

**MARE ISLAND NAVAL SHIPYARD  
RESTORATION ADVISORY BOARD (RAB) MEETING MINUTES  
HELD THURSDAY, JUNE 24, 2004**

*Mr. Jerry Dunaway, RAB co-chair called the June 24, 2004 meeting of the Mare Island Restoration Advisory Board (RAB) to order at 7:08 PM (1908 hours) with four (4) RAB members; ten (10) Regulatory Agency & Navy Representatives; four (4) Community members and guests; and community relations' staff from CDM, Inc. including Doris M. Bailey, Court Reporter, in attendance.*

**RAB Members in attendance:**

- Myrna Hayes (Co-Chair)
- Paula Tygielski
- Jim O'Loughlin
- Diana Krevsky

**Regulatory Agency & Navy Representatives in attendance:**

- Jerry Dunaway (Co-chair)
- Gary Riley
- Ray Leftwich
- David Godsey
- Carolyn d'Almeida
- Henry Chui
- Charlene Williams
- Chip Gribble
- Cris Jespersen
- Jeff Morris

**Community Members and Guests in attendance:**

- Melissa Diamant
- Priya Yadav
- Steve Farley
- Sheila Robuck

**RAB Support from CDM:**

- Regina Clifford
- Wally Neville
- Doris M. Bailey, Court Reporter

The meeting was called to order at 7:08PM (1908 hours)

**I. WELCOME AND INTRODUCTIONS (Myrna Hayes, Jerry Dunaway)**

*Mr. Jerry Dunaway*

Why don't we begin the meeting tonight?

Welcome to our Restoration Advisory Board meeting for the month of June.

My name is Jerry Dunaway, and I'm the BRAC Environmental Coordinator for the Navy, and the Navy's Co-chair for the RAB.

It looks like we have a smaller audience tonight, but let's go ahead and give introductions anyway.

I'll pass it onto Myrna.

**Attendees introduced themselves as requested**

**II. PRESENTATION: Comprehensive Groundwater Monitoring Evaluation (CME) Inspection and Enforcement Process (Ms. Charlene Williams, Branch Chief, DTSC)**

MR. DUNAWAY: Thank you.

Why don't we move into our presentation that we have for tonight? This is a bit of a deviation from what we normally present. This isn't really on cleanup projects, per se, but as you all know from how I've reported of things going on since last year, in the February timeframe of 2003, the California Department of Toxic Substances Control initiated a inspection process, and that is what we're going to hear about tonight. That inspection process has culminated into a report that the Navy received in May of this year.

And Charlene Williams is the branch chief from; I believe it's the RCRA inspection and enforcement side of DTSC.

MS. WILLIAMS: Yes.

MR. DUNAWAY: And with that, why don't I invite Charlene up here and she can describe the process.

*Ms. Charlene Williams*

Thank you. Well, good evening. What I plan to discuss tonight is the generic comprehensive monitoring evaluation process that our department conducts.

I won't be giving any specifics of the CME inspection that was conducted at Mare Island because it would not be appropriate for me to do so at this time.

But as I go through the process I'll try to give you some approximate timeframes for various portions of the process, and then I'll tell you where we are with Mare Island in the process. And at the conclusion I'll be very happy to answer questions.

I would ask that you not ask any geological questions of me because I'm not a geologist. If I'm going through this and you have a question and you don't think that you'll be able to follow unless you get an answer, please just go ahead and raise your hand and I'll be happy to answer your question.

So everybody asks, "Well, why do we do these inspections?" And we do these inspections because under the Federal RCRA Act, the Resource Conservation and Recovery Act, authority was given to the U.S. EPA to regulate hazardous waste. And it regulates a cradle to grave system.

And so what that includes is people who generate, transport, or treat, store, or dispose of hazardous waste. And EPA has authorized the California Department of Toxic Substances Control to carry out the RCRA program in California.

So therefore, we do inspections, we take enforcement, we issue permits, and we implement corrective action.

EPA gives us a grant every year to conduct these activities, and so every year we give them a work plan of what inspections we're going to conduct, what permits, and what activities.

We have several different types of inspections, and the CME is one of them. And the CME inspection is limited to land disposal facilities, which are landfills and surface impoundments or ponds.

And land disposal facilities have to have a groundwater-monitoring program in place. And the program has to be designed to detect and evaluate any releases.

And so there's two types of inspections that we conduct on groundwater monitoring, facilities that need groundwater monitoring.

One is the CME, and that is the largest, most comprehensive inspection that we do.

And then once we're assured that there is an appropriate groundwater-monitoring plan in place, then we can do subsequent follow-up inspections that are called O&M or operating and maintenance, where we're not looking at the complete geology, we're not looking at the well structure at that time because we've already approved those.

The CME and O&M inspections are conducted by geologists rather than our usual inspection and enforcement staff. And we do participate in the process, and we do review the inspection report to, if there's any violations we want to make sure that they are appropriately written and that there's adequate evidence to support them.

And we select facilities for a CME based on several criteria, one or more of these. One is if we're going to be issuing a new permit or if we're going to reissue a permit.

Second is we might do one of these inspections just to ensure that the facility is complying with the groundwater monitoring requirements that have already been laid out in their permit.

And then the third is if the facility was under interim status, which means it has never received a permit, they still have to have groundwater monitoring, so we want to make sure that they're following that.

So in the case of Mare Island, Mare Island is going to need some sort of a post closure permit. We may not call it a post closure permit, but we will have to have some sort of measuring mechanism for them for the future, because the waste will be left in place, and we're going to have to have some sort of a groundwater monitoring plan that's going to ensure that we know what's going on out there, and if there happened to be any releases then we'll be able to detect them and go into a compliance phase.

So there are several steps in the CME. Our normal inspections we send inspectors out, they're out there for a couple of days, they review records for two or three days, and they're done. But a CME is just such an involved inspection that it takes weeks and months instead of days.

So I have a fact sheet, and I hope everybody has a copy of it. So on the second page it kind of talks about what the steps are in a CME.

So the geologists are coming out, they're looking at the geological characterization of the site; they're looking at the hydrology. They want to know, for instance, in Mare Island, how's the groundwater monitoring going to be affected by the tides since we're sitting here on the edge of San Francisco Bay.

They're going to look at what were the criteria used to put in the original wells, and are they screened at the appropriate depths.

Sometimes you might have an aquifer, for instance, that might be 40 feet deep, and maybe your contaminants are things that would float on top of the water rather than sink to the bottom. So one of the things we'd be looking at in the screening is they'd be screening the well towards the top of the aquifer. If they screened it only at the bottom they might never be able to pick up any contaminants that might get released in the aquifer.

They take a look at the sampling and analysis plan to ensure, one, that the facility is sampling for the correct constituents, are they sampling at the appropriate frequencies, and are they using the correct lab numbers.

They look, they come out, they look at the wells, the placement of where they are, and then they actually take samples in order to verify. And they watch the facility and see are they following their protocols? Are they following their chain of custody? Are they putting the groundwater samples in the appropriate containers?

All of our inspections are unannounced. And the reason we do this is there are very few of us but, you know, many, many regulated entities. And the real burden of staying in compliance is really with the regulated community because they're the ones that are handling waste, transporting waste, or managing it in some way. And so when we do an inspection what we want to do is kind of a snapshot in time and see that this, we're coming out there and we want to think that these days that we're out there represent the way the facility has always operated.

And so we don't want people to know we're coming to bring in extra staff, you know, kind of like cleaning up for company. We want to see how Mare Island and the Navy and all the concerned parties really live on a day-to-day basis.

So as I said before, one of these inspections takes several months to complete because there are records review, they have to come out to the field, they have to interpret all the data, and then they meet with the facility. The facility presents their hydro geological information. And then they prepare a report.

And this is a copy of the report. And there's a copy that's been placed in your repository, and it's here at the library also. And so you can see that this is a pretty thick document, and this is all double-sided pages. So it's really quite a large document.

There's a very nice summary up at the front. There's a very nice history of the site, when they applied for RCRA authorization, all of the different permitting steps that they've been through, various inspections, and the violations that were found in the past.

So our geologists come out and they produce this report. And at the end of the field portion they are required to issue a document to the facility. If there's no violations, they issue just a summary of their observations, and at that point they're done for the moment.

If they do see violations during the inspection, then they issue something that's called a Summary of Violations, and it tells the operator of the facility that at the current time this is what we know.

Now, the majority of time on the inspection is done reviewing all the records. And so the records review can take another month or two or three. At the conclusion of that there may be additional violations. And so the facility gets notified of those additional violations via the inspection report.

The geologists work with our enforcement staff and we have to classify the violations. And basically we have three classes of violations. We have class one, which is the most serious, and class two, and we have minor.

And a class one is a deviation that's very significant because of the volume, perhaps the relative hazardousness of the waste, or the proximity of the population that is at risk from this facility.

It's also a deviation that's significant that it could result in a failure to accomplish any of the following, such as making sure the waste is destined or delivered to an authorized facility, or that it would, we don't want a failure of prevention of releases or constituents.

Now, for groundwater monitoring, some examples of class one violations would be failure to conduct sampling, failure to analyze for all the parameters that they're supposed to, and failure to perform the statistical analyses. There are other class one violations, but those are just some of the examples.

And a class two violation is anything that's not a class one. And class twos can be divided into class two and minor violations.

The department's policy is that all class one violations will receive an enforcement action.

So at the time when this is written we've decided that some things may be class one, class two, minor. Then we send the inspection report out to the operator because we've looked at things, we've had conversations, but we don't know that we have all the information and that all of our information is accurate.

So normally when we send out an inspection, we have to write up an inspection report within 65 days of the first day of inspection. However, for the CME's it's more like four to five months just because of the amount of knowledge that the CME covers.

When we send out the inspection report, the first thing the operator has to do is get back to us within ten days to tell us are there any trade secrets or confidential information in this report? Because we certainly don't want to have that be out for the public to find.

If people come back to us and say, "Oh, yes, there is," then we have a little bit of a process that we have to go through with them to explain why is it confidential, why is it trade secret?

If they say there are none or they don't respond to us within ten days, then we consider that all the information is public and the report becomes public at that time.

And so in the case of Mare Island, the report was sent out on May 4th, we waited to see if they had a response, and we put the report in the repository on June 1st of this year.

So as far as the entire process, now Mare Island or any operator has 60 days from receipt of the report to write back to us. They can request a meeting. They have to respond to us in writing. So if they believe something, that we have made a factual error, if they believe it's not a violation, or if we have given them a compliance schedule and they don't agree with conditions of the compliance schedule or with the schedule itself, then they can use this letter and the subsequent meeting, if they wish, to discuss that with us.

And so many times there will be a meeting or two and several letters. But at some point we will decide, okay, we agree with them on this, we don't agree with them on that, and then we will go back and look at all our violations. We will see is there any reason to reclassify any of them?

And if there's any class one violations at that time, then we decide to proceed with enforcement. And then we send a letter to the operator within the thirty days of receiving their response telling them of our decisions.

Many times these days rather than sixty days it may go ninety days, because if it's a large complicated thing we want to make sure that everybody's, you know, very clear.

So Mare Island has been sent the inspection report, and so we are awaiting their written response. And so that's where we are in the process.

As I mentioned before, the department's policy is that we take enforcement at all class one violations. So our next step, if we had class one violations is we would decide, well, what is our enforcement response going to be? So we look at do we have a criminal situation here? Do we have severe violations that are intentional and that we can meet the criminal burden of proof? And for most of our routine inspections, probably 99 percent of them we never have criminal referrals.

Our second option is a civil case, and so that's filing a civil lawsuit with the courts.

And our third option is to issue an administrative order.

So we have to make a decision between whether to go ahead civilly or administratively. So we discuss this with our attorneys, we look at how severe the violations are, we look and see are there any statewide issues, do we need to set some sort of a judicial precedent, do we need discovery? Because we get a lot more discovery in the civil process rather than the administrative process.

In some situations we may find that it's maybe really more appropriate to refer it to somebody else. We might refer it to U.S. EPA; we might refer it to CUPA.

We never refer enforcement cases at treatment storage and disposal facilities, RCRA facilities to the CUPAs because they do not have authority to take enforcement or inspect those permitted units.

There's another action that we can take, we can suspend, we can demote, or we can deny somebody's authorization. And we've done that a few situations, but those are pretty rare.

So after we decide which way we're going to go, then we have to start calculating penalties. And that's usually about a two-month process. Our statute allows us for a violation of penalties up to \$25,000 a day.

So we calculate a penalty, and then we present it before our penalty review committee. And this is a statewide committee, it meets every month, and they review every penalty that comes out from our group. So it includes members of the legal office, our, the head of the statewide compliance division, the four statewide compliance division branch chiefs, of which I am one, and then whoever is the project officer, the enforcement officer on the case.

So we run them by that committee to make sure that the penalties are fair and appropriate to the situation.

Then we would initiate enforcement. If we decided we were going to pursue this civilly, we would send the whole case over to the Attorney General's office. The Attorney General works as our attorney and so they represent us, they are not an independent prosecutor like a District Attorney is.

If we had a criminal situation and we sent it to a D.A., they can do anything they want with that case. They can ask us our opinions, but they are an independent body that can go ahead and prosecute that

The A.G.'s office is, functions as our attorney, the D.A. does not function as our attorney.

So if it's civil the A.G. sends out a letter, we call it a demand letter. And it basically says the department has found violations and is going to pursue enforcement and would you like to come in and talk about this before we proceed with enforcement.

And so then usually the operator calls in, makes an appointment, comes in, we have a meeting, we discuss the violations, and many times there are a number of meetings.

If we decide to proceed administratively we usually send out a draft order and then we say, "Would you like to come in and talk about this?"

If we go administratively we may or may not have the Attorney General's office there, but we always have our own legal staff there.

And negotiations occur, they usually take several months. All the discussions of negotiations are confidential. And at the conclusion of that process, and I will say that greater than 99 percent of all our cases always settle without going to trial or administrative hearing, there's a settlement document, and both parties sign the settlement document. And this is a public document.

And so for instance, if any of the violations, if some violation got dropped, perhaps the facility was able to give us more information and could show us the violation didn't exist, well we drop that out. We also send a letter to the operator and say this violation has been rescinded because we want the record to be very clear as to what the violations were and what they weren't.

Both parties sign the agreement. If it's a civil suit the judge also signs it. And then it becomes a public document. And at that point we post it on our website.

As of January 2001, the legislation required us to post all our administrative actions on our website. And we have gone ahead and we have also posted all of our civil actions that have occurred since that date on the website. So I think we probably have about 150 actions up there on the website if people are interested.

In the fact sheet on the third page are all of these things that I've been talking about, they are laid out in more detail in our enforcement response policy. So I brought a copy of that. I didn't make copies because I thought nobody wants to read a 26-page document. But I have a copy and Chip is going to put copy in the repository so if anybody is interested, please feel free to take a look at that.

So that's what I had to tell you about the inspection and enforcement process. Anybody have any questions or comments?

### *Questions and Answers*

MS. TYGIELSKI: You have recently done this, this, the inspections?

MS. WILLIAMS: The inspection was done in 2003, and the inspection report was issued, I think the date of the report is April 29th, 2004.

MS. TYGIELSKI: Will there be others in the future?

MS. WILLIAMS: Yes. Yes. It isn't just a one-time thing.

MS. TYGIELSKI: About how frequently do you do them?

MS. WILLIAMS: I hate this answer; "it depends" is the phrase. The first thing we always want to do is the CME because we want to know all the conditions out there, because all the information that we learn through this will help our permit writer write appropriate conditions for post closure and long term monitoring out there.

I wouldn't want to say a year or two, we kind of look at the universe of facilities that have those groundwater monitoring programs in place, and then we talk to our permit writers and we say, well, which ones, you know, do you think should get one of these O&M inspections, because that's kind of the follow-up. It's not all the geology and everything, it's how are they implementing our program.

So it could be every couple of years, it could be every three years; it might be the next year. Just depending on what people are seeing.

MS. TYGIELSKI: My own suggestion, in follow-up inspections I think it would be important to see the facility in different seasons, different times, different rainfall conditions.

MS. WILLIAMS: Okay.

MS. TYGIELSKI: Thank you.

MS. WILLIAMS: Okay. One thing is, we always do in these groundwater monitoring quality control plans, they usually have quarterly sampling events, and so our inspections coincide with a sampling event. And so of course the facility, it's not just like any day of the year, there's basically four days a year that our geologists could be coming out. But I've made a note of that and will mention that to them.

MS. TYGIELSKI: Thank you.

MS. WILLIAMS: Okay. Yes.

MS. KREVSKEY: Paula asked my main question. But the second question is, or request would be to describe what a criminal violation would be and what kind of extremes are we talking where you would, you know, take it to criminal levels?

MS. WILLIAMS: If it's all right with you I'll not try to concoct one for groundwater monitoring, it's a lot easier with other types of things.

Well, we've had people such as plating shops that they don't want to pay to have a hazardous waste hauler come and takes the stuff away so they flush it down the toilet. That's illegal disposal.

And we have to prove that, one, they knew that this would be illegal, and that they intended to do this, that this wasn't just an accident, a drum didn't just fall in the toilet. And, you know, that's pretty easy to, to find.

I mean that's probably the easiest one. But you have to prove intent and you have to prove that they had knowledge.

Now under, if you're going after someone civilly or administratively we don't have to prove that anybody knew this was going to be a violation, because this is what's called a strict liability statute, and it means just the fact that a violation occurred means that the operator is liable.

So they can't say, "Oh well, gee, I didn't know," or, you know, "My boss didn't send me to training on," you know, on, you know, "how to write a waste analysis plan" or something. It's kind of ignorance is no excuse, but that is not a criminal situation.

MS. KREVSKY: Thank you.

MS. WILLIAMS: Okay.

MS. HAYES: I have a few questions. I'm a little bit frustrated; I guess I really appreciate you taking the time, Charlene, to come here this evening. I know you've been on the agenda, our agenda for a couple of months now. We've been, I've been anticipating your presentation.

I'm tremendously disappointed, however, that the CME was out for public release, I do recall Chip calling me. I just learned that the other, and I actually forgot that it was at our RAB trailer and available.

But the other members of the public, to my knowledge, were not informed, or of the RAB that that document was available for review. And so that's frustrating to me.

Secondly, we --

MS. WILLIAMS: Would you like me to address that one?

MS. HAYES: I just want to set the -- I want to just talk about what -- as thorough as your presentation was tonight, in many ways it's a waste of time, because we've been integrally

involved with the planning for and we have been thoroughly briefed on the department's work on RCRA and containment plans for the landfill, and we've been to -- we know that site probably as well as you do, maybe not from a regulatory perspective, but from lay terms.

And it's just disappointing to me that even though that document's public and it's been out for a month, you can't talk about the specifics of it and bring your presentation to life for us. It's a waste of our time.

We only have one landfill within the city limits of the city of Vallejo and it's the one on Mare Island. And we're actively engaged in, in the interim remedies and the long-term remedies. And we've been very, very interested in the CME process, how it got started, what the purpose is, you know.

We want to talk about the violations now that it's public. And for you to come here, and I didn't know, not having been at the last agenda setting meeting which is probably the first one I've missed in ten years, that apparently your staff presented the position that you wouldn't be talking about anything personal about our site. So if I had known that and if that had been indicated to me --

MS. WILLIAMS: You'd have told me not to come.

MS. HAYES: -- I would have said stay home and watch the night news.

MS. WILLIAMS: Okay.

MS. HAYES: Because I don't want to waste your time and my time. I don't know if anybody else found this to be engaging and entertaining, but it wasn't informative as applied to our site.

And we have waited for months and months and months and months to get the story about CME. It was all hidden in privacy and all kinds of special, you know, top secret, top level, you know, machinations. Here was our chance.

And we gave away the entire RAB presentation time to learn about just generally what happens throughout the state. I mean, again, I'm a better person for being educated about that, but I know nothing specific about, for example, what types of class one violation, or what is a class one violation in detail. And then I might be able to guess from my foggy memory and speculate about what might, you might be ding the Navy for.

MS. WILLIAMS: Well --

MS. HAYES: So could we go maybe to the library, get that out, read it during our lunch hour, and then come back and we'll have a conversation for the second hour? I mean this is really not the way we conduct RAB meetings.

So I'm putting it pretty tough all on you but, I don't mean to do that, but this isn't the way we normally conduct our meetings. And so if PPS didn't get that message to you, I'm sorry. And if your staff didn't get that message to you, I'm sorry also.

And I'm sorry I didn't, but I didn't know that you were going to generalize.

And so in the future I think I'm going to need to have more specifics before the meeting and not just trust the agency.

MS. WILLIAMS: Well, my comment would be it would be inappropriate for me to discuss these violations because we have not discussed them all with the Navy. And when that point in time came, I would want to have the geologist here because I am not a geologist, and if you started asking any technical questions of me I couldn't answer them because I'm not in that, a position to do that.

We will have our enforcement person and our geologist sit and hold conversations with the Navy, and they will present their viewpoint. But it will be when the case is concluded, then we can discuss all that stuff with you.

MS. HAYES: It's a public document right now.

MS. WILLIAMS: Well --

MS. HAYES: You could have at least presented, gone through the public document so that we would have had an understanding of the public document.

Again, I don't mean to put you on the spot, but I'm just saying this doesn't work, at least for me, it's not acceptable.

MS. WILLIAMS: Okay. I'm sorry. I'm sorry.

MR. GRIBBLE: At the last RAB meeting I did announce that I anticipated that we would be able to put that document in the RAB trailer and in the repository within a week, which is approximately about the time that I did put it in the RAB trailer and the repository.

So it was announced, the imminent availability of that document was announced to the RAB at the last RAB meeting.

MS. HAYES: Well, imminent and actual is different.

MS. WILLIAMS: And I mean I do have it here and there are 11 violations, and I'd be, I could read them, but I can't interpret them or, you know, tell you anything more about them. I cannot have a discussion with you about them, but I can tell you what they are.

I'm not trying to play hide and seek or anything, but I just, you know, there was a discussion about what I would present, and so I was presenting what I was asked to present.

MS. HAYES: Well, it's up to the rest of the RAB, but if you would like to hear what those violations are or look them up on your own time, I'm, you know, it's up to you.

But I think it would have been instructive and useful to at least know what they were after all this time.

MS. KREVSKEY: Well, just to soften the blow, I found your talk to be helpful in a general sense, to give the overview, I mean. But the more specifics would be helpful, but it really, I'm just trying to get what RCRA does and what's been happening, and so it hasn't been wasted. So --

MR. DUNAWAY: Charlene, I just had a general question, hopefully it's not of a technical nature. But DTSC is involved in various cleanup agreements with the Navy at probably a dozen sites across the state where RCRA also plays a part.

The experience I've seen about this inspection is, part of that agreement is that the Navy would submit documentation; DTSC would provide information, comments, if you will, if there are deficiencies, and that was essentially the basic principle of that agreement. And we had been submitting documents specifically for quarterly groundwater monitoring at the landfill.

The CME process, though, had been proceeding as if the agreement never existed, as if the submittals were never made, as if we had not been working with DTSC under a very detailed agreement.

Can you talk in general about how your program evaluates these various agreements at facilities and why do we have these agreements if they're not being acknowledged?

MS. WILLIAMS: Well, I'll just be frank and tell you I'm not familiar with these agreements. What I can tell you is that any units that are RCRA units, regardless of where they are located are always subject to RCRA, and the landfill and surface impoundments are RCRA units until they're subject to RCRA. That doesn't go away because someone is working on it or anyone else.

But I can't address anything with these agreements because I'm not familiar with them.

MS. HAYES: Charlene, my question is, from my understanding the last time you did, your department did a RCRA inspection of the site was 1989 previous to this one.

I'm just curious about what, whether you think that that's, I mean I understand there's a wide variation depending on the site, or I don't know how you decide when you're going to inspect a site, but I'm not quite clear why you wait so long and then do such a comprehensive evaluation and possibly cause the taxpayers in this case -- because we actually are Americans as well as Californians, so somebody's going to pay these fines -- why you would allow those to sit there, and how that accomplishes the goal of actually preventing releases?

I don't understand how these, you know, long, long, long time periods between actions is effective except for it's a great revenue enhancer, it seems, and a great way to keep staff intensely busy once in a while.

MS. WILLIAMS: Well, actually we don't, we feel that we do not have enough geologists and we are very limited in the number of geologists that we have. And typically our permit division would like them to do more groundwater monitoring evaluations than they are able to do.

So they are only able to do a certain number every year. And so they talk to the permitting branch chiefs and they say, "What is your highest priority? What post closure permits are you working on? What permits are you reissuing that have groundwater monitoring standards?"

And so the permitting branch chiefs, in this case with consultation with OMF, made a decision that where Mare Island is in the closure process is that now is the time they need to understand the whole groundwater situation out there and what their current program is all about, because there's going to be some sort of a permit coming out here. And nobody can write the permit until they know what the appropriate conditions ought to be.

So it's really a matter of timing and not having enough resources to do everything we want all at one time.

MS. HAYES: I'm still not clear of why it, how your staff chose this one to do such a comprehensive evaluation on when you actually knew that you had a remedy, a more, a permanent remedy in the works, and why you would shunt your staff off to working on the monitoring evaluation rather than putting their shoulder to the wheel and making plans for a, hopefully a permanent containment.

MS. WILLIAMS: Well, this is still a RCRA unit and it's subject to RCRA. And even though it's a part of a larger area that's not subject to the RCRA groundwater monitoring requirements, this unit is, and so we have to go ahead with that. We don't have an option for that.

MR. GRIBBLE: I could also add that the remedy that we have in mind, which is a remedy that hasn't been selected formally, is a conceptual remedy. It does not have any details with it other than to the extent that details for the slurry wall extraction trench, and even that is not a permanent remedy, that is an interim remedy. The department still retains the option of a remedy of one hundred percent removal of all waste out there.

We don't think that that's where we're headed, nobody else does either. And when we come out with a final RAP, draft RAP we believe we will be proposing containment.

But even that doesn't have the level of detail that we need to define the remedy to the people that construct it. There has to be a lot of information gathered so that we know the specifics to define that remedy.

MS. HAYES: So you use this process to fact find rather than exclusively to, to note violations? Fact find for -- I mean aren't there other ways, like characterizations and other types of investigations under CERCLA to find your information to help select the remedy? I don't see why, again why, I mean this is a very labor-intensive process.

MS. WILLIAMS: That's right, but I --

MS. HAYES: And you also checked monitoring wells, for example, that I was told had an imminent threat, had free product in 'em and posed an imminent threat to public health by one of your staffers.

Well, if you've got a seven million or four million gallon oil sump out there, which you're trying to make a plan to contain, there's a pretty good chance it will have free product in the monitoring well. That isn't some, that isn't like some, something new, and I don't, it's a problem that's trying to be resolved.

I, again, think that the focus of the, of this, the way you've gone about the analysis is odd, it doesn't hang together, it doesn't hold together very well.

MS. WILLIAMS: Well, what I can tell you is it's a RCRA unit, it's subject to the RCRA requirements, and that's what we are looking at here. And in order, and it was fact finding as well as evaluating, following the groundwater monitoring evaluation plan that's supposed to be in place.

So there will be remedies that will come out of the information that's been developed.

MR. DUNAWAY: Charlene, I had a second quick question. I heard the three different options for responses following the report that you submitted.

MS. WILLIAMS: Uh-huh.

MR. DUNAWAY: But in none of those did I hear monetary penalties. And my experience is these inspections tend to result in those. Can you describe that a little bit?

MS. WILLIAMS: All three of them usually do include monetary penalties. We look at all the violations, every once in a while there's a violation that occurs that we don't have penalties for. But we do go through all the violations, put together a, our proposed penalty, and then we take it to our penalty review committee for their analysis.

MR. DUNAWAY: From a timing perspective in the process, can you tell me when that will occur?

MS. WILLIAMS: Well, we would want to, first of all, evaluate all your submittals. If you wanted to have a meeting with us to discuss your submittals we would be happy to do that. Sometimes that takes more than one meeting. Maybe there's some back and forth here.

And I think when we would feel like we had clarified, you know, each side kind of had given all the information they had and explained their position, that we felt that we truly understood the nature and severity of the violations, then we would go ahead and start working on penalties.

So, you know, to my knowledge you haven't submitted anything because I don't think your submittal is due back yet. And so then I'm presuming you would want a meeting, most people do. And so it's just a matter of, you know, when's everybody available, who's everybody that comes to the meeting.

And so I don't know, that might take us two, three months to go through. I don't have a good idea of that until after we see your information.

MR. DUNAWAY: Thank you.

MS. WILLIAMS: Okay. Anything else? Okay. Thank you.

MR. DUNAWAY: Thank you, Charlene.

Are there any comments or questions of any nature before we go on our break? Why don't we take a break and, say, return about 8:10, 8:15.

(Thereupon there was a brief recess.)

### III. ADMINISTRATIVE BUSINESS (Myrna Hayes, Jerry Dunaway)

MR. DUNAWAY: Well, let's go ahead and finish off the rest of tonight's meeting.

For the administrative business this month we just have the May meeting minutes in your mailer packet. If you had comments, please let myself or Myrna or Regina know, and we can make corrections.

### IV. FOCUS GROUP REPORTS

MR. DUNAWAY: And moving into the focus group reports.

Diana, did you have a community focus group report tonight?

#### (a) Community - Diana Krevsky

*Ms. Diana Krevsky*

No, I don't. Aside from just having looked over some fact sheets over the past few months, that's about it.

#### (b) Natural Resources (Jerry Karr)

MR. DUNAWAY: Thank you, Diana.

Jerry Karr is not here tonight so I don't know if there's a substitute natural resources report?

#### (c) Technical (Paula Tygielski)

MR. DUNAWAY: So why don't we move to technical. Paula, anything?

*Ms. Paula Tygielski*

I'm afraid nothing to report.

#### (d) City Report (Ray Leftwich)

MR. DUNAWAY: Okay. Ray, city report.

*Mr. Ray Leftwich*

Lennar has begun some of the map creating for Farragut Village unit, number one, the final map. And going further into the subdivision is currently just awaiting some regulatory approval from FEMA and the Army Corps of Engineers. So the development is beginning.

**(e) Lennar Update (Jill Bensen)**

MR. DUNAWAY: Thank you, Ray.

And for the Lennar update, Jeff.

*Mr. Jeff Morris*

For our update, again, the color scheme here. The blue represents the areas that are closed or pending closure, and eventually the entire eastern early transfer parcel will become blue.

We're focused now on the investigation area D1 area which is colored green. And within the next few months this will become blue, we hope.

The cleanup work that's occurring now in that area is removal of lead contaminated soil around the Q quarters and structures west of Azuar is the focus right now. I've got a couple of photos over on the far left side here that depict this work.

The top photo shows where we're doing some hand excavation adjacent to the buildings. This one you can see in the photo here, there's a tree that needs to be preserved, so the excavation is actually about a foot deep here to remove the lead contaminated soil. In the area surrounding the tree we do kind of a hand and surface scraping to kind of make sure there's no lead flakes or lead based paint chips in the soil, but we don't do as deep an excavation around the tree here so that we can preserve the root system and maintain the tree.

The photo down below shows a little larger scale excavation where we don't have any sensitive vegetation adjacent to the building that needs to be protected, so we're using a little larger equipment. The worker that you see there is spraying water on to control dust.

Some other remediation work that we have going on. The other two photos, USTs 231-1 and 2, and UST 243-1 and 2, those are former USTs, petroleum contaminated soil that we're doing excavations at. Those are within the investigation area H2 area, and they are depicted by the yellow squares on the figure here.

Some additional work that we have going on. There's, the industrial wastewater line is shown in blue on the map within investigation area D1. We, I mentioned last time that we had collected some samples from within the pipeline. Based on those sample results we believe we need to flush that pipeline to get some residual solids out. We're working with DTSC now to verify that.

The blue circles, there are two of them shown on the map, building 521 and building H83AL01. Those are both PCB sites that we're still working on to get cleanup and closure of for the investigation area D1 area.

I've listed some documents that are in review here. I'll just mention a couple of them.

Investigation area C3 and investigation area C1 both have remedial investigation reports in, so we've completed the site characterization, those are these areas here along the waterfront, C1 and C3. Those reports are in and in the regulatory review at this time.

Upcoming documents. We have what's called investigation area D1 implementation report. And what that is a report that will summarize all of the removal actions that are occurring within the D1 area, many of them that we've talked about over the last couple months, both UST work, fuel oil pipeline work, lead based paint removals, PCB removals, they'll all be described in this plan that we'll be submitting in draft form in the middle of July.

And as far as milestones accomplished the last month, we got the investigation area D1 remedial action plan signed by DTSC, and that was the document that two months ago we talked about, it lays out the decisions, the cleanup decisions for the D1 area, and that's the ones that we're implementing that I just described.

And I think that's all I have.

**(f) Weston Update (Cris Jespersen)**

MR. DUNAWAY: Are there any questions for Jeff?

Thanks, Jeff.

Why don't we move onto the Weston report. Cris.

MS. HAYES: Just a second.

MR. DUNAWAY: Oh, hold on one second.

MS. HAYES: Jeff, so what do you do about the soil that's by those, around the tree if you don't want to disturb it? Is there a way to make the soil so -- or the lead so it doesn't move or?

MR. MORRIS: What we are doing in those cases is we're working with DTSC on a site by site, building by building basis, and making a determination of whether preserving the tree or the vegetation based on its historic significance is warranted given the lead contamination that we know to be in that area. This particular photo I think is of, I forget which building it's around.

In this case the lead contamination, and you can see in the photo extending around the other side of the building, that was the primary focus of our excavation, and we are trying to preserve these trees so that we don't go in there with a backhoe and are destroying all of the vegetation.

Does that answer the question?

MS. HAYES: Yeah, one other question. I mean, but they're going to sign off on that or are you going to have some restriction? Is that where you would apply a restriction?

MR. MORRIS: No, the intention is that there will not need to be a restriction in these areas, that these areas will be for unrestricted use. So that's why we need to work with DTSC on a case-by-case basis.

MS. HAYES: The other question I have is I notice it looks like some ivy was probably growing on the side of the building there or whatever. Josh Sternberg, when he was at the last meeting and you were presenting this D2 or D1 plan, I asked about what measures Lennar, CH2M HILL was going to take to ensure that that lead didn't get back into the soil. And he said that they were going to be doing some painting and maintenance of the buildings a little bit ahead of you or something like that?

I mean what -- Sheila or Jeff, what can you tell me about how that's working out? I mean this is an ambitious project.

MR. MORRIS: Yeah, that's a really good question, I'm glad you brought it up because I had intended to mention that.

But yes, we are working in coordination with painters at each of these buildings. In cases where the paint is in poor condition or looks to be flaking, the intention is to get in there first and do some scraping and at least some priming, if not painting of the structures before we go in and do our removal work.

Not in, not every case because of coordination issues that we're able to do that. When we're not able to do that, plastic is laid down, the painters fully understand and use best practice, best management practices to ensure that their work doesn't recontaminate the soils that we've just remediated. But we are working as closely as we can with painters, with Lennar and their painters.

MR. DUNAWAY: If there are no other questions, why don't we move on to the Weston update?

Chip has a question.

MR. GRIBBLE: Do you know who your painting contractor is?

MS. ROBUCK: Yeah, Master and Blue Water too. If there's remediation and painting, then Master does all that. If it's just the remediation then Blue Water. We have the two.

MS. HAYES: Well I just wanted to follow up and I wanted to say I've actually observed those two companies work on quarters H, and I thought it was really top of the line. I was very impressed with the quality of your contractor's work.

MS. ROBUCK: Thank you.

MR. GRIBBLE: Myrna, knowing you and your familiarity with painting, your comment is meaningful to me.

MS. HAYES: Hire these guys, they're good.

MR. DUNAWAY: Okay. No other questions for Jeff?

Cris.

*Mr. Cris Jespersen*

Thanks, Jerry.

One primary event took place this month. We started the installation of a slurry wall and also our groundwater extraction trench after much ado here, and we made a number of presentations to the RAB about the construction and some of the regulatory process that we needed to take place to get here we started earlier this month. And I included a couple of photos there.

The photos on the left column apply to the installation of the slurry wall. The first photo there at the top is actually mixing the soil bentonite slurry. The bentonite is in the white

bags called super sacks, and placing that into the soil water mixture and mixing it to a specified consistency.

And then the photograph below that is actually the installation of the trench. The excavator there is actually taking a break from cutting the trench to verify the depth. The gentleman has the pump up and will make sure that we've heated the clay layer as specified in our design drawings.

And then the third picture there shows the installation of the groundwater trench. We did run into a couple of difficulties when we started doing work. There's a lot of debris out there, as you might expect as the landfill was there, and it was causing problems with the trench collapsing as we were trying to pull the debris out from the sides.

So the solution we ended up having to utilize is actually taking a scraper, which is a large earth moving piece of equipment, and scrape down six or eight feet from the original ground surface, get rid of the debris, and then key in the trench, which is why it looks relatively shallow in the photograph there.

And then once we get to the required depth, put in a slide polyethylene pipeline, kind of like a glorified French drain. We place that in the middle of a layer of base rock, and then the black fabric there is wrapped around it, a la burrito, to make sure the soil doesn't get in and clog the French drain.

So we did have a couple of challenges there starting that portion of the project, but I think we got the kinks worked out, and we are making good progress. We are looking at another six to eight weeks to complete both those activities.

A brief update on the investigation area H1 investigation feasibility study. I was in the office on Monday, and he swore on a stack of Bibles that the RI document was in the process of going onto press. I didn't see it with my own eyes, but I'll trust them that I hope it's coming out here in the next few days.

And then shortly followed by the draft feasibility study about 45 days after we submit the draft remedial final investigation.

And then finally, I put an update in there on the status of our environmental impact statement, the environmental feedback report document for reuse of the dredge ponds as a disposal facility.

We did have a couple of public meetings earlier in the year. We received comments from the general public, regulatory agencies, and other interested parties in mid-April. And right now the city and its consultants are in the process of putting together a formal response to comments, and we'll go ahead and take the document forward. A rough

schedule before moving to the next step, if everything stays on schedule it is probably the August timeframe.

That's all I had.

MS. HAYES: Cris, I have three things.

First of all, that's actually April 19, remember, not April 12th?

MR. JESPERSEN: Ahh, I stand corrected.

MS. HAYES: For the second month in a row.

MR. JESPERSEN: You notice I probably pulled the text from last month's report and just didn't correct it.

MS. HAYES: We all do that, I believe.

I'm happy to hear that the extraction trench construction has begun and it, I'm wondering if there, because this is so long awaited and, of course, it is an interim remedial action plan as was mentioned earlier, but maybe it will become part of the permanent remedy, what is the chance that the RAB could schedule a time to come out and actually watch that process taking place, since it's as momentous as it is, or is that not allowed?

MR. JESPERSEN: We could certainly entertain that to set up a schedule. We'd have to put some health and safety measures in place just to make sure everybody stays out of the way of moving equipment. And right now I don't believe there's any particular respiratory controls in place out there, so we can certainly set up a time for you to view the work.

MS. HAYES: Oh, and I wanted to ask you, how does a plumb bob determine whether you've reached the --

MR. JESPERSEN: It is essentially dropping a weighted string that is tied off in certain increments, and we can tell how deep it is.

MS. HAYES: Oh, okay. And you already knew how deep you wanted to go?

MR. JESPERSEN: Yeah.

MS. HAYES: You'd already done that.

MR. JESPERSEN: Uh-huh. That was a little easier than trying to balance a tape measure back and forth.

MR. DUNAWAY: It's a critical piece of equipment.

MR. JESPERSEN: A plumb bob to take the depth.

MS. HAYES: I was wondering if it had a clay sensor on it or something.

**(g) Regulatory Agency Update (Chip Gribble/Emily Roth/Gary Riley)**

MR. DUNAWAY: If there are no questions for Cris, why don't we go onto the regulatory agency updates.

And Chip, Gary, Carolyn are here with us tonight.

*Mr. Chip Gribble*

I can be quite brief here. Actually to go back on Cris' paper, on that second column there it says the RI is targeted for early July, '05, actually it's July, '04.

MR. JESPERSEN: You're telling me I need to do a better job proofreading these things. I'm sorry about that, you are correct.

MR. GRIBBLE: Well, and the point there is that, which is imminent, that we're expecting the RI to come to us imminently. I'm using that word a lot today. And soon.

And so we're, again we're, we're trying to get to a final RAP by the end of the calendar year. I don't know if we're going to make it, but the idea here is to try to move that along to enable Weston to begin construction on that final remedy next spring if not summer. And to meet that timeframe we would need to be working towards a RAP by the end of the calendar year or soon after.

And then I had another question. I'm wondering if, we had Weston come and give a presentation on the dredge pond EIS EIR before, and I'm wondering if the RAB members want them to come back and give another presentation on their, on the revised project? Or maybe you guys want to talk about that now or later, I'm curious where you want to go with that.

My report is pretty much covered by everybody; I know that Jerry is going to talk about his part.

But yeah, we're quite excited and very pleased with the progress that Weston has made on the landfill and getting a remedial design plan to an approval level so that that project can be approved.

Weston, I think, worked quite hard and in earnest to get that done as soon as they could.

So that's it.

MR. DUNAWAY: Thanks Chip.

Gary, your turn.

*Mr. Gary Riley*

Also for the water board, most of what we're working on has been covered by the other presentations.

We've got a number of approvals out for sections of the fuel oil pipeline, particularly in investigation area D1 to go along with the signing of the RAP by DTSC.

And also, just a couple of things that the RAB might want to be aware of.

The, we're looking at issuing a revised site cleanup order for the eastern early transfer parcel sometime this summer to incorporate some new projected completion dates for the investigation areas that haven't been completed yet.

Some of those dates have fallen a bit behind schedule due to a number of things, including the unknown sites that the, that Lennar discovered that weren't anticipated, and came out of regulatory review that's had to go into that and that sort of thing.

So a revision of that order will be a simple revision of the order that I presented, I guess a couple of years ago, just to show the new schedule.

And there's also a small staffing change on the project on the Lennar side. And I know some of you had the chance to meet Sara Raker, a geologist with our group, she's actually being transferred to another division, so we are sad to see her go to our basic planning group.

But happily, we are getting an engineer by the name of Allen Friedman from our groundwater protection division to continue to help me with the work on the eastern early transfer parcel. So if anything, that's probably a net increase in the amount of resources we have available, it's certainly no decrease. So I hope the RAB will have a

chance to meet Allen, perhaps at the next meeting sometime when one of those issues comes up.

So that's all.

*Ms. Carolyn D'Almeida*

Well, we've gotten a couple of new documents in from the Navy. We've got a response to our comments on the RI report for area F2, and I'm looking at those. I've looked through them, and I'm waiting for comments from our toxicologists on their comments. And we should have a response to those fairly soon, as soon as I get their responses.

We've also gotten a sampling plan from the Navy to collect soil gas sampling and, soil gas samples in area F1, F2, and the paint waste site.

And let's see.

MS. HAYES: Carolyn, not to interrupt your train of thought there, but where is F1 and F2?

MS. D'ALMEIDA: The ordnance manufacturing area.

MS. HAYES: I didn't know that.

MS. D'ALMEIDA: Sorry, I thought you guys knew, in accordance with the reuse plan.

MS. HAYES: The reuse plan calls it that?

MS. D'ALMEIDA: Okay. So, let's see. There's, we've been having discussions on, again, on IR 17, those issues are coming up again. And since the Navy's planning to go out and collect soil gas sampling, our primary comment on the risk assessment for IR 17 was that they needed to collect soil gas samples out there to more accurately characterize the risk.

The risk assessment that the Navy produced was based upon the Johnson Ettinger model for indoor air exposures, which is a good model, but the guidance for the model that they used says that it's really not appropriate for situations where you have shallow groundwater or you have free product, and we have both of those things at IR 17.

And the Navy's risk assessment that they came up with based upon the use of that model indicates that there's basically, you know, substantial risk there.

And the remedy the Navy had proposed last year in regards to the feasibility study was based upon, based upon state requirements to clean up the free product.

So we've kind of, we're kind of at an impasse there as far as how can we go forward with the cleanup plan on this site based upon state requirement when our risk assessment has not been adequately characterized. So how to move forward on the site at this time is a question that is coming up.

Other than that, I can't really think of anything else. Emily has been assisting, or reviewing the landfill work, and our contractor has been sitting in on some of those meetings. I haven't been involved in those so I really can't say what's going on there.

But I think that pretty well wraps it up for us.

MR. DUNAWAY: Thank you, Gary.

Thank you, Carolyn.

Chip, you had a comment?

MR. GRIBBLE: Yeah, just a comment on the confusion about the area that she was talking about earlier.

There are SERPA parcel areas, transfer areas, parcels, reuse areas. And I noticed in the Lennar presentation earlier that they're kind of falling into the trap of just using the phrase area H2 or whatever. And it should be, to avoid, reduce the confusion, it should be completed by investigation area H2 or whatever it is. Because there are a lot of different kinds of areas, and I think we should all be careful about using the, defining what kind of parcel we're talking about or what area we're talking about.

#### **V. CO-CHAIRS' REPORT (Myrna Hayes, Jerry Dunaway)**

MR. DUNAWAY: Just to clarify the supposed impasse on IR 17, we are meeting on July 15th to discuss that. We didn't think there was an impasse, we thought we had reached an agreement last year in the meeting, and apparently things may have been not recalled from the, from last year's risk assessment meeting, but that's the purpose of our meeting July 15th. So we don't think there's an impasse, we just have more work to do.

So down to our co-chair's report. Myrna, would you like to go first?

*Ms. Myrna Hayes*

First of all, thanks to Robin Leong for passing along the information that our first and former BRAC for Mare Island, my Navy co-chair for a number of years -- maybe six years?

Yeah. Dick Logar, his wife passed away earlier in the month, so I've provided a card for those who knew him to send a sympathy card.

And so on behalf of the entire RAB I'd like to note the passing of his wife, and our condolences to him.

Jerry will be representing the Navy side of the house, I mentioned in last month's meeting, at a ten-year celebration of Restoration Advisory Boards for the Navy and the Marine Corps in Salt Lake City, and I will be representing the community side of our RAB.

And because I've been asked to facilitate a couple of the meetings, we had an offer from the Navy to actually allow a second RAB member from Mare Island to attend, a community member. And so Diana has agreed to attend and represent the Restoration Advisory Board from Mare Island. So we're excited about that.

And that's just before our next RAB meeting, so we'll have information for you from that event. And that's co-chairs from the Navy, Marine Corps, as well as from the community from throughout the nation. And Jerry and I attended the first of those conferences three years ago in Denver. And they were very productive and informative.

I'd like to just ask right now whether, to follow up on Chip's request about whether there would be interest from the RAB, I guess it would also be concerning the timing of a presentation, whether there would be interest from the RAB in learning about the modifications that Weston is considering for the dredge pond reuse proposal as a response to comments? I know, as Chip mentioned, we did have a presentation during the public comment period by Pat Kelly and the staff.

MS. KREVSKEY: Well, I think it will be of interest. I don't know that a whole RAB meeting need be devoted to it, but maybe a report. Or is there a public, is there going to be a public presentation of that to the city?

MR. JESPERSEN: I have to admit I'm a little bit ignorant of the exact public participation process as it relates to the EIS EIR. I can get that information back to you and let you know.

Just in general, we'd be more than happy to either brief the RAB, I offered to do it at the Regional Park Task Force meeting, to conduct a briefing or tour. We'd be happy to sit down and discuss some of the changes we made in response to public comments.

I think a very important one, we got a lot of negative feedback in regard to the temporary drying areas, which we had proposed to have down within the boundaries of the regional park.

We've since readdressed how we can operate the off-loading operations, and we've come up with a concept that would not require those drying areas to be placed in the regional park, it would just be some truck driving.

That addresses a number of comments that a variety of different groups had on that concept. Again, we'd be more than happy to sit down with you as a smaller focus group or as a complete presentation.

MS. HAYES: What do you think about maybe a focus group?

MS. KREVSKEY: Yeah, I think just something; it doesn't have to be grand scale, just an update.

MS. HAYES: Maybe in conjunction with the Regional Park Task Force, at the same time so that --

MR. JESPERSEN: Yeah, we'd be prepared to do that. I'm just trying to think. Let me check on people's availability for the date of the next meeting, and I will get back to you.

Do you have e-mail working again, Myrna?

MS. HAYES: Yeah.

MR. JESPERSEN: Okay.

MS. HAYES: And then the last thing that I've wanted to talk about, and that is we just discovered or just learned that what we thought was transferred property on the hill portion of the south end that included the residential structures on the hill, actually didn't transfer to the state, city and then to the state lands as part of the land exchange and settlement agreement.

And so, just so that RAB members are aware, those houses on the hill actually are still retained by the Navy and included, I assume will be included in your early transfer proposal if that is moving forward at all. And anyway, it was quite news to me, and so I thought it would be of interest to you.

And then I'm also curious, Jerry, about another area that maybe you could, I'm putting you on the spot, but maybe for the next RAB meeting you could tell us a little bit about that.

I guess it's an area that is, was transferred by the Navy but shouldn't have been or there's question from the agencies about whether there, it should have been transferred that's also down there at the south end on the hill portion.

MR. DUNAWAY: Maybe you're talking about a PCB site?

MS. HAYES: Uh-huh.

MR. DUNAWAY: I can talk a little bit about that.

MS. HAYES: Okay.

*Mr. Jerry Dunaway*

Thanks, Myrna, for your report.

Here's my handout for the Navy's report. And I see a picture of our newest capital investment in carriers, the U.S.S. Ronald Reagan on the top there. Timely given the recent memorial services for the passing of our ex-President Ronald Reagan.

Real quickly in going through this to address the issue on the PCB site. The Navy has basically in our records, and this was a cleanup or investigation that was done before my time so I go by the paperwork, is we have essentially a site that was investigated, evaluated, and then in reading the material that I have, approved by EPA and DTSC back in the 1999-2000 timeframe.

In 2001 we had transferred that building to Island Energy. And so the building that is of issue here was transferred in 2001.

The subsequent work following that to transfer the land to the city of Vallejo was done, and we had FOSTed that in 2002, I believe, and transferred it later in 2003 after completing some additional work that Chip had requested from us.

And I worked with him in good faith to resolve that. We had done additional sampling. And again, I received a letter that indicated the issues were addressed.

We had transferred the site and EPA had advised us of the, at the time the, I guess circulating uncertainties of what TSCA requirements were. And so a new requirement for a deed restriction came out.

And so at that time we'd already transferred the building, we'd already transferred the land. We did not agree that that restriction applied because we felt we had done the work and based our transfer on the approvals provided in 1999 and in 2000. And now we're sitting here with a request from the city to reevaluate the site.

And so we're addressing that request from the city right now.

MS. HAYES: Thanks.

MR. DUNAWAY: So in going over the Navy report here, I do want to put these up on the new Mareisland.org website. We've added that website into the upper left-hand corner there in the picture.

Cris, it's not Arlene that does that, right, who's the person?

MR. JESPERSEN: It's Rose Ergot.

MR. DUNAWAY: Okay. Great. I've got her email; I was just trying to recall her name. I'll just send these to her and we'll get 'em up on that website.

But in general, we're still busy with the Marine Corps firing range cleanup. You'll see the pictures on the right are showing a staffer with Foster Wheeler doing a scan for radiological items.

And there's a picture of one of the radiological items found at the site. But those are the things that we look for and screen out of the soil and properly dispose of these separately from the soil itself.

The work going on at the Marine Corps firing range right now is focused on the 4S outfall portion of the site. There we have concerns for high explosives, we have concerns for radiological devices. And so that work will keep us busy probably for the next month if not more.

And for the rest of the firing range, the lead and bullets issue, we're still resolving how to address soil disposal.

We've got the excavation plan, we know what the site is from a chemical characterization standpoint, and where we have to do our excavation, we're just trying to polish up our plans on how to deal with the soil unless we excavate it. And it's just a matter of some stabilization concepts or mixes that we want to use to characterize the waste and allow us to essentially dispose of it or place it at the H1 landfill area.

So once we finish our evaluations over the next week, we should be able to have a good proposal for the agencies as well as present to the RAB on that work. And we expect that all this work will get done this calendar year.

On the other side of the page are some pictures of our resumed work down in the south shore area. That work has resumed and we plan to finish it up by the end of July, and we'll publish a report probably sometime at the end of this year. And that will document

the survey work for munitions items along the offshore areas of the production and manufacturing area as well as the south shore area.

For a quick update on the early transfer parcels, we have been meeting with the city, along with their developers Weston and Lennar, to discuss the scope of the work. Weston has submitted preliminary information on cost estimates for the northern area. We're meeting with them again next week to discuss their cost estimates for the southern area.

And we think in this next step we also want to get a joint meeting with the city developer, Navy, and the regulators together to discuss kind of the scope of work and how the developers feel the work needs to be completed for the various areas.

This work will probably take several more weeks, if not months, to even reach some kind of negotiated position, and so there's still lots of work left to do.

Some things that are not on this update that I wanted to touch on.

The world of RCRA is encompassing, and we have another RCRA evaluation that we are entertaining at this point; it's called the RCRA Environmental Indicators Program headed by U.S. EPA.

I just met with the representative from EPA today to review Mare Island's conditions. Jeff participated to represent the eastern early transfer parcel.

And this really isn't an inspection, it's an evaluation to help answer some questions that actually resulted from Congress about where all this cleanup money has gone, and not has it finished cleaning up the sites, but has it eliminated two key factors:

Has it reduced, right now, human health exposures, whether to soil or groundwater?

And two, has it prevented or reduced groundwater contamination from further migration or becoming a bigger problem?

And so that's what we're working on right now. From, for the Mare Island perspective the answers are either a yes or a no.

At this point in time we have a yes for the human health exposures question. And I believe Chip is the one that validated that for the EPA.

And so we're really focusing on the groundwater controls question, and we're providing additional information to EPA on that.

On the H1 tour that was requested, Cris, if you could just take the lead on that and coordinate that. I know the work will go quickly and before too long it will be two months and be done with. So if you can coordinate that, I'm sure somebody from the Navy will attend that to get the lowdown.

MR. JESPERSEN: Just give me a little bit of time.

MR. DUNAWAY: That will be fine. The RAB workshop, yes, I just recently was asked to participate in the same capacity as Myrna to help facilitate a breakout session amongst the installation co-chairs, both for BRAC sites and for operational bases. And I'm doing that in conjunction with a counterpart of mine over on the east coast, over in our Atlantic division.

One last thing is, in the absence of hearing a Summary of Violations from the CME report, I was offering to Myrna that maybe next month in a very brief presentation I could at least offer a description of what the violations, the classification of the violations are, and at that time what the Navy's responses were. We're making that response next week to DTSC.

If that's agreeable, I could put together a brief presentation on that.

With that, that's the end of my update. If there's questions?

Paula

### *Questions and Answers*

MS. TYGIELSKI: My question's about the picture of this radium button. It looks to me like maybe about a third of it's missing. And what happens to it? Does it turn into dust? And is it, you know, does it, does it leave behind a level of radiation in the soil that you can't just pick out?

MR. DUNAWAY: Well, the scanning device that you see in the picture above measures the radiation, and it would measure it in the soil too.

I'm not sure if it's actually deteriorated or if that has actually been conglomerated with other inorganics as it was sitting in that environment. That's what it almost looks like.

If Cris or Dave, you would have an idea? It looks like the button is actually the lower right-hand side of that device, and what looks like on the left is maybe soil particles that stuck on it.

MR. GODSEY: It's basically encrusted with soil out there.

MR. DUNAWAY: It's encrusted with soil, so it's not that it's deteriorated, it's actually much bigger, it's larger than what it used to be.

MS. TYGIELSKI: Okay. Thank you.

MR. DUNAWAY: So we took some of that soil with it, if that helps.

MR. GRIBBLE: It's my understanding that the soil contamination is basically immediately adjacent to the device. And on occasion if the device gets smashed, you basically can encapture the entire thing with a shovel at worst.

And the amount of radiation or the amount of -- I shouldn't say radiation, the amount of radium paint that's associated with each button is actually limited, but it can be hazardous if you're keeping it near a person.

MS. HAYES: Well, and I assume that this photo is to show us the button rather than that you just took all the soil off of it and threw it back in, you probably did take that shovelful?

MR. DUNAWAY: Dave, how much soil do we actually have in our radiological magazine or storage facility?

MR. GODSEY: Well we try to minimize the amount of soil that comes with these things. Typically the button will be encrusted and they'll pick it out.

You know, the detector goes off, it's got to be roughly three times the background level of radiation to be actually picked up by the detector. And they'll pick it up and they'll try to, you know, to identify it. And then they'll measure the counts on it and they'll bag it and mark where they found it and the date and the time.

And then at the end of the day it all goes into, we have a barrel of this material that we put in, we have a secure building with locks and everything, and we keep it all in there. And eventually we have RASO who will come along and have a contractor pick it up and send it off to someplace to be buried for long term disposal.

But no, we don't try to, we don't use shovels, you know. They, in most of these buttons, all these buttons that we found are intact, so there's not a mixture of soil that's contaminated or something like that.

And ultimately they, you know, if it was eventually to reach background level, we would be able to detect it.

MR. GRIBBLE: The radium detection is very obvious when you have it. So if there is some in the soil it would be immediately picked up by the instruments that they have. It's not, there's not a whole lot of gray in the analysis or in the detection. So it either is or isn't present, it's quite black and white.

## **VI. ADJOURNMENT**

MR. DUNAWAY: Any other questions on anything I reported?

Okay. Well I think the meeting is adjourned.

**(Thereupon the foregoing was concluded at 9:02 p.m. 2102hours)**

# CDM Transmittal

**CDM.**

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**To:** Diane Silva  
**Organization/Address:** Navy SWDIV  
1220 Pacific Hwy., Bldg 129  
San Diego, CA 92132  
Phone: (619) 532-3676

**From:** Regina Clifford  
**Date:** October 25, 2004

**Re:** Mare Island Information Repository – Final Minutes for the June, July, and August RAB Meetings

**Job #:**

**Via:** *Mail:* *Overnight:* Fedex 2-day *Courier:*

Enclosed please find:

For your information

X

For your review

For your signature

Approved

Approved as noted

Returned to you for correction

● **Message:**

Diane,

Enclosed please find two copies each of the final RAB meeting minutes from the June, July, and August RAB Meetings at Mare Island Naval Shipyard for the administration record/information repository. Please call me with any questions

Thank you,

Regina Clifford  
Project Manager

Signed 