

**MARE ISLAND NAVAL SHIPYARD
RESTORATION ADVISORY BOARD (RAB) MEETING MINUTES
HELD THURSDAY, AUGUST 26, 2004**

Mr. Jerry Dunaway, RAB co-chair called the August 26, 2004 meeting of the Mare Island Restoration Advisory Board (RAB) to order at 7:06 PM (1906 hours) with Eight (8) RAB members; Sixteen (16) Regulatory Agency & Navy Representatives; Six (3) 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)
- Adam Chavez
- Kenn Browne
- Jerry Karr
- Diana Krevsky
- Jim O'Loughlin
- Justice Budu
- Paula Tygielski

Regulatory Agency & Navy Representatives in attendance:

- Jerry Dunaway (Co-chair)
- Gary Riley
- Dwight Gemar
- Steve Farley
- Carolyn d'Almeida
- Henry Chui
- Ray Leftwich
- Alan Friedman
- Chip Gribble
- Cris Jespersen
- Jeff Morris
- John Kaiser

Community Members and Guests in attendance:

- Diji Christian
- Sheila Roebuck
- Tommie Jean Damrel
- Starr Dehn
- Rose Utterback
- Christy Smith

RAB Support from CDM:

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

The meeting was called to order at 7:06 PM (1906 hours)

I. WELCOME AND INTRODUCTIONS

MR. DUNAWAY: Good evening. We're going to go ahead and get started. I know Myrna is coming; she was enroute the last time I saw her, and she's helping with the presentation tonight, so I am confident she will be here tonight.

But to get started, why don't we do our introductions? My name is Jerry Dunaway, as you all know, I am the Navy Environmental Coordinator for what we have left at Mare Island that still belongs to the Navy.

Paula, we'll start with you.

Attendees introduced themselves as requested.

**II. PRESENTATION: Chief of Naval Operations RAB Workshop Overview
(Ms. Myrna Hayes, Ms. Diana Krevsky, and Mr. Jerry Dunaway)**

Mr. Jerry Dunaway

We'll get into our first presentation, which is an overview of a national workshop that the Navy hosted in which the Chief of Naval Operations, the environmental staff there brought together all of the installation co-chairs like myself for both closed installations as well as open operating installations, and all the community co-chairs like Myrna from across the country, and even overseas in some cases.

We were, at Mare Island here, lucky enough to even invite Diana Krevsky too because Myrna participated in hosting some of the events for the community co-chairs. And so Dave Olson and CNO offered a second seat for another community member.

So we have a couple of folks that were there, and they're both going to participate in this presentation.

I'm going to start with just an overview of the agenda and talk about some of the things that were presented there just to give you an idea of what was the, all the stuff going on at that conference.

The Chief of Naval Operations is kind of the hierarchy of the operating side of the Navy. Everything from shore installations, like the command that I work at, Naval Facilities Engineering Command, all the way to the fleets, the war fighters, all fall under Chief of Naval Operations. Chief of Naval Operations reports directly to the Secretary of the Navy. And it is the Chief of Naval Operations Environmental Department or staff that put this workshop on.

And to start with, Dave Olson right here is kind of our head civilian guy in charge of environmental at CNO. And the way CNO is broken up is they have a bunch of shops that they apply a number to. N45 is the environmental arm of CNO.

Rear Admiral Select, meaning he just got selected to be an admiral, he was a captain and he got selected to be an admiral, that's the way they call him.

Mark Boensel was our keynote speaker; he had a lot of good items to talk about about where the Navy was going with the environmental program. He was just coming into that position so it was fairly new to him, but he had just come from a position where he was commanding an installation and was very keen on what the environmental issues were related to installations.

Paul Yaroschak is part of the Secretary of the Navy staff; he's our environmental guy. He works closely with Dave Olson to make things happen. He was there and gave some good talks. He started with a budget overview. We are, we were considering that presentation tonight, but thought it might be another dry. We're using another presentation that Paul did for tonight, and we'll go over that later on after this introduction here.

But then what we kind of immediately started out with after the warm-up there or the keynote was we went into this open forum session. And you can see there that's where Myrna basically facilitated the open forum session for the community co-chairs only, in which they brainstormed a bunch of issues. And we've got a handout tonight that summarized all of those issues, and we'll have a bit of a dialogue on that.

I worked with a gentleman from our east coast side to do the same thing for our installations. And so we were able to kind of brainstorm what our issues were relative to RAB operations. And at the end of the three-day conference we brought it all together and we had a handout that we passed around to everybody and had a good kind of closing session. And that was Friday afternoon.

Really Saturday it was filled with technical sessions. These were essentially repeated twice so that people could get to these if they were not able to get to the first set of sessions.

So there was an overview of the munitions response program. Then there was also one on remediation technologies. And then another on site investigation techniques and risk assessments. How regulatory standards are set. Risk communication. Site closeout and land use controls.

And as we got into Sunday we kind of closed out the workshop with a repeat of those last sessions, actually that's Saturday afternoon.

Sunday is where we basically brought everybody together and went over a couple of additional topics. The TAPP program, we've had two TAPP grants for this RAB, but a lot of the RAB's have not even utilized the program at all. So a lot of the folks were just learning about the TAPP program at this presentation.

Also the RAB rule. I mentioned this a couple of months ago. The way our RAB's are operated is through a joint guidance document prepared by DOD and U.S. EPA. The whole goal back in '94 when RAB's were first formed is eventually DOD would put regulations out and actually take that guidance and turn it into law, turn it into actual regulations.

So there was an overview of this RAB rule which was just released earlier this year, and it's about to hit the streets in a formal public comment period to make those RAB guidance rules formal regulations. And there's really not much difference between the guidance and the proposed regulations, but the whole idea is it will just become more legally binding.

There's a, then a facilitated session is the one where we brought the installation co-chair ideas along with the community co-chair ideas together, and we kind of had a brainstorming or a dialogue session with everybody in the group.

And Myrna, myself, and a couple of other folks, all got to sit up on the stage and kind of help guide the discussions. And Diana and Myrna will, and I will talk more about some of those ideas. And that's really what we did in the workshop.

So it was really just a general education opportunity, but also a way to hear back on ideas both from the installation folks like myself, as well as from the community folks like Myrna and Diana, how do we make these better? What are the things we could work on? What things are actually working well? And that's what we got out of it.

Now, this is the second time the CNO has put something like this together, and there's more to come. Dave Olson likes doing these. The first time he did this was in 2001, so it's not an annual event, at least not yet, but it's working out to be some kind of a frequency to repeat these events.

I don't know if you guys wanted to add anything at this point?

What I was going to do is allow Diana or Myrna to read some of the things that -- there were these neat little cards at the beginning of the conference that were "RAB's in a Nutshell." What were your biggest challenges in your RAB? What were your biggest successes in your RAB? And I think the last one is what questions do you still have that you hope to get answers to from this conference?

You want to try and read some of those here and take a look?

Ms. Diana Krevsky

Is this on? Okay. Are you handing out, I think everyone will get a copy of this and I won't go over everything, but there are two parts that I'm going to talk about and just point out a few of the essential things that came up.

The two parts we're going to go over, as Jerry says, one is called "RAB in a Nutshell." And that was little written post-it notes that people could fill out and answer those three aspects of, you know, your greatest success, your greatest challenge, and a question that you might have. And they were just posted up during the whole workshop, and then the coordinator just tallied them all up.

So between that, and then the part that I'm going to talk about is the part that Myrna facilitated which was a breakout session, and it was the input for, from all the co-chairs, and it was facilitated by Myrna and Jenny Tucker I guess it is.

And that particular session was where maybe about seven groups would fill out these seven different categories, and you would take about five minutes with each question and write down your concerns on this vast expanse of paper on the walls. And so each group would just write out their thing, then move onto the next. And the only thing is you could read then and there what was going on, but basically until it was all written out we didn't know everything that was on it.

So those are the two that I'm going to cover. And a lot of it is repetitious, and I think that I'd like to just, I'll go to the "RAB in a Nutshell," and I think I need a little more light, actually. Thank you.

So the three categories here, your greatest success. I just picked out just a few, and you could all look it over later if you want.

I thought one interesting thing that was one RAB; the thing is they didn't write which RAB they were either. So the greatest success was, for one RAB was encapsulation and removal of up to ten feet deep of hazardous material from their naval housing area, bringing in new fill and plants to convert the area to a public park.

And another one was getting local government and the Navy to talk to each other. An interesting one that I thought was, that they got the Navy to stop bombing, and that's in Puerto Rico. And got their base on the national priorities list.

And got 4,000 acres returned to the municipality. So that sounds like quite an accomplishment.

Another one was, their success was maintaining an active RAB for the community forum about environmental cleanup in a town that is not a democracy.

MS. HAYES: Guess which one that was?

MS. KREVSKEY: Is that you, Myrna? I think, Myrna, you might have had a few of these.

MS. HAYES: Oh, no, no, there was only room for my writing for one.

MS. KREVSKEY: Getting environmental agencies at all levels from local to national to revise policies and actions.

Another success story was early transfer; thousands of gallons of petroleum had been removed.

Going back over like some of the greatest challenges, the top one there is getting people to meetings. And these are not in order of importance.

Getting old-timers to understand why the areas must get cleaned up and used for only certain things. Keeping the cleanup process on schedule. Generating more non-crisis public awareness. Adequate funding for timely cleanup.

So various RAB's obviously are in different stages compared to ours, but it's interesting to hear about nonetheless.

Some of the questions that came up, it says RAB community tours are great, so I thought maybe you wrote that, Myrna. No? So other bases have that as well.

Another question is how other RAB facilities utilize the TAPP grant process, and what types of projects do they request funding for? So that, like Jerry mentioned, was a big topic at the workshop. And obviously a lot of the RAB's needed to know more about it.

Then they have this little section called parking lot issues. When they first mentioned that I thought why are they talking about parking lots? So this is a facilitator type lingo.

And some of those issues, and they all sound important, but a few of them to highlight are Navy publicity efforts are needed to close bases to heighten local awareness of their activities and successes. The lack of a public affairs officer at these sites hurts the potential for this.

And another issue is how is income and revenue from BRAC transfers and land use sales managed? Where is it applied?

There is a need for more discussions on how RAB's can share information among the RAB's themselves, and how the Navy could help facilitate this inter-RAB coordination and sharing.

So I'm going to go onto the community breakout sessions. And I just singled out a few things, and there might be some overlap, but I tried to simplify it.

It was a brainstorming effort to kind of get as much as possible on paper, and here are some highlights. Going down the list, well one of the, the category was describe your RAB's interaction with the Navy, the methods and the effectiveness of that interaction.

One comment was it was better whenever the dialogue engages the state and EPA Regulators and representatives. And the little asterisks on the list means that it was mentioned several times.

Another one was establishing a steering committee to set agendas and direction made up of community members and regulators.

Small focus group meetings. And then some RAB's had critiques after every meeting. Our RAB needs to have credibility, that's one of the statements.

One method may be to actually vote on controversial issues as it pertains to restoration and remediation.

Another area of discussion was what are the most critical factors driving RAB dynamics? So basically the RAB has common goals, a community cohesiveness, civility, and respect. And it's important to have patience.

Communication came up over and over again. Talk to each other, Navy and the community. Communication with CO and how they present the program.

Current and future health and safety of people and the environment, the water, land, and air.

And then another critical factor is the perceived risk to the community. I think that's important because, again, it has to involve communication. So along with that is the environmental impact to the community and the habitats of the area.

How polluted the sites are and do they affect drinking water?

Another one is the RAB, our ability to be proactive, to be watchdogs rather than lapdogs. I thought that was good.

Okay. The category of how can RAB's better communicate and share? And this is just between the RAB's themselves. And that's nationally and internationally in some of the areas.

One of the ideas was to restore a national regional RAB caucus, talk to each other and ensure there are funds for this.

Have workshops, particularly -- well, like the one that we're talking about, but also on a smaller scale maybe within the state or local area. Even if it's just for one day.

Then there were other suggestions like a list serve, bulletin board system, websites that post status and contacts, e-mail chat rooms, and blods.

Then there's the usual, a newsletter.

Publication between the RAB's.

Comparing solutions and announcing RAB awards based on accomplishments and/or performance, etcetera.

Provide joint training.

Publish a problem solution directory. I thought that was interesting because a lot of RAB's have problems and they have to reinvent the wheel, and it would be helpful for those who have experienced it to kind of give them a step ahead of the game.

Okay. Another category is what are the lessons that were learned?

Communication between Navy and public between other RAB's is vital.

Be patient with the process.

Persevere.

Ask questions.

Have small focus group meetings with stakeholders.

Site tours, special programs. Allow members to see the site being worked on and understand what's being done. I think that's crucial.

Put all the information out on the table.

Maximize public community involvement.

And here's an interesting one, it says play fair, eat all your food, share, and say your prayers before you go to sleep. So I guess everybody is sleeping.

So get newspapers on your side, get them interested.

Encourage publicity within the community. And the ones that I'm skipping are either things that we have done or we're pretty familiar with, so --

And then it continues; to require Navy to personal -- oh, require the Navy to speak in a civilian language to everybody. Explain the acronyms.

Develop trust, and this is a biggie. The perception of trust I think is important, and I think that came up many times.

Okay. How does the RAB communicate with other interest groups? What resources are used?

And the usual ones came up such as newspaper, newsletters, e-mail, media outreach and websites, town hall meetings, tours, public notices, you know, throughout the whole, all government agencies and concerned citizens.

Another one, public access T.V. shows.

An interesting one that's not on this but I remember, I guess the folks in Alaska had said that one really crucial issue has come up, they use a public radio to discuss their concerns, and not all the time, but just when there's something really important. So I thought that was interesting.

Recruit RAB members from local interest groups.

Maintain contact with local politicians and elected officials.

You need national coverage and information on RAB issues.

Navy needs to publish regular updates for local newspapers or local papers about the project and the site status.

Communicate with schools by providing educational materials for students, and possibly workshops for teachers.

Statewide RAB conference. Have statewide RAB conferences as a roundtable type situation.

And invite other interest groups to speak at RAB meetings. And that's a switch, we always say to go out to the communities.

What does the RAB success look like? What are some of the best practices for the RAB and the best processes and tools?

Success is successful property transfer of a clean base. And I guess that's the ultimate success.

But the success is site closed and issues resolved.

A clean site for future generations, clean air, clean water, clean land, to leave as our legacy.

Navy cleanup beyond that which is required.

Communication, communication, communication.

An informed community to, to keep the community informed about cleanup progress and various projects.

Let's see. Another one is participation in the decision-making process before the decisions are made.

And success is based upon a significant level of understanding. Without this we are doomed to failure if we cannot communicate our concerns adequately.

What's not working well for you now? What do you need help with?

Keeping RAB members active and interested and RAB positions filled. And I think that was almost across the board for most of the RAB's.

The prime driver for environmental restoration is reuse.

Early transfer is not working for the towns involved. So there's various experiences on that.

Getting the general public to a meeting.

Too much money is spent on huge bureaucracy; we need to have more efficient cleanups.

Some contaminants, for an example, dioxins, are not being addressed due to lack of risk assessment standards, and it leads to inaction and the ignoring of issues.

Need better background level standards.

Overwhelming paperwork and technical documents, go electronic.

Early transfer has increased workload for regulators.

Not enough public awareness of progress and current status.

Government agencies are not cooperative and are fighting with each other.

The Navy needs to listen to the RAB.

City official's lack of knowledge about the cleanup.

Funding limitations lengthen the cleanup process.

Well, it's pretty extensive so it pretty much covers it. My only comment about it was that it would have been worthwhile to hear these issues spoken directly from the people themselves because at the time everyone was writing them on the board you couldn't really grasp the issues, and it makes more of an impression when you actually hear the person complain or compliment or whatever.

So I hope everyone is awake.

MS. HAYES: And praying.

MR. DUNAWAY: Thank you, Diana. And yeah, it does help to hear it from the person because they'll speak to that point with passion. There were some very passionate people there. And, yeah, it was enlightening.

I don't know if that's, some of those issues sounded familiar to you, but some of those apply here, some of 'em do not. And we certainly have our experiences with different cleanups, early transfers, regular transfers.

Before I jump into the presentation, I don't know if you wanted to add anything, Myrna?

MS. HAYES: No, after yours I'll do the summary.

MR. DUNAWAY: Okay. What I was going to do is pick a presentation, I'm not sure if I mentioned this, this is what I was looking for earlier but Paul Yaroschak did a presentation on BRAC cleanup and transfer issues, and it's really kind of a preview of

what the new BRAC '05 process is conceptualized to be. And so I thought I would go over that. Again, keep in mind that this is Paul's presentation, and I'm trying to do it.

MS. HAYES: Want me to turn this off?

MR. DUNAWAY: Yeah. And I think that the computer turned off, so let me boot it back up again. It's going to have to reboot.

Ms. Myrna Hayes

Well then, I'll just make a few comments.

One, I'm going to pass this book around that we got while you're waiting for the computer to reboot. And, you know, our facilitated meetings were only a couple of hours where we got a chance to talk amongst ourselves, and we were divided by installation co-chairs and Navy co-chairs.

But you could take a look at the various tabs and you also saw the agendas on this book, these are the PowerPoint presentations for these various topics.

And I think one of the more interesting ones was again, once again Evan Nyer who bills himself as the most expensive environmental engineer in the world. And he's not a bit ashamed to boast about himself, that's for sure. And some of you who are in the industry may know him. He claims he makes \$1,500 an hour, and that he's only called in when you have big trouble.

But he was a very interesting speaker, and this is the second year that the Navy has brought him back to this conference. I think partly because he is interesting, he's quite a dynamic speaker, and also because some of the projects that he's worked on are very, very challenging projects, and I know that some high up in the Navy would actually like to see him brought onto some sites to see what he could do to resolve some somewhat unresolvable projects.

And I'm just going to tell you about one thing that he talked about that was of interest to me and, because we're at the point right now for environmental cleanup -- hi, Rose -- where we are considering leaving contaminants at a certain level in the soil or environment based on the expected use, land use.

And in his case, and he's usually hired by people who are quite desperate to have all problems go away or have them go away quite quickly, and you can imagine for those of you who are developers or work for a developer or know a developer, especially in some of the markets like California, money isn't an object in terms of the cleanup as much as being able to get it done in an accelerated way and get that property converted to other

uses, particularly housing, which is obviously the hot market in some of the communities that we know about.

And what I found particularly interesting, and he's quite good about being very proprietary about the information he is willing to share about his techniques, but one of them that captured my interest is the way he informs the public, realtors, buyers, regulators, keeping, he has websites that are prepared just for the piece of property that he's cleaned up, and he maintains those for the developer who's hired him to do the remediation.

And anybody can go to that website and see what land use controls are in place, see what contaminants were present, a description of the technology that was used to remediate the site, whether, where the monitoring wells are, and that type of information.

And each site that he works on has a separate, of course, website that is dedicated just to that site. So that was -- you ready to go? That was an interesting concept that I would actually like to talk to developers about possibly applying here.

I won't ask you to hire Evan Nyer, but we might be able to do something because it's my impression that while there were a handful of us who were committed to the cleanup and being interested in it, every day more and more people ask me when those houses are going up or when the island is going to be ready for reuse. And they will inevitably be asking as they move on or as their children start to go to school, they'll be asking questions that we may have been asking for the last ten years and they'll just be beginning to ask.

Okay. I'll turn this over to you.

MR. DUNAWAY: Thank you, Myrna. This is the overview of the BRAC '05 process based on lessons learned.

MS. HAYES: Or '07.

MR. DUNAWAY: It could be '07, yes. Right now it's scheduled for '05, but there are discussions in Congress to push it out two more years. If anyone remembers, it actually was supposed to be BRAC '03, but it got pushed out two years to '05, and so that's the politics of base closure.

I like this picture just cause it's San Diego. This is Naval Air Station North Island right here; it's one of our premiere naval installations. And that's the city of Coronado right behind it. It's hard to see in the picture, but that's our city.

The purpose of the discussion was basically yes, we've been through a lot with BRAC and there are lessons to be learned, and everyone is thinking of how to do it better for the next round.

For the Navy, the need for base closures is again driven by technology. We have a smaller fleet, smaller sailors and marines --

MS. HAYES: Smaller? Fewer.

MR. DUNAWAY: Okay, smaller number of sailors and marines that can do the same or more in the way of war fighting.

Back in the eighties it was the Reagan 600 ship fleet, we're down to actually less than 300 right now. The infrastructure needs to be proportional. Bases support the fleet, the sailors, the marines. We have fewer of them; we don't need as much infrastructure.

The savings from the first four rounds of base closures so far has been \$17 billion, and that's three years ago, and \$7 billion a year since then.

The background for this round is to take a look at what's, what is really the best way to operate a Department of Defense, not just a Navy, not just the Army.

Here they're looking at base, joint basing, in other words, not a Navy installation, not an Army installation, but where can we have installations that serve more than just one branch, why does it have to be just one service?

The factors are, for choosing an installation for closure is based on military value. You see the four criteria there:

Mission capability.

Availability and condition of the land. A lot of that has to do with encroachment, what facilities are so heavily encroached that their mission is just difficult to complete.

The ability to accommodate surges. The increase in war fighting capabilities during times of war is important, so can that facility increase its operations in times of need.

And the cost of operating is obviously important.

The secondary factors are the scope and how long will it take to achieve those cost savings.

The economic impacts on the communities. Obviously that's a real impact.

Impact on receiving community's infrastructure. I'm not exactly sure how that's being evaluated.

But then also lastly is the environmental impact, including the cleanup.

The timeline is interesting. This all started back in 2003 and it was at the beginning of this year, the new year when the criteria were established, that was on the previous slide.

So the criteria is out there, it was put in draft, reviewed by the public, comments were accepted. None of the criteria changed when they were finalized in April, I believe. And by, by March of next year, these criteria were firmed up in April of this year.

All the installations within DOD had to answer to all those criteria. They had to fill out the data call. You tell us how is your installation meeting your mission? What are your constraints? What are the impacts if your facility were to close? So all the installations filled this out. It was much more rigorous than in the previous BRAC rounds from what I understood, so it was a large effort for the installations to take that on.

And I believe all that work has been done and submitted to DOD. And by March of '05 the President will nominate commissioners to be on the selection committee.

And by May of '05, the Secretary of Defense will make the recommendations to Congress and to the commission.

In September of '05 the Commissioner, the commission will report to the President what the list is.

And by November '05, November 7th precisely is the last day the President has to send that list to Congress. And from my understanding Congress cannot politicize the list, they can't say, "Oh, I want to take that one off the list, let's add this one on the list," it's all or nothing. There is no choice for Congress to make there.

So what were the lessons learned from the previous BRAC rounds?

Minimize fed to fed transfers. That is one area that there's controversy in saying that DOD wants to minimize those transfers. Obviously we have done a couple here at Mare Island. We still have one left. It's in the viewpoint of DOD that some of those just have not worked out to be favorable deals. And I believe that's the reason why that is up there.

MS. HAYES: Jerry, could I add that in Paul Yaroschak's presentation he also noted that if there was a fed to fed transfer that would be considered by the Navy -- I guess was this a Navy presentation? Well anyway.

MR. DUNAWAY: Yeah.

MS. HAYES: By the agency, that they would consider having the fed, the agency that wanted the property would have to actually purchase it.

MR. DUNAWAY: That's on a future slide too. Federal agencies that do want the property in this next round would have to pay for the property, or at least that's what's envisioned.

Chip.

MR. GRIBBLE: You said some early transfers, are you talking fed to fed transfers were not considered --

MR. DUNAWAY: This is just property transfer, not talking about the environmental.

MR. GRIBBLE: Can you give us some examples?

MR. DUNAWAY: U.S. Forest Service building on Mare Island, that was one of the first transfers.

The V.A. hospital.

The Army reserve is fed to fed, but that's actually within DOD.

MR. GRIBBLE: Examples of some that were not considered, how did you put it, favorable?

MR. DUNAWAY: Favorable. I don't know the whole history. The Fish and Wildlife Service parcels have been somewhat slow to materialize, I'm not sure any of those transfers have happened.

My understanding is that it just hasn't happened as quickly as maybe DOD would have envisioned it to happen. I really don't know any more details than that.

Maximize property sale where the markets are good. This is actually because of successes we've had in Southern California. I do think that's a bit of a unique situation; Orange County is a hotbed for real estate. We were able to net close to a million dollars an acre on one of our bases there.

Integrate redevelopment and cleanup. I think Lennar and Weston are prime examples of that. And that in part came from our successes here.

Involve all parties early.

Get parties to assure or to assume proper roles. Because we put the LRA on the receiving end of the deed, they, in many cases, were doing more than what they normally would do. They become the broker for the property, and in some part the developer. And that's not typically a local agency or local government's role. Their role should be in the planning, zoning, reuse concepts, and guiding redevelopment. Redevelopment but not new redevelopment, or be real estate agents.

MS. TYGIELSKI: What does LRA stand for?

MR. DUNAWAY: Local Redevelopment Authority, reuse agency. Basically it's the local agency that's designated to receive the property.

MS. TYGIELSKI: Okay.

MR. DUNAWAY: That's how it was done in the past. In the future it's not, the idea is that the LRA is not the property recipient. They'll still have a role, but it won't be in receiving property, it will be in designating land uses, zoning, and creating the concepts for how the property would be reutilized.

Developer, obviously they are to develop the property.

Regulator, essentially the same role. Oversight, but in some cases of the new owner. Like here at Mare Island with the early transfers.

And the new owner obviously, whether it's a developer or subsequent conveyance, maintains and reports on land use controls if there are any on the property due to environmental issues.

And reduce self-induced process. That is basically saying let's streamline our own processes within DOD or within the Navy.

What are some of the key statutory requirements? The idea here is let's go back to the basics, what does the law say we have to do and let's try to stick to that.

Notice of hazardous substances stored or used on the property. That's right out of CERCLA, that's a requirement that's supposed to go on the deed for federal products.

Identify uncontaminated property. I think we've done that here, and many bases have done that first and foremost because those are the low hanging fruit.

Concurrence from the state and EPA for that uncontaminated property. Of course we've done that with DTSC here.

A covenant saying that all remedial action is complete, if we can say that, or a covenant deferral like in an early transfer. Make those statements, get concurrence from our regulatory agencies, and then make the property transfer happen.

We will always follow CERCLA, that's still the guiding principle for the environmental side of the property before we transfer it, and that's to ensure a protective remedy.

Some of the changes that are being conceptualized is we've used what's called environmental baseline survey, and that document or concept is going to go away and go to an environmental condition of property, ECP.

It's more of a, instead of doing surveys, taking additional samples and creating a report based on that, it's really just take a snapshot of what you've got, no surveys, no additional sampling, just tell us what the property is like. Use the existing data and studies, fill in gaps, which to me kind of falls back on a DPS concept.

But use existing data, which compared to ten or twelve years ago in the first BRAC rounds they didn't have a whole lot of existing data. All of our active bases have much more data today, so they have a bigger pool to work with.

Develop the ECP as soon as possible after a site has been selected for closure.

And follow a concept that EPA has developed called all appropriate inquiry, which is, it puts the burden on the new owner to do the due diligence of the property or investigate the property and make a determination what they feel the value of the property is minus any remaining environmental cleanup that may be needed.

Make early decisions where if there's a place where we can do a cleanup quickly, put a lot of money into that, get it cleaned up, have them clean the property for transfer.

If there's any remaining cleanup that may be long-term, include that in the sale of the property and just have the market tell us how much they think the property is worth with that remaining cleanup still needed.

And consult with regulators to decide on which options to use out of those two concepts or two approaches.

So some key milestones here. The BRAC list will be published in 2005.

Congress will be involved, and the list will be finalized.

Prepare environmental condition of property reports and start looking at fed to fed screening. That is still something that will be done even though you just saw that they want to minimize that.

But as part of the fed to fed process, the property is offered as is to the other federal agency and the federal agency pays fair market value. From what Paul says this is within the law, and that's kind of the basis for that statement.

Diana.

MS. KREVSKY: Will they then be responsible for the cleanup if there's contaminated property?

MR. DUNAWAY: That's my understanding of what the concept is is to, all federal departments, not just DOD, have CERCLA lead authority. They all have the ability to do their own CERCLA cleanups. And the idea is that they would fulfill that role since they would be occupying that land.

If the Navy or the Army transfers it to another federal agency it's kind of an additional burden for that service to not only do the cleanup, but they physically have to mobilize and maintain staff there when the idea was to try to back away from it. So that is a big change actually that is being imposed here.

Other key milestones. Decisions on who does remaining cleanup if property is for sale? Obviously you know, looking at your early transfer type concept we're all familiar with here, or finish the cleanup early or quickly.

LRA's develop the reuse plan still or develop the zoning to have an idea of what the land use is capable of.

Covenant deferral request is really just for early transfers.

Property advertised for sale. One of our biggest bases remaining in BRAC is Marine Corps Air Station El Toro. We've been going through a lot of hurdles over the last year to get that piece of property on the market in a public auction, and that's going to happen next month. And if I go back to my office I'll e-mail you guys the website.

Once that happens, it's pretty interesting to watch the bids come in. You can actually see what the value is for what's going to be four parcels down there at El Toro.

But it's basically what folks are looking at as a way to sell a property for new bases that are going to go through closure. So I'll send that website out.

And that's all about property advertisement for sale, and let the market determine the price of the property, the value of the property given all the conditions that it has. And, of course, the highest bidder gets the property.

Other key milestones. Documents between the Navy and the purchaser. We won't be doing things like ESCAs, but ESCA like agreements will be built into the conveyance agreements. I believe the term is respective purchaser agreements. RPA's are the document that we're looking at as the mechanism for transferring property. And for those that have cleanup requirements still, the cleanup requirements would be built right into that agreement.

Documents between EPA and the purchaser. Just like with Lennar and Weston, they've entered into consent agreements with the regulators to regulate. So they have, regulators have full authority over the cleanup.

And then FFA, or in our case here we did an FFSRA amendment, we actually renegotiated an entire new agreement, these are cleanup agreements. FFA is a Federal Facility Agreement; the FFSRA is a Federal Facility Site Remediation Agreement for state sites.

And so in summary, the new wave of BRAC is supposed to be faster yet still protective, still being guided by CERCLA.

It's more free market oriented. The market will drive transfer values and sales.

Minimize fed to fed transfers, only hardcore needs will be satisfied. And this is again something that's new from D.C. I don't know what hardcore, what hardcore needs really means.

Property sale revenues help fund other cleanups. And this was the case with our public sale last year at Tustin where we netted over \$200 million. The BRAC cleanup program for the last two years has been living off of that money. It really is put right back into the coffers to provide cleanup funds for the Navy, and it eliminates our need to ask Congress for the money.

And this is supported by law and by General Services Administration regulations. GSA is the federal government's real estate. They are the ones administering the public sale down at El Toro, they administered our public sale down at Tustin. So this is all within the rules of the land exchange game for the federal agency.

So with that, I thought that might be the most interesting presentation from the workshop. Are there questions?

MS. HAYES: Jerry, I just wanted to add a couple of things that I mentioned at that meeting, and that is the notion of cherry picking, which got Mr. Yaroschak rather upset. But I think that it is a concern that isn't accounted for in this scenario, and that is that some properties are going to be extremely of great interest to developers. And as you mentioned, Southern California, Orange County is an example.

But if the Navy is using their whole basis for this new approach based on their two cases in the, in Southern California, I don't think that's very accurate. And I just think that this opens up an opportunity for developers to take the parts that would be easiest for them to develop. And then I'd just be curious, and we didn't get an answer that day, what the Navy or other agencies will do if nobody wants their property.

Then one of the other things is that by going to the highest bidder, I know that one of the conditions that the state evaluated in determining whether the early transfers here would be something that they could work with and that it's something that they could recommend to the Governor for a covenant deferral request was the qualifications of the companies that were being hired by the highest bidders for the environmental cleanup work.

And that's, at least my understanding, that that was a big factor. Were the environmental cleanup companies that were being hired by the early transfer proponents reputable companies who can do the cleanup job in a satisfactory manner for the regulating agencies?

And I don't see any provision in this overview for that kind of rating or ranking. I don't see any, one of the other questions was how would the community be involved in the environmental cleanup? And it sounds like the Navy pretty much just wants to wash their hands of a site that it contributed to the environmental cleanup of, I mean contamination of, and then just depend on other market forces as well as local political forces to take care of it, what it left behind.

So I don't like the looks of that, especially after the Navy just announces, or the Department of Defense just announces a permanent RAB rule.

And then the other thing that I think didn't get addressed very well in this overview, and I don't know where it gets addressed, but some sites would simply not be suitable for private acquisition. For example, a county airport or a military base with an airfield that might be transferred to a county for a municipal airport, doesn't actually have a whole lot of cash value.

For instance, Buchanan Field in Concord, it's run as a county service, but it has never turned a profit. So I would just be curious about what, what you intend to do with some

of the properties that actually would be for a municipal or a public benefit rather than suitable for private purchase.

MR. DUNAWAY: I don't know all the answers to that obviously. I do know public benefit conveyances are still going to be in the mix, I believe Paul said that. So there is still that repetition, we're going to go through the public benefit conveyance.

And you're right, there are properties that won't be of value for private redevelopment, and that probably will be where public benefit comes into play. It could be for conservation, open space, or other public value.

But certainly schools, public schools particularly, yeah, it's not something a private developer is going to want to buy.

Chip.

MR. GRIBBLE: So in the summary it says free market oriented. That sounds like the public benefit conveyances would come after the free market, the so-called free market doesn't want it.

MR. DUNAWAY: I'm not certain what the hierarchy of consideration is. It looks like fed to fed is still the first.

Homeless is always up there because that's a law, homeless organizations that can justify their needs.

I don't believe economic development conveyances will be looked at as highly as they had been looked at before.

So then you have public benefit conveyances and then public sales.

So yeah, I don't have any answers to that, but --

MS. HAYES: Yeah, on current non-BRAC properties, that is the order that GSA takes. If it's a surplus property they do have to go through all of those screenings before they put the property up for, directly for sale.

But I don't, BRAC has its own rules that don't apply right now in those screening processes, so I'm not sure how that would be handled. But it seems like it should be public benefit, fed to fed and other public benefit conveyances first.

MR. DUNAWAY: And again, I don't know these details, and I think they're still being worked out. They will come out with the recommendations for base closure or probably

after that, the actual rules of how the closure process will work when it comes to determining who gets what.

So obviously a lot more work is needed and a lot more information needs to be disseminated.

Questions from anyone else? Jerry?

Questions and Answers

MR. KARR: Do you have any feeling currently what the differences are between environmental baseline survey and the environmental condition of the property? The baseline survey currently is quite thorough. Is this just another name for the same process? What's your take?

MR. DUNAWAY: My understanding is the big difference is that under an environmental condition of property no new data is gathered, whereas under an environmental baseline survey you may do additional asbestos surveys, you may do additional lead based paint surveys to put that data into the EBS.

But for the environmental condition of property, my understanding is no new data, take what you got off the shelf, put it into a report. It will still be comprehensive and very detailed, but it will just be existing data.

MS. TYGIELSKI: About his question. What if there's not -- about the question that Jerry just brought up.

If there's not a lot of data, do you have a choice of going EBS or EC -- or the other one?

MR. DUNAWAY: ECB. I don't know. It would be hard to imagine a base that doesn't have a lot of data at this point in time. But yeah, there could be parcels on a base that may not have a lot of detailed data. I don't know how that will be handled.

MS. TYGIELSKI: Okay. My other question, at the bottom of slide six you brought up LUC's, I think land use controls?

MR. DUNAWAY: Yes, sorry.

MS. TYGIELSKI: One of my pet peeves in all the years I've been on this RAB is land use controls, because given a short time they will be ignored, and we've already seen that happen on this site.

And I know that I was talking to one of my husband's friends who was thinking of renting a place out on the island to run his business. And he looked at the land use controls, and he looked around the site, and there were fences fencing off places because these aren't safe to be. And he came back and said, "Why would anybody be willing to be there because of all the land use controls?" You know, they just raise a red flag, "Oh, this isn't a safe place to be."

MR. DUNAWAY: Well, it is a liability on the property. They are what they are. And unfortunately, we can't clean up everything. And we work with our regulators to define suitable practical land use controls, how to monitor and enforce them.

But yeah, you're right, the whole CERCLA legislation was built on the failure of land use controls at Love Canal, and we're still struggling with land use controls thirty years later. Hopefully we'll get it better.

Other questions? Chip.

MR. GRIBBLE: And my two cents on land use controls is that it takes persistence and diligence in following those. And when they're violated that they're caught timely and then they're, you know, it's fixed.

There's no guarantee that they'll be followed, just like that there's no guarantee that environmental statutes will be followed either. It's not like you go out and arrest an agency when they violate an environmental statute.

On the EBS thing -- and that happens by the way, you'd be surprised.

On the EBS versus the whatever that newer thing is.

MS. TYGIELSKI: ECP.

MR. GRIBBLE: That's always been the case. The first time around when they did the EBS stuff in the mid-nineties, some bases took the EBS to mimic the CERCLA PASI phase. And from my understanding that that replaces, at least those that I've heard of, that was not a successful use of the EBS.

We didn't do that here, the EBS here was used as a take the information that's available, and where there wasn't enough information that was just left blank as an unknown. So I don't see why the, why there's a need for a new process or new acronym. Even on the EBS it could have been done however the people involved wanted to do it. And you know, that's fine.

MS. HAYES: Well, I think one item that's going to be a challenge for those bidders is to, without adequate information, be able to make an informed bid. And that's one of the advantages of having as much information as possible.

And certainly one of the factors in the success of early transfers was the ability to get pretty close on the guaranteed fixed price. So I'm not quite sure how the Navy is going to attract all these people with, I think what they're saying is, "Well by now we've done a lot of environmental investigation of our properties and we pretty much knows what's there as compared to five, six, seven, eight, ten years ago." But that will be curious to see how that works out.

MR. DUNAWAY: Any other questions?

All right. Well, thank you for listening. I do have something that also came from the workshop, and these are called the five-year plan, the Navy five-year plan. It covers all the Navy and Marine Corps environmental restoration program budgets, expenses, costs to complete for all of our facilities. And it also in the beginning has a series of interesting information, success stories, organizational structure of things.

And I've got a few copies of it, I got more copies at the workshop. They're kind of like the telephone book of the Navy Marine Corps installations and the environmental work that they're doing there.

So if anyone wants a copy of these, feel free to take 'em. They are published every year, and they do project out the work in a very brief manner for the next five years.

So with that, why don't we take our break? And we'll be back in about ten minutes.

(Thereupon there was a brief recess.)

III. ADMINISTRATIVE BUSINESS (Myrna Hayes, Jerry Dunaway)

MR. DUNAWAY: Okay. We can finish this up, I think we can go pretty quickly here. Let's jump right into the focus group reports.

MS. HAYES: Before we get started on our reports I just wanted to make a quick announcement. I don't know how many of you know that Gale Hollingsworth's son, who is about 27 or 28 years old, I actually don't know the most recent details, but passed away rather suddenly last Thursday night. He just had finished law school and had trouble breathing; they took him to the hospital, a few hours later he died.

Someone here might know some more updated information. But I have gotten a sympathy card for Gale and his family, and we're going to be passing that around while the other reports are being made. Terribly shocking.

And we just had our Regional Park Task Force that night before with him, and he was in rare form. So it's certainly came as a big surprise to him as well, a terrible shock.

IV. FOCUS GROUP REPORTS

MR. DUNAWAY: Yeah, thank you, Myrna. So a card will be circulating around.

(a) Community (Diana Krevsky)

MR. DUNAWAY: Why don't we jump into the community focus group report.

Diana, did you have any other things you wanted to add?

Ms. Diana Krevsky

Just a comment and, well, a compliment on the ad, it's getting better in the newspaper. So, so I think, you know, soon it will be perfect. People will come racing into the meeting.

(b) Natural Resources (Jerry Karr)

MR. DUNAWAY: Let us know when we get there.

Natural resources.

MS. HAYES: You'll know.

MR. DUNAWAY: Jerry Karr?

Mr. Jerry Karr

Nothing to report.

(c) Technical (Paula Tygielski)

MR. DUNAWAY: Nothing to report.

Why don't we move on to technical. Paula, did you have anything?

Ms. Paula Tygielski

Actually technical has nothing to report this week, I mean this month.

But I want to thank, I wasn't here last month and I want to thank Weston for the tour they gave us of the landfill and the capping of the landfill and that slurry wall, it was very informative.

MR. JESPERSEN: You're very welcome, we enjoyed hosting everybody out there.

MS. HAYES: I just wanted to add one thing to the technical report, I actually forgot to bring a letter that Lea and I have been working on, and it's a follow-up on, let me see -- the TAPP grant has a little bit of money left for June Obermeyer.

MR. DUNAWAY: Oberdorfer.

MS. HAYES: Oberdorfer and Rio Williamson to conduct the rest of the analysis and to review the response to comments, their comments on the RI, and review the FS.

MR. DUNAWAY: The FS, yeah.

MS. HAYES: Yeah. And it's a little bit short on the amount of time that it would really take to do something as comprehensive as that on the landfill. So because it is a Weston project we will be putting together a request from you for some TAPP like money to complement the Navy's TAPP contribution so that we can get them in for a few more hours at least.

I shouldn't say we will be, I'd like to ask the RAB members at this time if that, the community members of the RAB if you would be willing to agree with that request.

MS. TYGIELSKI: That's right, thank you for reminding me. There were e-mails floating around in cyberspace about should we ask for this TAPP money, and I do think it's a good idea myself.

MR. O'LOUGHLIN: I'd be willing to agree to it.

MS. HAYES: Anybody of community members who doesn't want to make that request?

(No response.)

MS. HAYES: Okay.

MR. JESPERSEN: Jerry, if I can just ask the Navy. Under the grants process that you fund the TAPP, does the Navy physically set up a similar purchase order or consulting agreement with the reviewers?

MR. DUNAWAY: We actually enter into a contract with them. And it's just like any other contract. We have a ceiling of \$25,000, so because of that if it fits into our amount that we can go sole source, not have to compete the project, so whoever they recommend we go right to them.

MR. JESPERSEN: Okay. Then procedurally, since I know the federal government has problems taking money from private organizations to pass along the other direction, would the RAB consider it a conflict of interest if we were to entertain your notion and set up a contract directly with these individuals?

MS. HAYES: No, I think that's what we would expect. I certainly wouldn't want you to send off any of that hard earned money back to the Navy.

MR. JESPERSEN: Okay.

MS. HAYES: But we could certainly use their scope of services and their contract.

MR. JESPERSEN: Sure.

MS. HAYES: The existing contract to give you a template. But I'm sure you know how to make a contract.

MR. DUNAWAY: If you'd like to shoot me an e-mail I can send you the scope of work we used for the TAPP grant initially.

MR. JESPERSEN: Okay. I'll do that. Thanks, Jerry.

(d) City Report (Ray Leftwich)

MR. DUNAWAY: Sure. Okay. So onto the city report, Ray.

Mr. Ray Leftwich

Nothing to report.

(e) Lennar Update (Jill Bensen)

MR. DUNAWAY: Thank you, Ray.

How about onto the Lennar update. Jeff?

Mr. Jeff Morris

Okay, if I can borrow that microphone? Okay. I've handed out the 11 by 17 version; I'll talk off of this larger figure here.

First of all, on the map side we've got a little more blue showing up on the map this month, and that's this portion of investigation area D1 that surrounds the school and down here in the southern part of investigation area D1.

We believe all the remedial actions and the cleanup work is complete within that area. We're currently in the middle of a public comment period, and we don't have official buy-off or closure from the regulators yet, but on September 30th, which is the next RAB meeting, that is our target completion date to have that certification and closure. And we're, I think at this point on track for that, so --

There is an area that is not quite blue yet where we do have some additional remedial action to do, it's for a PCB site inside building 84A down in this area, so I've left that green.

Other removal actions that we've been working on. There's two underground storage tanks that we completed removal action at up here, 231 and 243 in the H2 area, completed backfilling of those this past month.

In the way of other PCB sites. We started today on some, actually resumed our action at building 521 which is an indoor PCB site in a basement, some work there, as well as building H83 down in the Touro area, resumed our activities there.

We have some investigative work that was done in investigation area C1 in the building 225 area. We did some trenching to locate a pipeline; this is a suspect pipeline between two underground storage tanks that we believe was the source of contamination there. I've actually got a couple of pictures of that work, the top two pictures here at building 225.

We did some investigation, soil sampling, groundwater sampling, and soil gas sampling at building 101, investigation area C1.

The pink highlighted line here is a segment of the fuel oil pipeline where we've done some remedial action this past month.

I'm also showing on here, the brown lines are the sanitary sewer system, which it's shown up in investigation areas B, C1, and C2. We're doing some additional investigation within

those. We're not investigating each and every length of this segment that's shown on the map, but portions of the sanitary sewer system are being targeted to get some additional data, particularly in the areas where historic industrial operations may have discharged to the sanitary sewer before the industrial wastewater treatment system was in place.

Moving over to the boxes here. The one document in review I want to point out is, as I mentioned a second ago, the investigation area D1 implementation report. That's the report that describes the cleanup activities that have occurred in this area of D1 here that I'm showing in blue.

That comments review on that report towards the end of this month or early in September, actually the public comment period for this investigation area D1 runs from August 2nd to September 15th. And last month and actually in the original ad that we ran in the newspaper it incorrectly identified the completion date as September 10th, so we ran an additional ad correcting that date. The public comment period is a 45-day comment period, and it really ends on the 15th of September.

Some of the upcoming documents I wanted to point out in the center column on the top table. There will be a remedial investigation report for IR14, which is the former industrial wastewater line within investigation area C2.

And a draft remedial action plan for investigation area C3.

And a draft removal action work plan for the crane test area, which is this area up in investigation area B, a fill area.

And each of those, the last two documents, the RAP for C3 and the work plan are decision documents, so they will be accompanied by a public comment period. Those documents will be, go through agency review and then a public review. So we're several, four or five months away from the public review, but that's out there in the future.

And then milestones achieved the past month. We received closure and NFA approval from both the regional board and DTSC on IR18, which was the former Base Exchange gas station in investigation area B.

That we did the cleanup work on actually earlier last year. But it was pretty significant work in that we had encountered during that some unknown structures; there was some hydraulic wastes and some unknown tanks that were beneath the foundation of the building when the building came down. And there was also PCB contamination associated with that.

So you may recall us talking about that in previous meetings, but we've gotten closure from both the Board and DTSC on that, and we're still waiting for EPA's approval on that.

And then the other significant thing that happened this past month is we, DTSC signed the IAH2 remedial action plan, I think it was in, during the June or right prior to the June RAB meeting we had a public meeting on that, and that was signed this month.

The status of our sites here, one thing I want to point out, within the last month there were four UST sites closed. There was also one additional fuel oil pipeline segment that was closed, we just got the letter today so I haven't shown that on here, but that happened this month as well.

And I think that's it.

(f) Weston Update (Cris Jespersen)

MR. DUNAWAY: Thank you, Jeff.

Cris, the Weston update.

Mr. Cris Jespersen

Thanks, Jerry. As Paula indicated in her comment a few minutes ago, we did host a RAB tour of the area H1 groundwater containment barrier extraction trench structure back in July. And actually that was a timely visit because the slurry wall containment system was completed not too long after the RAB toured the site.

We're currently finishing up the groundwater interceptor trench, and actually it's scheduled to be completed tomorrow, knock on wood.

For September we will be installing some pumps within the sumps of the groundwater containment trench and taking some conveyance piping from the sumps to a treatment pad where most of the equipment will be located to process the extracted groundwater.

And actually you can see in the photograph there below that paragraph on the handout that that will be located on a concrete pad that was just poured earlier this week and a small metal building to contain it. Again, that work will be completed during September.

Also during August we had a meeting with DTSC facilitated with representatives of Weston and several agencies, discussed some of the wetlands mitigation within area H1 that's going to be required. We're going to have to mitigate probably about seven and a half acres to provide some pickleweed habitat to compensate for some wetlands that will be destroyed as a part of the overall containment and capping system for the area H1 landfill. And we've got a follow-up meeting scheduled for that for early September.

Last month we reported that we had delivered the draft final remedial investigation report for area H1 in late July. That's currently under review by the regulatory agencies.

We have currently scheduled the draft feasibility study, that's a document that will identify and evaluate the remedial alternatives, and that's scheduled to go out to the regulatory agencies in mid-September of this year.

Another activity that took place during August was the installation of some replacement groundwater monitoring wells. As part of the slurry wall construction around the H1 landfill we had removed several existing monitoring wells that were in the way essentially of where the slurry walls may be routed, and we were following up to relocate some new wells.

We continue to collect data from those same areas as part of our post closure-monitoring program that we require for the landfill.

And then finally, there at the bottom, our dredge pond environmental impact statement and environmental impact report is still under review internally and by the city of Vallejo's consultant Jones & Stokes to formally invite response to comments.

We have a meeting scheduled with the Army Corps of Engineers and the regulatory agencies in September to go over our proposed response to comments. And depending on how that progresses, we are anticipating being able to finalize that document in October of this year.

And that's all I have for Weston.

(g) Regulatory Agency Update (Chip Gribble/Carolyn d'Almeida/Gary Riley)

MR. DUNAWAY: Thank you, Cris. Any questions for Cris?

If not, why don't we move to the regulatory agency update. Chip, Carolyn, and we don't have Gary here tonight but --

MR. FREIDMAN: I'll stand in for Gary.

MR. DUNAWAY: Why don't you go first, Alan.

Mr. Alan Freidman

Okay, since I spoke up first.

We were involved in reviewing a number of cumulated documents investigating and recommending closure with underground storage tanks and fuel oil pipelines within the Lennar property.

In some cases the investigations showed that the suspect tanks, in fact, had not contained petroleum products, so closure was an easy decision. Some of the tanks did contain product, but sampling showed the results to be acceptable to our standards.

We also commented and concurred with remedial investigation feasibility study report for the C3 property of Lennar.

Gary also wanted me to note that he had submitted comments to the Navy on a investigation area F1 perchlorate letter. This is one of the emerging chemicals that the more you look the more you find in the environment. This is a common contaminant in areas that formerly had ordnance and other pyrotechnic material. We agreed to no further action at this particular time, but of course we'll take a look at the future to see if anything else is indicated.

We have Alec Naugle of our staff reviewing the investigation area H1, the landfill remedial investigation report.

We've also pulled our in-house wetlands expert Andrea Grow who will be assisting with the wetlands mitigation portion of that. We're grateful to have her expertise on this.

And lastly, we also submitted comments on the environmental assessment document for a federal transfer of Navy property to the U.S. Army reserve. It's a small property in which they demolished several buildings and rebuild a new structure, but we and DTSC had concerns over whether the existing site environmental conditions had been fully taken into account. We are quite amenable to additional investigation as needed.

That's the report.

MR. DUNAWAY: Thank you, Alan. And just to clarify, the environmental assessment that the Army did wasn't for the transfer of the property but it was for a demolition of six buildings.

MR. FREIDMAN: Yes.

MR. DUNAWAY: They already have the property from the Navy and the Navy continues to work with them on environmental issues.

Carolyn or Chip? How about Chip now?

Mr. Chip Gribble

Well, pretty much everything has been said by somebody or another, one person or another.

I would like a copy of, a new copy of, an updated copy of a RAB member list, if that's not too much to ask for. I have some RAB members that I have no phone numbers for, and I'm kind of frustrated that I can't contact them.

And that's it, I think everything else has been mentioned pretty much.

MR. DUNAWAY: Okay. I'll send out that list to the entire BCT.

Carolyn.

Ms. Carolyn d'Almeida

Well last month I reported that we were in the process of redelegating TSCA authority for the PCB sites in the Lennar parcel, signature authority, redelegating it to the Superfund program to speed up the process.

Most of the documents that CH2M Hill have submitted have been reviewed by myself, but because they're so short staffed in the TSCA program, we've got, they've got one person reviewing all the PCB issues for the entire region, and that person is also supposed to get all the copies to his supervisor to get them signed. We're just trying to shorten the process.

So far the language for the delegation of authority has been approved and it's sitting in the regional administrator's office. And I think the person who normally does this is on maternity leave, so it hasn't happened yet. But I did see Max today and he said that he was going to get to those letters. And so you should be getting a bunch of them out shortly.

This month we got a couple of letters out and I brought copies of them, a few copies, I think I might have maybe five copies each of a couple of letters that we sent out.

One is our comment letter on the draft final technical memorandum and evaluation of offshore data gaps. This is the ecological risk assessment. And I believe I'll send a couple this way and a few that way.

And then the other one -- and if there's not enough copies and people want, I didn't bring enough for everybody, but if people want extra copies just let me know and I'll make more copies and send them to you.

The other one is our response to comments. This is actually a response to the Navy's response to our comments on the draft remedial investigation report for investigation area F2. That is IR04, the green sand sandblast area along the straight.

And so I can send a couple this way and that way.

And that's it.

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

MR. DUNAWAY: Thank you, Carolyn.

Why don't we go to our co-chair reports. Myrna, you want to go first?

Ms. Myrna Hayes

Mine will be brief, it will just be to apologize for actually forgetting the RAB meeting last month, sorry about that.

Mr. Jerry Dunaway

For the Navy co-chair report, does anyone not have a copy of this? It was up at the front table today. I can hand out some for those who haven't gotten them. Let's see. Actually I need a copy, sorry.

(LAUGHTER.)

MR. DUNAWAY: There's something that's not on here I just wanted to update you on. We are working on getting a new contractor out there for the Marine Corps Firing Range. We're doing a site walk with our selection of contractors next week, and progressing to getting a new contract in place by the end of September.

For work that's ongoing. You heard Alan talk about the perchlorate sampling, we did some of that in area F1, but we also are doing soil gas sampling down in that same area, and that's what those pictures are on the lower right-hand side there.

The text talks a little bit more about that.

More interestingly, of course, is on the back page. On Monday Josh from Lennar gave me a call later in the day and said they had found a couple of things that came off of a screening device. They're screening some soil and found these two items, and he thought they looked kind of suspicious.

Turns out they were munitions. They were digging in an area where they note they had some debris underground, and it was general construction debris, metal, concrete, and stuff like that. They had to dig it out so they could have a good foundation to build on. They were screening out that stuff they had dug out to get the debris out of the soil, and that's where these two items were found.

We responded -- Diana.

MS. KREVSKY: No, I'm just amazed. It's the unknowns.

MR. DUNAWAY: Yeah. And the way that Josh explained it is it's the old original shoreline of the island that effectively got buried over, I think it's in this area over here. And obviously a bunch of stuff was dumped there and then just covered over with reclaimed land.

We responded by coordinating with the Vallejo Police Department, Travis Explosive Ordnance Disposal Unit. Got 'em out here to assess these two units or these two items. They confirmed one, one of 'em was inert, it didn't have anything in it, they could see all the way through it.

The other one was indecisive because they couldn't see in the cavity. They x-rayed it, didn't have any evidence that it was completely empty, so we were treating it like a potentially live item.

Moved these items to our storage magazine. And really what's going on now, starting tomorrow, we flew out a couple of guys from the east coast who oversee Lennar's work of the remaining pile that they have to screen through, and that should be done within the next seven to eight days, thereabouts.

The concern is there's a preschool nearby and they're starting up on September 8th, so we're going to finish this work before then.

So that's the exciting news of the month, if you will. We are continuing to have meetings with the city, Lennar, and Weston on early transfer progress. No spectacular progress to report at this point, but we're making our way.

One thing I did want to also mention is a meeting we had earlier today about the Fish and Wildlife Service parcel. And in working with Christy and her boss, I'm guessing Marge is her boss.

MS. SMITH: Marge Cohen, yes.

MR. DUNAWAY: We had what turned out to be a three-hour meeting and we had a lot of good information exchanged.

We talked about fed to fed transfers earlier. A lot of the issues have resulted in fed to fed transfers that have kind of fallen apart, one of 'em being right up the street here, it's Skaggs Island. We're trying to prevent that from happening for the fed to fed transfer, the Fish and Wildlife Service transfer here at Mare Island.

And we sat down, worked out what our concerns were on both sides. At the field level we're hoping we can convince our folks back at D.C. to make this transfer happen and make this a success, and not have it fall apart. Because we recognize the service enjoys being on the parcel, it works well for them and, quite frankly, it works well for the Navy too because they're managing our endangered species out there.

And so we're going to continue to make progress. On the Navy end our secretary of staff has told us they would like to see the transfer happen by the end of the year. We'll see if we can get there. But generally speaking, we have a few things to do first.

And I will want to discuss with the regulators some of the environmental issues too where you guys can help out.

Chip.

MR. GRIBBLE: Is that to say that you need or desire to complete the environmental, resolve the environmental issues for that property prior to this transfer?

MR. DUNAWAY: No, we don't see that being possible because some of the things will not be done within this calendar year. And yeah, the Navy is committed to continuing the cleanup if the transfer were to happen, say, by December 31st.

Carolyn.

MS. D'ALMEIDA: What exactly is the holdup on Skaggs Island transfer?

MR. DUNAWAY: Well, it's not a holdup anymore, I believe it just fell apart. There was a dispute on what turned out to be just one term in the agreement for the remaining cleanup, and that was on unknowns, who will take responsibility for unknowns. And that is something we need to work out here for this parcel too. However this is about 160 acres, Skaggs was 3,300 acres about.

We think for the 160 acres here we've done a much more comprehensive look-see to characterize the site to eliminate unknowns or to minimize the chance of unknowns. So we're working through that.

MR. GRIBBLE: I think it's unfortunate that that Fish and Wildlife parcel still has environmental issues in it unresolved. The few issues that are out there the Navy has had, has passed on several opportunities to have completed that work in the past.

And I would say that's, that if the Navy hadn't passed on that, we'd be pretty close, if not at a point where we would be done with that parcel environmentally speaking.

I'm speaking of the ordnance issues that was carved out of the surveys of the dredge ponds as a whole; the UST work out there where we repeatedly requested the Navy to get those done with a package with other USTs, and yet they're still unresolved.

MR. DUNAWAY: Well, I'm not here to argue how work was or was not done in the past, but --

MR. GRIBBLE: I kind of wonder about the arguing if I read your update sheet correctly, the progress report correctly, but that's another issue.

MR. DUNAWAY: All right. I'm not sure what that means, but from my understanding the UST site at building 505, Gary is basically ready to give us closure on it, so we've continued to make progress. I'm not sure what you're referring to in the fact sheet.

MS. HAYES: Well I do think it's safe to say that the early transfers did take priority over cleaning up this site and getting it ready for transfer. I mean that's clearly, a lot of things just didn't happen for a couple of years, and this site is one of them, in my opinion, that just didn't, didn't have much action taken on it because those were more pressing priorities.

If people are not really clear about what Jerry is talking about about the issue, it's a national issue between the Department of Interior and the Department of the Navy because the Fish and Wildlife Service very carefully took a look at the natural resources on closing, including BRAC bases, and made, as is their right, a federal to federal transfer request for properties throughout the nation.

And they have continued to make a case that the Navy should remediate the properties prior to them receiving, the, the Department of Interior receiving them, and that they should make some provisions for this, the discovery of unknowns, for funding the remediation after the discovery of unknowns occurs. And that's something that we've just come to expect with the early transfers and the transfers to private or non-federal agencies.

But apparently the way the Navy's lawyers explain it to me anyway, or the way staff does, is that because it's not actually a deed transfer, it just goes to another federal agency, there

isn't necessarily a mechanism or a requirement for the Navy to fund cleanup in perpetuity like there would be for the property transferring to a private party or to another non-federal property.

MR. DUNAWAY: It's the CERCLA covenant that, one, says all response actions have been taken; and two, the come back provision of that covenant. That's not provided when the property is not transferred.

MS. HAYES: So it depends, those transfers then depend on either the deep pockets of and the risks, the willingness for, of the new federal property owner to accept that risk.

And in the case of the Fish and Wildlife Service, the Department of Interior in general, as compared to maybe, say, the Department of Defense agencies, they don't see where they will have those kinds of possible budget scenarios given that they have an O&M budget that's already \$2 billion in the arrears, and they're routinely, you know, under funded. Their national budget for a hundred million acres of refuge management is less than the four military bands budget put together.

So the agency, the Department of Interior, I mean you know that I went to refuge advocacy boot camp, the Department of Interior just feels that it cannot accept property without some sort of assurance of somebody, the Department of Defense coming back and picking up the bill for unknowns.

So that's what the issue really is at the national level, and that's what Jerry is explaining and trying to creatively get around here and come to a resolution on.

MR. GRIBBLE: I would say that I don't think that's correct to say that the Fish and Wildlife parcel took a back seat or was not expedited like the early transfers.

There was work that had to be done on the western early transfer parcel prior to that property being acceptable to California State Lands Commission. We had work plans and documents, and we had packaged the work over there for investigation area, I think it was I or J or whatever the letters were, to have that done as it, which would have included, that work would have included the Fish and Wildlife parcel.

But the Navy and Weston proceeded on that work only for that portion of investigation area I that was within the western early transfer, the future western early transfer parcel.

It would have been no additional stretch to include the entire investigation area I as it was originally crafted to simplify that. And if that had been done, the ordnance issue would have been resolved for that, the UST issues would have been resolved, because we were trying to get the UST issues done for investigation area I as well.

But they broke that out for just the part that went to State Lands Commission and left the other stuff to sit there. And in fact, hold up progress on the Fish and Wildlife parcel.

I think that now that that's coming into play, and unfortunately the property isn't, isn't done environmentally speaking, but it would have been if you had followed my recommendations at the time.

MR. DUNAWAY: Well, I recognize that your desires were for us to include the Fish and Wildlife Service parcel environmental work into the western early transfer cleanup agreement, but there was no connection between the two that would have provided anymore impetus for the Navy to fund that.

We have other areas of investigation area I today that the agencies have yet to allow Weston to progress on. To us, those are higher priority sites than the Fish and Wildlife Service due to the nature of the risk.

So there would have been, by that experience today, even if we had included it in the ESCA, there would have been no guarantee we would have gotten to closure on those issues within the Fish and Wildlife Service parcel.

It was simply a business decision. Yes, it would have taken more money, and it was money that we were trying to focus on supporting the early transfers. The Fish and Wildlife Service really played no part in that.

VI. ADJOURNMENT

MR. DUNAWAY: Are there any other questions, comments, or anything?

All right. Well, sorry we are a little bit late, why don't we adjourn the meeting.

(Thereupon the foregoing was concluded at 9:12 p.m. 2112 hours)

CDM Transmittal

CDM.

9444 Farnham Street, Suite 210
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To: Diane Silva
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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	<input checked="" type="checkbox"/>	Approved	<input type="checkbox"/>
For your review	<input type="checkbox"/>	Approved as noted	<input type="checkbox"/>
For your signature	<input type="checkbox"/>	Returned to you for correction	<input type="checkbox"/>

● **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 