22 MS. PENDERGRASS: I understand that, so --
 23 Okay.
 24 DR. TOMPKINS: It's just so that more time
 25 could be devoted, but it's the same topic.

1 MR. FORMAN: Okay.
 2 DR. TOMPKINS: It's exactly the same thing.
 3 MS. PENDERGRASS: All right.
 4 MR. FORMAN: Okay. All right.
 5 MS. PENDERGRASS: Thank you.
 6 MR. FORMAN: So let's look at fiscal year 2008,
 7 the budget. The regular Navy budget that we think we
 8 are going to get, that we believe we are going to get
 9 for sure, is \$37 million.
 10 As you may know, the beginning of our fiscal
 11 year is October 1st. It's not there yet. The Congress
 12 hasn't voted all of these things through and made them
 13 law yet. So we don't have a firm number. But we
 14 believe we will have \$37 million in regular Navy budget
 15 from the Navy.
 16 In addition, we have potential additional
 17 funding of up to 28 million. It can be any number
 18 between 0 and 28 million that we get in additional
 19 funding from other sources and other legislation.
 20 Now, one of the things that's happened in
 21 particular recently is that your representatives,
 22 Speaker of the House Pelosi and Senator Boxer and
 23 Senator Feinstein, all have written the Navy and other
 24 agencies, and all have expressed a lot of interest in
 25 the possibility of keeping the San Francisco 49ers in

1 San Francisco.

2 And part of what your representatives have been

3 willing to do is to get involved even in the details,

4 and part of the details are looking at avenues to get

5 additional funding because the Navy would need

6 additional funding if we were going to accelerate

7 cleanup and be able to make this happen through an early

8 transfer.

9 Okay. So we are going to get from 0 to

10 28 million in additional funding, okay.

11 And so the regular budget that we have is going

12 to focus more on the continuing projects we have. As

13 you know, many of our documents are in the draft or

14 draft final stage. We want to continue with those and

15 finalize them.

16 And then additional funding we would get would

17 focus on time-critical removal actions and treatability

18 studies, some of which we have already talked about,

19 like the treatability study on Parcel D that we talked

20 about the work plan for that already. We would amend

21 the work plan and do a more aggressive treatability

22 study.

23 But these are the things that we can count on,

24 then. The regular budget would focus more on what we

25 are already doing in the CERCLA milestones. The

1 additional funding that we may get would focus on

2 time-critical removal actions and treatability studies.

3 These type of cleanup actions would help us to

4 accelerate the schedule and to be ready for an early

5 transfer.

6 Next slide.

7 Okay. Here is some of the Navy goals that I

8 wanted to let you in on. First of all, one of our --

9 one of my person goals is I want to keep the momentum

10 going. In other words, we are -- we are -- this has

11 been the year of the feasibility study.

12 So a lot of draft feasibility studies have come

13 your way, five of them to be exact. And I want to keep

14 the momentum going in finalizing those feasibility

15 studies and moving into the proposed plan stage and

16 moving forward with the program, and that means all of

17 the program, not just the part of the base that would be

18 involved in a stadium footprint or a potential early

19 transfer.

20 Another goal is to aggressively pursue the

21 sewer and storm drain rad removals that we've done

22 across the base. You've heard a lot about those. We

23 have just about finished up on "B," and the crew is on

24 Parcel D right now, digging, and they've made great

25 progress. They're roughly, oh, 20 percent done with the

1 current project that they are working on on Parcel D,

2 which involves the sewer and storm drains on these roads

3 here [indicating].

4 And then we want to look into doing a

5 time-critical removal action that we have worked with

6 the regulators, in particular with the Water Board, on

7 at Site 26 over here on Parcel B. If you remember, we

8 talked about there was some mercury found there, and

9 then we put in additional wells between where we found

10 the mercury and the coastline; and we want to explore

11 doing a time-critical removal action to remove that

12 mercury.

13 And then we want to perform extensive

14 treatability study on Parcel D up in this area

15 [indicating]. There's three groundwater plumes in this

16 area.

17 We finalized the work plan this year to do

18 that, but what the Navy wants to go back to do is look

19 at that work plan again and strengthen it and make it

20 more aggressive and look at an aspect of ZVI technology

21 and a little different application that we have ever

22 used before, and we want to do that as quickly as we can

23 on Parcel D.

24 Next slide.

25 So here's the budget breakdown for the Navy

1 budget of \$37 million. This is some of the things next

2 year that you're going to see, and you -- and I won't

3 read every one of them, but you can look at these.

4 On Parcel B -- If you remember, every five

5 years we have done a ROD review since we have had a

6 ROD. And we have one on Parcel B, and this is the year

7 that you'll get to look at that document again. Of

8 course, the last time we did that was 2003.

9 And then you can see some of the other things

10 that we are going to look into with the 37 million.

11 Now, a lot of this is continuing Melanie's project,

12 Parcel E-2, the landfill gas monitoring and then

13 continuing of the feasibility study in a proposed plan.

14 That should have a "d" on it.

15 Next slide.

16 And here's some of the other projects that we

17 hope to do. Now, again, when I say "hope to do," hope

18 to do with the 37 million that I think is our foundation

19 budget of regular Navy money.

20 Next slide. There's another slide. There we

21 go.

22 Okay. Now --

23 Thank you.

24 Now, if we get additional money, remember, we

25 can get anywhere from nothing up to about \$28 million

1 extra, we're hoping, in addition to that 37 million of
2 our regular Navy budget. If we get that, then here's
3 some of the priorities we're going to look at.

4 One of them I point out to you is if the
5 stadium footprint is here [indicating], then one of the
6 things we have to do is clean up Spear Avenue. And
7 Spear Avenue has a deep sewer storm drain conveyance
8 system in it that we would have to investigate for
9 radioisotopes and probably do a removal on, and that
10 would be very expensive because it's very deep. So we
11 will want to pursue that.

12 We will want to pursue a rad survey and cleanup
13 of the remaining buildings on Parcel B that are rad
14 impacted, and then we would like to do surveys and start
15 knocking out the buildings in Parcel D.

16 Okay. And then finally, Parcel B, Site 7 and
17 18. Remember on the tour this is where the rad
18 screening yard was, Site 7 and 18 here. We now have a
19 new rad screening yard you will see when we take another
20 tour of the base that's down here [indicating].

21 And so what we want to do is pull up -- one of
22 the things we're going to do is pull up this rad
23 screening yard -- if you go on the base, it's still
24 there. Remnants of it are still there. There's just no
25 business there anymore -- and then do a -- Laurie Lowman

1 and our contractors will do a rad screening and will
2 come to a final conclusion on those sites.

3 And that's something Laurie's been wanting to
4 do anyway since we moved the rad screening yard. We
5 would just need some additional money to do that.

6 And I believe that's the last slide, isn't it?
7 Or no. There's some closing points.

8 Okay. So a couple of quick points I want to
9 make. The Navy is working on a master schedule. We
10 started it last week. Melanie and I need to get it out
11 within the next two weeks.

12 Eventually what's going to happen is we will
13 share this with the world, the master schedule. It's
14 going to have all the moving parts, and the master
15 schedule will answer the question when can we do this
16 and in what order do we have to do things to do this for
17 all the little moving parts of things that we would have
18 to make happen if we wanted an early transfer of
19 Parcel B and if we wanted to pursue an early transfer
20 for the stadium footprint.

21 The Navy is awaiting final budgeting numbers.
22 We have \$37 million that we think is in our Navy
23 budget. We could get extra money. There will be many
24 meetings and negotiations if we do decide to pursue full
25 time and early transfer, and I think we would know about

1 that fairly quickly. Once the budget numbers come in
2 and once we have a master schedule, we can start
3 dialoguing on the path forward.

4 The other thing I want to mention to you
5 quickly is that there's a possible conveyance this year
6 of more property on Hunters Point that Melanie and I
7 would like to pursue, and it's in this area [indicating]
8 of Hunters Point, and we will have more meetings on
9 this, and there will be documents, and there will be a
10 whole discussion that takes place on this.

11 Essentially this flap here of land here
12 [indicating] used to be part of Parcel A. It was taken
13 out of Parcel A for one reason. There were two
14 rad-impacted buildings there. Everything else checked
15 out except the radiological aspect hadn't been
16 thoroughly investigated.

17 Laurie Lowman came along in her HRA, in her
18 radiological assessment, and said that these buildings
19 were rad impacted and need to be investigated. Well,
20 the good news is they have been investigated. We are
21 getting close to generating final reports into getting
22 some sort of conclusion on this.

23 If we do get conclusions on this in the near
24 future, as I hope we will, then we will be in a position
25 to convey that little bit of property; and that's

1 something that we want to talk to you about in 2008.

2 And finally, progress reports to the RAB is
3 what will be coming down the line from myself and
4 Melanie and, I suspect, also from Amy Brownell
5 representing part of SFRA and the City; and that will be
6 part of the dialogue of 2008 is looking at the
7 possibilities and what we would need to do and make
8 happen to keep the San Francisco 49ers here and to have
9 that stadium footprint on Parcel D.

10 All right. That's the conclusion of my
11 presentation.

12 MS. PENDERGRASS: All right. Can we spend
13 about five minutes on questions, or do you have to have
14 them on record?

15 Do people --? Are people pretty --?

16 MR. FORMAN: I will stay later if anyone wants
17 to come up and --

18 MS. PENDERGRASS: But it's really not about
19 answering questions as much as it's about do you want
20 this on the record or off the record? And I think the
21 RAB needs to decide what level, because if we want to
22 keep it on the record, then we need to --

23 MR. FORMAN: Okay.

24 MS. PENDERGRASS: -- forgo the subcommittee
25 reports.

1 Any comments, Dr. Tompkins?
 2 DR. TOMPKINS: May I make a motion to extend
 3 for 15 minutes our meeting this evening so we could
 4 entertain -- which we have done in the past, entertain
 5 some of the questions? because that's a lot of
 6 information that Keith has brought up. Can I put that
 7 in form of a motion, that we extend the meeting for
 8 15 minutes this evening?
 9 MS. BRYANT: I second it.
 10 MS. PENDERGRASS: Okay. We have a first and a
 11 second on that motion.
 12 Any discussion prior to me calling the
 13 question?
 14 All in favor of extending the minu- -- the
 15 meeting by 15 minutes, signify by saying, "Aye."
 16 THE BOARD: Aye.
 17 MS. PENDERGRASS: Any opposed? Any
 18 abstentions?
 19 Okay. Fifteen minutes it is. All right,
 20 then. So we have about 10 to 12 minutes for question
 21 and answers, then.
 22 And let's start with Dr. Tompkins and
 23 Mr. Muhammad. I'm sorry. Did you have a question? Go
 24 ahead. I'm sorry.
 25 DR. TOMPKINS: Mine will be quick. Keith --

1 MS. PENDERGRASS: Can you make one question,
 2 though?
 3 MR. FORMAN: Quick.
 4 DR. TOMPKINS: Quickly. Maybe make this a
 5 topic for the Technical Committee meeting on this whole
 6 thing, on the whole -- the whole time line. Therefore,
 7 I'll defer my questions till later.
 8 MR. FORMAN: Okay. We can talk about this
 9 later. I just -- I --
 10 DR. TOMPKINS: Okay.
 11 MR. FORMAN: My request to you is that you
 12 confer with other people on the RAB, because it really
 13 doesn't fit the framework of a technical subcommittee
 14 meeting, looking at document, doing technical things.
 15 This is very nontechnical, but this is programmatic. I
 16 mean, it's the way ahead in the future but in a general
 17 way.
 18 DR. TOMPKINS: It was on the agenda --
 19 MR. FORMAN: Okay.
 20 DR. TOMPKINS: -- topic to set up so I can set
 21 the calendar for 2008 --
 22 MS. PENDERGRASS: Dr. Tompkins, you keep --
 23 DR. TOMPKINS: -- of what things are coming up.
 24 MS. PENDERGRASS: -- you keep glossing over the
 25 whole issue. The issue is that this is a full RAB kind

1 of thing, and I understand that you want this at the
 2 Tech Committee, and I think that the Navy is saying that
 3 they will come to the Tech Committee --
 4 DR. TOMPKINS: Okay.
 5 MS. PENDERGRASS: -- but that's not going to be
 6 enough information or it's not inclusive enough, if I
 7 might say it that way.
 8 So, I mean, I think it will have to be a
 9 two-way kind of thing, so not either/or, okay?
 10 DR. TOMPKINS: Okay. Come back to the Board.
 11 MS. PENDERGRASS: All right.
 12 DR. TOMPKINS: Of course.
 13 MS. PENDERGRASS: So we still have time for
 14 that. You want to go ahead?
 15 MS. BRYANT: I have a question.
 16 MR. FORMAN: Hi.
 17 MS. BRYANT: The question is how -- in terms of
 18 the choices that -- in terms of the choices that we have
 19 in terms of complete removal or capping, will that be
 20 influenced by the decision to have the 49ers there or
 21 not, or are they completely apples and oranges?
 22 MR. FORMAN: Complete removing or capping --
 23 MS. BRYANT: Does that affect the --?
 24 MR. FORMAN: Okay. That's something that we've
 25 discussed a lot, Parcel E-2; and Parcel E-2 is not part

1 of that overall discussion.
 2 MS. BRYANT: Okay.
 3 MR. FORMAN: The discussion will center on what
 4 activities need to occur for the stadium footprint to be
 5 completed in time and for the Navy to get certain things
 6 done on Parcel B where everyone will be comfortable with
 7 an early transfer. That's where the discussion will be
 8 centered on.
 9 And so Parcel E-2, as Melanie can tell you, we
 10 want Parcel E-2 to continue on its regular CERCLA
 11 pathway doing just what we are doing now and having a
 12 discussion; and, you know, her latest thing is adding a
 13 groundwater data gaps investigation, continuing on that
 14 path.
 15 MS. BRYANT: Okay.
 16 MR. FORMAN: And we feel we have the funding to
 17 do that this year to continue along that -- the regular
 18 CERCLA path.
 19 MS. BRYANT: And in terms of --
 20 MS. PENDERGRASS: One question --
 21 MS. BRYANT: Oh.
 22 MS. PENDERGRASS: -- and then we'll come back
 23 to you, okay?
 24 Mr. Muhammad.
 25 MR. MUHAMMAD: In case of a early transfer in

1 where it's not a sufficient cleanup, did the City offer
 2 you or suggest it to you who they would have finish the
 3 cleanup in regards to proposed to you either certain
 4 companies that we are looking at? Have they talked to
 5 you about that if there is a early transfer?

6 MR. FORMAN: Well, yeah. There is a potential
 7 for the master redeveloper to do some of the -- I think,
 8 some of the work. But --

9 MR. MUHAMMAD: Who is the master redeveloper?

10 MR. FORMAN: Lennar.

11 MS. PENDERGRASS: Lennar.

12 DR. TOMPKINS: Lennar.

13 MR. MUHAMMAD: So if there is an early tran- --

14 MS. BROWNELL: Can I clarify?

15 MR. FORMAN: Well, sure, Amy. I mean, I'm
 16 not --

17 MS. BROWNELL: Again, this is all preliminary
 18 stages. But as far as I know, it ha- -- no decisions
 19 have been made. But clearly, if there was an early
 20 transfer, it would go to the redevelopment agency who
 21 would then work with Lennar.

22 But there's already been discussions that
 23 Lennar itself would not be the one doing it. They would
 24 have -- The independent environmental firm would have
 25 to be hired to do it, because that's not what Lennar

1 does.

2 MR. FORMAN: And I don't think -- Lennar
 3 doesn't build sports stadiums.

4 MS. BROWNELL: No, no, no. Forty-Niners would
 5 build the stadium. But his question is going to if
 6 there's an early transfer and there's still cleanup that
 7 needs to be done, then a separate environmental firm
 8 would have to be hired.

9 MR. FORMAN: Yeah, then -- okay. The City
 10 would pick the -- The Navy would have no role in
 11 picking who the City selects as a redeveloper for this.

12 MR. MUHAMMAD: Would the Navy have input in
 13 saying --?

14 MS. PENDERGRASS: Mr. Muhammad --

15 MR. MUHAMMAD: Would the Navy have input in
 16 suggestion if it's suggested to you maybe you should
 17 look at another company, or this is the best company
 18 that -- to look at in --?

19 MR. FORMAN: Normally the Navy has no input on
 20 that. We don't try and intervene in affairs of the City
 21 and County of San Francisco that way.

22 MS. PENDERGRASS: Mr. Morrison.

23 MR. MORRISON: It was my understanding --
 24 Is it on?

25 MS. PENDERGRASS: Yeah.

1 MR. MORRISON: It was my understanding that
 2 part of the stadium would approach Parcel E-2 because of
 3 the parking lot.

4 THE COURT REPORTER: No, it's not on.

5 DR. TOMPKINS: I couldn't hear Mr. Morrison.

6 Is the mic on?

7 THE COURT REPORTER: No, not on.

8 MR. MORRISON: It's my understanding that part
 9 of the stadium parking lot would extend almost to
 10 Parcel E-2.

11 MR. FORMAN: Okay. Again, when I talked to you
 12 tonight -- and that is part of what you've probably seen
 13 in the Chronicle is the stadium footprint in early
 14 transfer. There are other phases of this that may be
 15 worked out.

16 And of course, the stadium needs a lot of
 17 parking. You're right. They would have to figure
 18 out -- Someone would have to figure out -- It has yet
 19 to be determined, you know, for sure where any of the
 20 parking would be. Obviously, it's going to be somewhat
 21 around the stadium. That's all I know.

22 And you know, when you have a big complex run
 23 with a lot of moving parts, first thing I tend to do is
 24 break it down into the simplest things and attack one
 25 thing after another.

1 So what we're in the midst of where we're at
 2 right now is Melanie and I are trying to put together a
 3 master schedule to see what the dates would be and what
 4 we could get done if an early transfer were pursued here
 5 and here [indicating]. And that's just what we're
 6 looking at. But there's a whole lot of things that go
 7 into that.

8 And in the next few weeks and the next couple
 9 of months, we'll be able to -- I'm thinking we'll be a
 10 lot clearer on this and we'll understand where we're at
 11 and whether it's a good idea and whether the timing
 12 works out.

13 But again, remember the two magic ingredients:
 14 timing with schedule and funding. You have to have the
 15 funding to do it.

16 MS. PENDERGRASS: Okay. So Miss Brownell and
 17 then Miss Bryant.

18 MS. BROWNELL: I just wanted to make one other
 19 comment on the presentation and the information that
 20 Keith has given as far as this overall scheme and this
 21 concept of working with federal family, the senators,
 22 and this whole concept, and you mentioned EIR for the
 23 Bayview project.

24 To get everyone's buy-in, to get extra funding
 25 for all of this, the premise that started it was this

1 concept of the 49ers; but we are not hanging our hat on
2 that. In other words, everybody is proceeding with with
3 or without the 49ers.

4 So because it's uncertain on whether they are
5 for sure going to come, we are planning as if they are
6 going to come. But if for some reason in the next year,
7 which is when we're going to know for sure, they decide
8 to go to Santa Clara, this concept of going forward and
9 getting extra money and accelerating cleanups and all
10 that, everyone is planning that that will still continue
11 with or without the 49ers.

12 So I just want everybody to be clear on that,
13 because, as Keith mentioned, you know, some people like
14 stadiums; some people don't. And we don't want anybody
15 to think that all of this effort and money would go
16 towards just a stadium. The concept is to get it
17 cleaned up and get it transferred and get it redeveloped
18 and get it into active, productive reuse --

19 MR. FORMAN: Well --

20 MS. BROWNELL: -- so that will proceed with or
21 without the fund --

22 MR. FORMAN: Yeah. All the money spent and all
23 the things -- the projects that we would have to
24 implement -- right? -- will be things that are
25 environmental cleanup. You're right. None of the money

1 is for a sports stadium. The money is to do the
2 environmental cleanup, which we are required to do
3 anyway. So . . .

4 MS. PENDERGRASS: Can I just add one thing that
5 I've heard you say? But it seems like no one seems
6 to -- people keep circling it; and that is, you are all
7 still responsible and have proceeded with a plan; and
8 regardless of whether it stops somewhere in that, there
9 is a full plan that will be approved --?

10 MR. FORMAN: There is. There is something
11 called a Federal Facilities Agreement, the FFA,
12 schedule. And remember, that comes out periodically.
13 We do updates to it. That FFA schedule is in full
14 effect.

15 MS. PENDERGRASS: That's right. Okay.

16 MR. RIPPERDA: If there is an early transfer,
17 the City would have to enter into an agreement with the
18 State of California and EPA to be responsible for the
19 cleanup. So that's yet another thing that has to be
20 negotiated by the lawyers. But the City would be
21 responsible to the regulators.

22 MS. PENDERGRASS: Excellent.

23 All right. Dr. Tompkins and then Mr. Rao. I'm
24 sorry. Let's start with Miss Bryant first, since she
25 had the second question.

1 DR. TOMPKINS: Okay. No problem.

2 MS. BRYANT: The other question is, I was just
3 wondering -- I don't know if it's possible or not, but
4 how much or how little would the RAB be included in the
5 negotiation process, or how much would we be informed in
6 terms of whether -- do we have a suggestion, commentary
7 at some point about whether the stuff --?

8 MR. FORMAN: That's interesting. We'll have to
9 have a conversation on that. I'm not exactly sure where
10 you come in and -- when it comes to really the
11 negotiations.

12 But there's a lot of documents that are going
13 to come before the RAB that would have to come bef- --
14 There's a Finding of Suitability for Early Transfer, a
15 FOSET, that would have to be done.

16 Every one of the projects that we would pursue
17 would have the same amount of documentation for each of
18 those projects whether they're removal actions,
19 treatability studies, or just the regular stuff we are
20 doing right now; it'll all be well documented.

21 MS. PENDERGRASS: But in terms of negotiation
22 for that that's been clearly defined and asked and
23 answered is that the RAB doesn't weigh in on the
24 negotiation of when and how it's transferred.

25 MS. BROWNELL: If.

1 MS. PENDERGRASS: Or --

2 MR. FORMAN: Well, the --

3 MS. PENDERGRASS: -- if it's transferred.

4 MR. FORMAN: -- the RAB will -- the RAB will
5 get to look at -- the RAB will get to look at the master
6 schedule and ask questions.

7 MS. PENDERGRASS: Right.

8 MR. FORMAN: And I'll have to answer those
9 questions. So . . .

10 MS. BRYANT: So the master schedule, is that
11 after it's been decided or --?

12 MR. FORMAN: No. The master schedule is
13 something Melanie and I are working on now to see how
14 feasible it is, you know, the timing aspect, and what we
15 would have to do. And then we put that together with,
16 Do we have the funding to do it? And then we look at
17 the potential success story here: Can it be done? And
18 then if it is, then we'll all talk about the order of
19 things here.

20 Tonight I really just wanted to let you know
21 what I know rather than, you know, not talking about
22 this until we get so far down and then some final
23 decisions are, you know, 30 days away. Instead I just
24 want to let you know what I know at this point.

25 MS. PENDERGRASS: All right. Mr. --

1 Dr. Tompkins.
 2 DR. TOMPKINS: Just for clarity for the rest:
 3 When we talk about early transfer and the property is
 4 being partially cleaned for radiological but there's
 5 chemical, is the Navy -- Navy, Navy -- Navy liable for
 6 that contamination if you transfer the property over to
 7 the City, or is the City and the developers liable for
 8 the contamination that's left on there?
 9 MR. FORMAN: In a typical early transfer, in a
 10 typical early transfer, a negotiation takes place. And
 11 the negotiation tells the future party, you know, what
 12 they will have to do. And then an amount of money is
 13 exchanged to compensate for those actions that need to
 14 be taken. Those actions have the same regulatory
 15 scrutiny that they would regardless of who did the
 16 environmental cleanup.
 17 Now, the Navy liability -- in one sense, in
 18 CERCLA the Navy liability never dies. So the Navy never
 19 divorces itself of the initial liability of having put
 20 those contaminants in place. However, when some other
 21 party agrees to clean it up, right, they also have an
 22 obligation to pursue a proper cleanup.
 23 So the Navy's not out of the picture in an
 24 early transfer. We're still looking because we need to
 25 make sure, you know, that remedies are still

1 one.
 2 DR. TOMPKINS: For later.
 3 MS. PENDERGRASS: We're going to end with, I
 4 guess, really quickly Mr. Rao and then Mr. Van Houten --
 5 MR. FORMAN: Sure.
 6 MS. PENDERGRASS: -- so we can end this.
 7 DR. RAO: Mark, actually, this is for you. I
 8 notice that in the Bayview waterfront project -- right
 9 now you are here present, and thank you very much for
 10 being here at the RAB table.
 11 But in the notice of preparation of the EIR, I
 12 notice that they said -- they listed a list of agencies
 13 that would review the EIR, and the U.S. EPA was not
 14 listed as one of those. So I'm just wondering if you
 15 are aware of that.
 16 MR. RIPPERDA: My program, which does the
 17 environmental cleanup oversight, doesn't look at EIRs.
 18 Those are, you know, bigger developments. And in this
 19 case, I think that's all delegated to the State of
 20 California and the local -- local municipality.
 21 So, right, EPA does not get involved at looking
 22 at developments at this scale.
 23 MS. PENDERGRASS: Okay. All right.
 24 Mr. Van Houten?
 25 MR. VAN HOUTEN: Yeah. I just want to have

1 protective.
 2 And in the case of -- for instance, if we have
 3 a Record of Decision somewhere -- right? -- that has
 4 remedies that need to be implemented, we want to make
 5 sure the remedies that under -- under our authority,
 6 right, were finalized in a Record of Decision. Once
 7 they're implemented, we have an interest of making sure
 8 that they are properly implemented so that they are
 9 protective.
 10 DR. TOMPKINS: So that you do have oversight to
 11 make sure that it's cleaned correctly --
 12 MR. FORMAN: Yes.
 13 DR. TOMPKINS: -- if they don't do it.
 14 MR. FORMAN: Yes. I mean, obviously, our role
 15 would change because we would no longer directly be
 16 doing the cleanup, but we're simply not -- we're not out
 17 of the picture.
 18 DR. TOMPKINS: If they don't --
 19 MS. PENDERGRASS: Okay.
 20 DR. TOMPKINS: -- clean it --
 21 MS. PENDERGRASS: Doctor --
 22 DR. TOMPKINS: -- up, do you go and clean it,
 23 or do --?
 24 MS. PENDERGRASS: Dr. Tompkins, that's an
 25 add-on question, and I'm going to have to table that

1 clarity so you can confirm this, because it keeps
 2 getting asked over and over again that no matter who
 3 cleans up, they are under restriction of all the
 4 regulators of the state, the federal, the same as who's
 5 looking over the Navy. So I want you to clarify that --
 6 MR. FORMAN: Yes.
 7 MR. VAN HOUTEN: -- because people keep
 8 thinking that Lennar's going to do it by themselves, and
 9 who's going to be watching them.
 10 MR. FORMAN: No.
 11 MR. VAN HOUTEN: The same people that are
 12 watching the Navy right now will be watching whoever
 13 cleans it up.
 14 MR. FORMAN: That is correct.
 15 MR. VAN HOUTEN: So worrying about who's going
 16 to clean it up shouldn't really be a concern because the
 17 people who are always checking who's doing it will be
 18 checking it.
 19 MR. FORMAN: Yes.
 20 MR. VAN HOUTEN: Okay.
 21 MR. FORMAN: And remember, the Navy's still
 22 here too. Let's say that we do go ahead and end up
 23 transferring early this section [indicating] of the base
 24 and that section [indicating] of the base. We still
 25 have the remainder of the base. We're still there. We

1 haven't --
 2 MS. PENDERGRASS: Thank you.
 3 MR. FORMAN: We're not off the scene.
 4 MS. PENDERGRASS: Thank you, Mr. Forman.
 5 MR. FORMAN: Okay.
 6 MS. PENDERGRASS: Thank you. We're going to
 7 close this and move into the -- thank you. Thank you
 8 for bringing that.
 9 (Applause.)
 10 MS. PENDERGRASS: Okay. So we want to hear
 11 from the TAG grant folks.
 12 So, Dr. Tompkins, if you keep that to five
 13 minutes, that would be great.
 14 DR. TOMPKINS: Yes, I'll keep it quick.
 15 I passed out an article -- copy of the article
 16 that ran in the Asian Weekly and the Bay View.
 17 Unfortunately, there were changes made. You do have the
 18 original. Some things we can't control.
 19 We did -- The CFC, we had a community tow- --
 20 MS. PENDERGRASS: Which document are you
 21 talking about?
 22 DR. TOMPKINS: You should have --
 23 MS. PENDERGRASS: Called "Pandora's --"
 24 DR. TOMPKINS: -- "Pandora's --"
 25 MS. PENDERGRASS: -- "Box"?

1 DR. TOMPKINS: Yes.
 2 There were modifications in both newspapers and
 3 pictures and captions that we had nothing to do with.
 4 Unfortunately, we couldn't control that.
 5 Second, we had a town meeting as well in the
 6 community, and I have letters of -- from the residents
 7 that expressed concerns about E-2. We'll make copies
 8 and then submit these informally to the Navy.
 9 Third point . . . I'll stop at that point.
 10 Dr. Palmer, do you have any points that you'd
 11 like to address at this time?
 12 Okay.
 13 We're in the middle of reviewing, as Keith had
 14 said, we -- many, many documents this year that we've
 15 been reviewing, and a lot of hours has been spent on
 16 reviewing the material.
 17 Minutes from the -- I'll go into the Technical
 18 Committee. Minutes of the Technical Committee are
 19 being -- are typed out. It was very constructive
 20 meeting. Good dialogue between all the members in
 21 review.
 22 The agenda for the next meeting was submitted.
 23 But unfortunately, stuff happens, and it's not here in
 24 your parcel this evening. You will be receiving a copy.
 25 And Keith, as I mentioned, that we wanted to --

1 one of the topics on the agenda was to set the calendar
 2 for 2008, because what I'd like to do with the Technical
 3 Committee is work closer with the regulators' agenda so
 4 that we can have our meetings in concert where they
 5 can -- topics can coexist. I think it would be
 6 constructive on both parties and help us in terms of
 7 timeliness and preparing community comments on different
 8 times so that that was the theme.
 9 So as you brought this up, this was on the
 10 Technical Committee agenda as well.
 11 We would also be -- As I remember, we would
 12 like to review comments on the radiological for the Tech
 13 Committee. Is that correct?
 14 MR. FORMAN: Comments on what, Dr. --?
 15 DR. TOMPKINS: The radiological. Is it "E"?
 16 MR. ATTENDEE: Radiological addendum.
 17 DR. TOMPKINS: The radiological addendum on
 18 E-2 --
 19 MR. FORMAN: Okay.
 20 DR. TOMPKINS: -- for the Tech Committee.
 21 This is just going for what's on the agenda,
 22 since we don't have a copy. You will be receiving a
 23 copy via --
 24 MR. FORMAN: Okay.
 25 DR. TOMPKINS: -- E-mail.

1 MR. FORMAN: So the radiological addenda on
 2 E-2?
 3 DR. TOMPKINS: Yes.
 4 MR. FORMAN: Okay.
 5 DR. TOMPKINS: We'd like to discuss that for
 6 the next Tech Committee.
 7 MS. PENDERGRASS: So, Dr. Tompkins, not to step
 8 on your toes at all, but --
 9 DR. TOMPKINS: No. I understand. I'm done.
 10 MS. PENDERGRASS: Thank you. Can I just ask
 11 you this?
 12 DR. TOMPKINS: Sure.
 13 MS. PENDERGRASS: Is there anything that you
 14 had clarity on as a culmination of that meeting that you
 15 might want to share with the RAB, since that's kind of
 16 the purpose of that? I mean, I see the notes. But is
 17 there anything --
 18 DR. TOMPKINS: I was just trying to make it --
 19 MS. PENDERGRASS: -- that you -- that just pops
 20 out that was --?
 21 DR. TOMPKINS: Yes. Let me make culmination.
 22 One, a compliment to the Navy because they came
 23 to the table with their air-monitoring data in that the
 24 initial -- one of the topics of the previous meeting to
 25 see if there was a blow-over into Navy's property from

1 Parcel A concerning the asbestos. They also -- The
 2 Navy had manganese also --
 3 MS. PENDERGRASS: So what was the -- what was
 4 the result?
 5 DR. TOMPKINS: It was a negative result --
 6 MS. PENDERGRASS: Okay. That --
 7 DR. TOMPKINS: -- on that, and then workers
 8 were safe.
 9 MS. PENDERGRASS: Thank you.
 10 DR. TOMPKINS: The later followed [sic]
 11 Melanie would be providing baseline medical for the
 12 workers as a continuation. So that -- it was a positive
 13 result in terms of Navy did a good job.
 14 MS. PENDERGRASS: Thank you.
 15 Membership and Bylaws Committee.
 16 Mr. Van Houten.
 17 MR. VAN HOUTEN: Okay. We got a couple
 18 things -- I'll try to fly through them -- this evening.
 19 At our last meeting, we have approved and will
 20 put before the full RAB this evening a new member -- and
 21 you should have a membership application in front of
 22 you -- Jocquay Thomas. I hope I said that right.
 23 So I'd like to have him quickly give a few
 24 words, and then we will present up for a vote.
 25 MS. PENDERGRASS: All right. Where's

1 Mr. Thomas?
 2 DR. TOMPKINS: Is Mr. Thomas present?
 3 MS. PENDERGRASS: Okay. Mr. Thomas, just a
 4 couple of words about yourself.
 5 MR. THOMAS: Hi. How you doing? My name is
 6 Jocquay Thomas, and I grown -- I live up in
 7 Bayview-Hunters Point, and I just find it interesting on
 8 how you all come up with decisions and the plans you all
 9 have for the Navy, and looks like it could be
 10 interesting.
 11 MS. PENDERGRASS: All right. Welcome.
 12 All right. So what do you have to say next,
 13 Mr. Van Houten?
 14 MR. VAN HOUTEN: Okay. Is there any --?
 15 Anybody have any questions for him really quickly in
 16 particular?
 17 MS. PENDERGRASS: That's not the question I'm
 18 looking for, though.
 19 MR. VAN HOUTEN: I know. Otherwise, if there's
 20 no questions for him, then I'd like to present this
 21 applicant to the full board and look for --
 22 MS. PENDERGRASS: The --
 23 MR. VAN HOUTEN: -- a motion.
 24 MS. PENDERGRASS: -- read is that "I have a
 25 motion on the floor."

1 MR. VAN HOUTEN: I have a motion --
 2 MS. PENDERGRASS: Yes.
 3 MR. VAN HOUTEN: -- to present this as a new
 4 applicant, as a new member.
 5 MS. PENDERGRASS: Okay. Well, first we need a
 6 second.
 7 Do we have a second?
 8 MR. VAN HOUTEN: Oh.
 9 DR. RAO: (Raises his hand.)
 10 MS. PENDERGRASS: We have a second from
 11 Mr. Rao, and now we have open discussion about the
 12 candidate.
 13 Yes, Mr. Morrison.
 14 MR. MORRISON: I think he was introduced as a
 15 LEJ associate. Is that correct, Mr. Rao?
 16 DR. RAO: By whom are you talking?
 17 MR. MORRISON: Mr. -- This young gentleman
 18 who's Mr. Thomas. Is he associated with LEJ?
 19 MS. PENDERGRASS: Mr. Thomas?
 20 MR. THOMAS: Yes.
 21 DR. RAO: He is a LEJ youth, yes.
 22 MR. MORRISON: Okay. So he would probably be
 23 associated with all the LEJ ideas. Also -- okay.
 24 That's all I want to know. So we have another basically
 25 affiliate with a environmental group.

1 MS. PENDERGRASS: All right. Did everybody
 2 hear that? All right. Then Dr. Tompkins.
 3 DR. TOMPKINS: Quickly. He's on Harbor Road.
 4 So is it the recommendation of the Rules Committee that
 5 he would be considered as a resident, since he's a
 6 resident of Bayview rather than under the organization
 7 classification?
 8 MR. VAN HOUTEN: That's how he was presented.
 9 DR. TOMPKINS: Okay, as a resident. Okay. And
 10 it was a vote, then, by the subcommittee that he be
 11 nominated, correct, unanimous?
 12 MR. VAN HOUTEN: Right [nodding].
 13 DR. TOMPKINS: Okay. Thank you.
 14 MS. PENDERGRASS: All right. So we have a
 15 motion on the floor. It has been seconded. All right.
 16 So I'm going to --
 17 DR. TOMPKINS: Call for question.
 18 MS. PENDERGRASS: Any more discussion?
 19 All right. I'm going to call the question:
 20 All in favor of accepting Mr. Jocquay Thomas as a full
 21 voting member of the RAB as of this meeting, please
 22 signify by saying, "Aye."
 23 THE BOARD: Aye.
 24 MS. PENDERGRASS: All opposed? Any abstentions
 25 on that vote?

113

1 All right, then.
 2 Welcome to the table, Mr. Thomas.
 3 (Applause.)
 4 DR. TOMPKINS: Grab a seat. Part of the
 5 family.
 6 MS. PENDERGRASS: All right. Are you good?
 7 MR. VAN HOUTEN: I still have more items.
 8 MS. PENDERGRASS: Yes.
 9 MR. VAN HOUTEN: Sorry.
 10 Also, real quickly, you'll see in the back that
 11 there were -- there's a questionnaire. So I'm just
 12 looking for any feedback from the members. Check out
 13 the questions. Just trying to standardize, you know,
 14 our questions to our applicants.
 15 MS. PENDERGRASS: What questionnaire?
 16 MR. VAN HOUTEN: There was a questionnaire that
 17 was --
 18 DR. TOMPKINS: On the handout.
 19 MR. VAN HOUTEN: -- I think, in people's
 20 packets, and I think they were in the back as well.
 21 MR. MUHAMMAD: She sent it out in --
 22 MS. HUNTER: They were mailed out.
 23 MR. MUHAMMAD: They were --
 24 MR. VAN HOUTEN: They were mailed out, yeah, in
 25 your packets.

114

1 MS. HUNTER: They were mailed out --
 2 MR. VAN HOUTEN: In your mail packets.
 3 MS. HUNTER: -- to all the RAB members.
 4 MS. PENDERGRASS: Okay.
 5 MS. HUNTER: And they were E-mailed out to
 6 everybody.
 7 MS. PENDERGRASS: Okay.
 8 MR. VAN HOUTEN: Yeah. And so just have a look
 9 at them; and if you have any input or anything -- any
 10 suggestions, I would really appreciate it --
 11 MS. PENDERGRASS: Okay.
 12 MR. VAN HOUTEN: -- on that questionnaire.
 13 MS. PENDERGRASS: What's the purpose of the
 14 questionnaire, Mr. Van Houten?
 15 MR. VAN HOUTEN: It's a -- just to standardize
 16 how -- our questions to our applicants so we can kind of
 17 get a good rounded information from them, and they also
 18 get information about what their -- what their
 19 involvement would be.
 20 MS. PENDERGRASS: Excellent job there.
 21 MR. VAN HOUTEN: Okay. And then the last thing
 22 is it is time for us to approve adjustments to our
 23 bylaws.
 24 MS. PENDERGRASS: Okay.
 25 MR. VAN HOUTEN: And everybody should --

115

1 hopefully has a copy that was on the back table. We
 2 have --
 3 MS. PENDERGRASS: Why don't you walk us through
 4 the changes really quickly?
 5 MR. VAN HOUTEN: Yeah. There's five changes.
 6 I was just counting them.
 7 MS. PENDERGRASS: Okay.
 8 MR. VAN HOUTEN: On page 1, No. 5, under
 9 "Voting," it was added "RAB members should disclose and
 10 abstain on any voting due to a conflict of interest
 11 pertaining specifically to direct economic gain."
 12 Do we need to do these individually voted?
 13 MS. PENDERGRASS: We don't have to do them
 14 individually. The way the process works for bylaws is
 15 that you've made your recommendation to the bylaws.
 16 They go out to the membership. They have a month to
 17 review them and get back to you if they want to, and
 18 then we have to vote on --
 19 MR. VAN HOUTEN: Vote as overall.
 20 MS. PENDERGRASS: You have to vote overall.
 21 So if there's changes in between and then you
 22 burst in with another one, then we have to have another
 23 meeting about --
 24 MR. VAN HOUTEN: Okay.
 25 MS. PENDERGRASS: I mean another vote.

116

1 MR. VAN HOUTEN: So I'll just read through them
 2 all really quickly, and then we'll do a vote then.
 3 And the second one is on page 5 at the very --
 4 MS. PENDERGRASS: Can I just say one thing
 5 about the voting one?
 6 MR. VAN HOUTEN: Yes.
 7 MS. PENDERGRASS: As point of clarification, as
 8 Dr. Tompkins would say, is that when you put in the
 9 bylaws that has that element, you need to also have a
 10 mechanism or a -- consequences or not -- I mean, how
 11 you're going to enforce that, or how would you even
 12 know? Do you know what I mean?
 13 So you need to figure out how you would know
 14 and then what would be the next steps before you put
 15 something like that.
 16 MR. VAN HOUTEN: Okay.
 17 MS. PENDERGRASS: You might think about that
 18 just --
 19 MR. VAN HOUTEN: Okay. All right. We'll go to
 20 No. 2, then.
 21 MS. PENDERGRASS: Okay.
 22 MR. VAN HOUTEN: Number -- It's under the
 23 No. 15 for duties of Navy and community co-chairs. And
 24 it's the -- on top of page 5:
 25 The Community Co-chair will have a

1 quarterly meeting with the subcommittee chairs
 2 to evaluate the goals and responsibilities of
 3 the RAB. A summary of the discussion will be
 4 provided by the Community Co-chair to the full
 5 RAB.

6 And just below that under No. 16, you'll see it
 7 underlined there: Subcommittees shall prepare meetings
 8 minutes -- well, I'll go on there. "Minutes shall
 9 be . . . timely manner" Hold on there.

10 Okay. I had to kind of get my grip there. All
 11 right.

12 Subcommittees shall prepare meeting
 13 minutes to reflect a summary of the meeting.
 14 Minutes shall be distributed to the RAB at the
 15 following RAB meeting or in a timely manner (7
 16 calendar days -- this is the change -- (7
 17 calendar days after the subcommittee
 18 meeting). The meeting minutes shall [sic]
 19 contain the following information:

20 A listing of meeting attendees, outlines
 21 agreements and sub -- and key discussion
 22 items, action items determined with a due
 23 date, and the last is: Next meeting date.

24 Okay. The fourth change just down to the
 25 neck -- second paragraph below that underline there:

1 MR. VAN HOUTEN: Okay.
 2 MS. PENDERGRASS: -- should probably be instead
 3 of "action items" or in addition to that would be
 4 "motions that will be asked at the next meeting" or "put
 5 forth at the next meeting."

6 Anyway --
 7 MR. VAN HOUTEN: Okay.
 8 MS. PENDERGRASS: -- Dr. Tompkins and then
 9 Doc- -- and then Mr. Morrison.

10 DR. TOMPKINS: Quick to the chair of the
 11 committee, giving point that our facilitator brought up
 12 in that the instrument of implementation should be
 13 considered for the development, that we defer the vote
 14 until the committee, subcommittee, has a chance to work
 15 out on page 1 that section how you plan to implement or
 16 what are the consequences of the action and defer the
 17 vote until our next RAB meeting. If that's --

18 MS. PENDERGRASS: Okay.
 19 DR. TOMPKINS: -- friendly to the committee
 20 chair, I'd ask that -- a deferment until at that time we
 21 have an instrument of implementation of rules.

22 MS. PENDERGRASS: That's one way to do it.
 23 Another alternative would be to make the necessary
 24 changes and send it out within a week, and people still
 25 have plenty of time to review. We don't want to belabor

1 The Subcommittee Chair shall serve a term of one year
 2 from July 1st to June 30th. The change here is "The
 3 Subcommittee Chair may serve an indefinite number of
 4 terms but may not serve more than two terms back to
 5 back."

6 Okay. And the final change is:

7 The Subcommittee Chairs will meet with
 8 the Community Co-chair to evaluate the goals
 9 and responsibilities of the RAB on a quarterly
 10 basis. A summary of the discussion will be
 11 provided by the Community Co-chair to the full
 12 RAB.

13 And those are the changes.

14 MS. PENDERGRASS: Can I just add one more
 15 thing? And Robert will --

16 MR. MUHAMMAD: Sure. You got me doing a lot of
 17 summaries here.

18 MS. PENDERGRASS: -- 'cause there's one --
 19 there's one problem with the "action items determined."
 20 Wouldn't that be "motions," since that's pretty much
 21 what you're supposed to be --

22 MR. VAN HOUTEN: Which one? I'm sorry.

23 MS. PENDERGRASS: -- bringing forth?

24 On your subcommittee notes, your subcommittee
 25 notes --

1 this too much.

2 So I don't know. Mr. Van Houten, it would be
 3 up to you.

4 So Mr. Morrison?

5 MR. MORRISON: My concern -- and I also would
 6 like to have this as an action item: Concerning the
 7 applications, we need to be able to verify with the
 8 legal and a verifiable address if you're going to be
 9 considered a resident, because Mr. Mason -- Jesse
 10 Mason -- I'm sorry he's not here tonight, but he has
 11 never given the RAB a verifiable, legal resident
 12 address.

13 I'm asking for an action item to find out,
 14 because I think on his application, he always uses Arc
 15 Ecology's address, not unless --

16 MS. PENDERGRASS: Mr. Morrison?

17 MR. MORRISON: -- he's living there.

18 MS. PENDERGRASS: Mr. Morrison?

19 MR. MORRISON: So I'm asking for --
 20 Yes?

21 MS. PENDERGRASS: Mr. Morrison, where in the
 22 bylaws would that be outlined as something that would
 23 even be required?

24 MR. MORRISON: Well, if you're a -- it's not
 25 required. I'm asking, if you're going to have an

121

1 applicant saying that they're a resident --
 2 MS. PENDERGRASS: I under- --
 3 MR. MORRISON: -- of the community --
 4 MS. PENDERGRASS: I understand.
 5 MR. MORRISON: -- then they have to show that
 6 they are resident.
 7 MS. PENDERGRASS: Okay. I understand exactly
 8 what you're asking. But I'm asking you, where in the
 9 bylaws would that be required?
 10 So there's a little leak between there where
 11 there's a big ditch. Either you have to ask for that to
 12 be part of the bylaws, because otherwise there's no
 13 action that can be --
 14 MR. MORRISON: Okay. Then I'm asking for that
 15 to be part --
 16 MS. PENDERGRASS: Okay.
 17 MR. MORRISON: -- of the bylaws.
 18 MS. PENDERGRASS: So the appropriate place to
 19 put that would be to the committee chair and for you
 20 to --
 21 MR. MORRISON: Okay. I'll be at the next
 22 bylaws meeting --
 23 MS. PENDERGRASS: Okay.
 24 MR. MORRISON: -- and I'll produce that. Thank
 25 you.

122

1 MS. PENDERGRASS: All right. Thank you.
 2 So it sounds like there's a little more work to
 3 be done before this becomes ready for review.
 4 Does that make sense to you, Mr. Van Houten?
 5 MR. VAN HOUTEN: That's fine --
 6 MS. PENDERGRASS: Okay.
 7 MR. VAN HOUTEN: -- if people will come to my
 8 meetings and we discuss them there. These were approved
 9 by the committee.
 10 MS. PENDERGRASS: Okay.
 11 MR. VAN HOUTEN: These were talked about. We
 12 discussed these. We went over these. Everybody
 13 approved the wording that we did here. So it's not
 14 coming just from me.
 15 So if you have concern about the bylaws, then
 16 you come to my meetings, and you put your voice in
 17 there --
 18 MS. PENDERGRASS: Absolutely.
 19 MR. VAN HOUTEN: -- because this delays this.
 20 We will not be meeting till November. So we
 21 will not be able to approve these until December's
 22 meeting, just so you know.
 23 MS. PENDERGRASS: Correct.
 24 MR. VAN HOUTEN: Okay?
 25 MS. PENDERGRASS: All right, then.

123

1 Economic Committee report?
 2 I'm sorry, Mr. Van Houten, were you -- were you
 3 concluded --
 4 MR. VAN HOUTEN: I'm done.
 5 MS. PENDERGRASS: -- your business?
 6 Okay.
 7 The Economic Subcommittee report.
 8 MS. BRYANT: Hi.
 9 MS. PENDERGRASS: Miss Bryant, is that you?
 10 Thank you. Excellent.
 11 MS. BRYANT: Hi. I'm Aleta Bryant. I'm the
 12 new chairwoman of the Economic Development Subcommittee.
 13 MR. ATTENDEE: Yea.
 14 (Applause.)
 15 MS. BRYANT: Thank you.
 16 Basically, what we discussed in the meeting --
 17 I really didn't take the lead at the last meeting being
 18 that that was where this all evolved; but since that
 19 time, what we have discussed is that we want to
 20 formalize the Economic Development Subcommittee. We
 21 wanted to have structure. We wanted to have purpose,
 22 and we want to develop policies and procedures for which
 23 the Economic Subcommittee has to answer for.
 24 So what I asked for initially was actual
 25 committee group, and those initial people that I

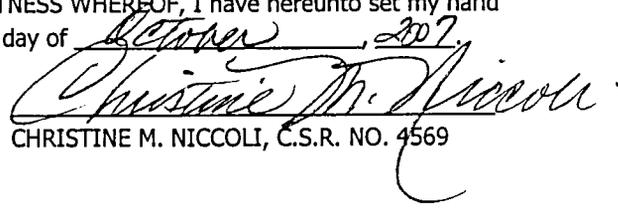
124

1 approached about that was Dr. Tompkins, Mike McGowan,
 2 and Kristine Enea, who accepted. So I'm really happy
 3 about that.
 4 MS. PENDERGRASS: Okay.
 5 MS. BRYANT: What we -- I'm sorry?
 6 MS. PENDERGRASS: So I mean, because we're
 7 running late --
 8 MS. BRYANT: Oh, I'm sorry. So what we plan to
 9 do is to have a round-table dis- -- round-table
 10 discussion to develop and implement what we would like
 11 to see happen. We're in the -- we're in the process of
 12 doing that right now.
 13 At -- After we have that meeting, then we will
 14 have a full report to give to you in terms of how we are
 15 going to go forward.
 16 MS. PENDERGRASS: Excellent. Thank you so
 17 much.
 18 MS. BRYANT: Okay.
 19 MS. PENDERGRASS: And your next meeting will be
 20 on November 14th --
 21 MS. BRYANT: Yes.
 22 MS. PENDERGRASS: -- at the library at 6 p.m.
 23 MS. BRYANT: Thank you.
 24 MS. PENDERGRASS: Excellent. Excellent. Thank
 25 you.

1 All right. And I am so sorry we're running
 2 long. Any other comments?
 3 MR. POWELL: I have a question, but --
 4 MS. PENDERGRASS: Go ahead. No, it's time
 5 now.
 6 MR. POWELL: I was ignored, so --
 7 MS. PENDERGRASS: You weren't ignored. It
 8 wasn't time. But we do have time now. Be more than
 9 happy to take your question now.
 10 MR. POWELL: My question was for the Navy.
 11 Good evening, everyone. My name is Harrell Powell, and
 12 I totally understood everything.
 13 My question was, On the -- on the turnover, did
 14 you say the early turnover for the property, Section D
 15 and B, for the 49ers stadium -- my question was -- and
 16 you said that, like, when you do the clea- -- radiation
 17 cleanup, after the radiation cleanup and you do a early
 18 turnover to the City, my question was -- and the City
 19 would hire whoever to do the other cleanup or whatever,
 20 my question is, Would the Navy be there to -- as an
 21 observer for the cleanup or as an advisory for the
 22 cleanup?
 23 MR. FORMAN: We would still be on the base, and
 24 we'd still be part of the process.
 25 MS. PENDERGRASS: Okay. Thank you for holding

1 be Navy money to do that.
 2 MR. VAN HOUTEN: Who would be the owner of the
 3 stadium?
 4 MS. BROWNELL: The 49ers -- I don't know -- I
 5 don't know all the details, but they would own the
 6 physical stadium; and whether there's a lease for the
 7 actual ground underneath -- I don't get all the details.
 8 But I could find out.
 9 MS. PENDERGRASS: Okay. All right. We have
 10 run a little long, but we are adjourned.
 11 (Off record at 8:22 p.m., 9/27/07.)
 12 ---oOo---

1 your question. I appreciate that. You know, it's hard
 2 to hold your question.
 3 Are we adjourned?
 4 Oh, I'm sorry. Please forgive me.
 5 MS. SHAHID: Hi. I'm Connie, and I just -- I
 6 want to make sure I left this question. So the -- if
 7 possibly the land was -- the -- I'm sorry -- the stadium
 8 will be built on the shipyard, the land would no longer
 9 belong to the Navy, correct?
 10 MR. FORMAN: Correct.
 11 MS. SHAHID: So would the 49ers possibly
 12 contribute to the cleanup?
 13 MR. FORMAN: Amy, that's a better question for
 14 you to really --
 15 MS. BROWNELL: Yeah.
 16 MR. FORMAN: My understanding is no, but I'll
 17 let Amy --
 18 MS. BROWNELL: Yeah. My understanding also is
 19 that they would not be -- the Navy is responsible for
 20 the cleanup, and they would do the cleanup on that
 21 piece.
 22 And then the 40 -- the 49ers would be giving --
 23 contributing and doing the building of the stadium. So
 24 all the money to actually physically build the stadium
 25 would be their money, but everything prior to that would

1 CERTIFICATE OF REPORTER
 2
 3 I, CHRISTINE M. NICCOLI, Certified Shorthand
 4 Reporter of the State of California, do hereby certify
 5 that the foregoing meeting was reported by me
 6 stenographically to the best of my ability at the time
 7 and place aforementioned.
 8 IN WITNESS WHEREOF, I have hereunto set my hand
 9 this 23rd day of October, 2007.
 10 
 11 CHRISTINE M. NICCOLI, C.S.R. NO. 4569
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