

**ENVIRONMENTAL OFFICE
NAVAL TRAINING CENTER
33502 DECATUR ROAD, SUITE 120
SAN DIEGO, CA 92133-1449**

RESTORATION ADVISORY BOARD

AGENDA

DATE: Tuesday evening, 9 August 1994

TIME: 6:30 -7:30 PM

LOCATION: NAVAL TRAINING CENTER, PUBLIC AFFAIRS OFFICER
(PAO) AUDITORIUM, BUILDING #201
(Enter NTC Gate 1 at Lytton and Barnett; maps to building will be
available from guard)

6:30 -6:35 WELCOME AND INTRODUCTIONS

BRIEF OVERVIEW - Agenda and Meetings Objectives

MINUTES APPROVAL - July 26

6:35-7:15 DISCUSS DRAFT PRELIMINARY ASSESSMENT
COMMENTS

RECEIVE DRAFT CERFA REPORT

7:15-7:30 QUESTION AND ANSWER/PUBLIC COMMENT PERIOD

**ENVIRONMENTAL OFFICE
NAVAL TRAINING CENTER
33502 DECATUR ROAD, SUITE 120
SAN DIEGO, CA 92133-1449**

Subject: RESTORATION ADVISORY BOARD MEETING MINUTES

The eleventh Restoration Advisory Board (RAB) meeting was held on **Tuesday, August 9, 1994**, at the Naval Training Center (NTC), PAO Auditorium, Building #201, from 6:30 until 8:30 PM.

Mr. Jim Durbin, RAB Community Co-Chair, called the meeting to order at 6:34 PM. A visiting public attendee introduced himself as Mr. Albright. Mr. Durbin proceeded to the business for the evening, noting that the agenda would be followed as presented with a brief discussion of document comment procedure, RAB comment on the Draft Preliminary Assessment (PA), and distribution of the Draft CERFA Environmental Baseline Survey (EBS) report.

Business Items

Approval of Minutes - Mr. Durbin proposed that the July 26th RAB meeting minutes be approved. It was so moved and seconded, and the motion was carried.

It was mentioned that over the weekend some news articles appeared in the *Union-Tribune*, indicating that remedial work at NTC apparently had begun, of which the RAB was not aware. After some discussion clarifying the articles, it was agreed that since the RAB receives first-hand knowledge of cleanup activity at NTC, the RAB should give more credence to the information received at RAB meetings and through NTC mailings, rather than through the media.

DRAFT PRELIMINARY ASSESSMENT (PA) COMMENTS

The comments discussed at this meeting represent a "first cut" and are not the final RAB recommendations to the Navy on the PA. Mr. Durbin stressed the importance of providing RAB comments in writing (some had already been received in writing, and the letter from RAB member Laura Hunter of the Environmental Health Coalition was prepared as an overhead for the night's discussion). Formal written RAB comments will be finalized at the August 23 RAB meeting and delivered to the Navy by September 2, 1994. Mr. Durbin led the discussion, proceeding through the document section by section. The comments included in these minutes represent a general overview and summary.

Site 4: Classified Document Incinerator - The RAB's major comment on the PA was that Site 4 was recommended for No Further Action. A majority of the RAB indicated that insufficient background data were accumulated to make this determination, and that past

workers at the incinerator be sought out for interviews. Mr. Phill Dyck, RAB Navy Co-chair, explained that in fact the Navy and its contractor have been actively searching to find such people, with the aid of public announcements and press releases through radio and television media. Mr. Lee Saunders, Public Affairs Officer for Southwest Division, noted that two Navy newspapers, *The Compass* and *The Navy Dispatch*, had run articles last week requesting that personnel come forth who had worked at the incinerator. The RAB was interested in finding out from these individuals whether photographs were burned there, and what was in the soaking tanks and sumps.

Site 5: Fire Fighter Training School - This site was recommended for Further Action, yet some questions remain unanswered for the RAB, who felt that the outfall and the drains from Site 5 leading to San Diego Bay need to be studied. Also, groundwater in the area leads eventually to the bay and therefore needs to be addressed, because impacts to groundwater could directly affect humans and the environment.

Site 6: Golf Course Maintenance Shop - This site was recommended for Further Action, yet also raised some questions for the RAB. For example, widespread use of DDT at the golf course in the past should be considered, rather than focusing only on one location (maintenance shed), and the possibility of an air pathway for DDT.

Mr. Durbin reiterated the need for receiving these and any other comments in writing, in addition to the ones already received. He can be reached only at his home telephone and fax numbers (437-8341/437-8817). Kurt Baer, NTC Remedial Project Manager, asked that he receive a draft of the RAB's comments before the next RAB meeting so he can review them and, if necessary, ask for clarification. Mr. Durbin indicated he expects to have all the RAB comments back to him by the end of next week (August 19).

DRAFT COMPREHENSIVE CERFA ENVIRONMENTAL BASELINE SURVEY (EBS)

Mr. Dyck distributed copies of the Draft CERFA EBS to the RAB members present. He indicated that the RAB should be prepared to discuss comments at the August 23 meeting.

ANNOUNCEMENTS

Other documents to be available soon are the Workplan for soil removal at Sites 2 and 7 (September 13 RAB distribution) and the Workplan for investigation of the NEX Gas Station (October 11 RAB distribution).

Mr. Dyck reminded the RAB that the meetings are for the benefit of the RAB and that agenda topics can be submitted to him any time. Since these meetings are for the RAB, it is preferable that the RAB develop the agendas, rather than the Navy.

The meeting was adjourned by Mr. Durbin at 8:30 PM.

DOD POLICY ON THE IMPLEMENTATION OF THE
COMMUNITY ENVIRONMENTAL RESPONSE FACILITATION ACT (CERFA)

I. PURPOSE

This policy provides guidance to the Department of Defense (DoD) Components on implementing the Community Environmental Response Facilitation Act (CERFA), Public Law 102-425, Oct 19, 1992, as it amends Section 120(h) of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) of 1980 (42 U.S.C. Section 9620(h)) for identifying and documenting all uncontaminated real property, or parcels thereof, at installations undergoing closure or realignment. The DoD Components may develop implementing procedures containing additional requirements based on their own specific organizational needs and unique requirements but which will, at a minimum, include, but not conflict with, the following documentation and procedures. Nothing in this policy shall affect, preclude, or otherwise impair the termination of DoD operations on real property owned by the United States.

II. APPLICABILITY AND SCOPE

A. Applicability

This policy applies to the identification and documentation of uncontaminated real property controlled by the DoD Components where DoD plans to make excess property available for reuse pursuant to a base closure law. Uncontaminated property is defined as any real property on which no hazardous substances and no petroleum products or their derivatives, including aviation fuel and motor oil, were stored for one year or more, known to have been released, or disposed of. For purposes of this policy, the term "base closure law" includes the following:

1. Title II of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100-526; 10 U.S.C. Section 2687 note).
2. The Defense Base Closure and Realignment Act of 1990 (Part A of Title XXIX of Public Law 101-510; 10 U.S.C. Section 2687 note).
3. Section 2687 of Title 10, United States Code.
4. Any provision of law authorizing the closure or realignment of a military installation enacted on or after the date of enactment of CERFA.

B. Scope

The policy's scope intends to meet the following objectives:

1. Ensure protection of human health and the environment.
2. Develop a DoD-wide process to assess, determine and document properties (parcels) which can be considered "uncontaminated" as defined above and in CERFA.
3. Ensure appropriate consultation with the public and coordination with and concurrence of regulatory agencies without unduly encumbering DoD's authority and mandate to make property available for reuse in a timely manner.

III. POLICY

A. Requirement for Assessment, Determination and Documentation of Uncontaminated Property

In the case of real property to which this policy applies, the head of the DoD Component with accountability over the property, or his/her designated representative, shall assess, determine and document the real property, or parcels thereof, that can be considered as "uncontaminated" as defined above and in CERFA. This assessment and determination will be based on an Environmental Baseline Survey (EBS) as described below.

B. Investigation

1. Environmental Baseline Survey (EBS). An EBS will be prepared for each installation being closed or realigned. The EBS will be based on all existing environmental information related to storage, release, treatment or disposal of hazardous substances or petroleum products on the property to determine or discover the obviousness of the presence or likely presence of a release or threatened release of any hazardous substance or petroleum product. In certain cases, additional data, including sampling and analysis, may be needed in the EBS to support the determination.

A previously conducted EBS may be updated as necessary and used for making a CERFA determination, where appropriate. An EBS also can

satisfy other environmental requirements (e.g., to reach a Finding of Suitability to Lease [FOSL] or Finding of Suitability to Transfer [FOST]).

2. Procedures for Conducting an EBS. The EBS will consider all sources of available information concerning environmentally significant current and past uses of the real property and shall, as a minimum, consist of the following:
 - a. Detailed search and review of available information and records in the possession of the DoD Components and records made available by the regulatory agencies or other involved Federal agencies. DoD Components are responsible for requesting and making reasonable inquiry into the existence and availability of relevant information and records to include any additional study information (e.g., surveys for asbestos, radon, lead-based paint, transformers containing PCB, Resource Conservation and Recovery Act Facility Assessments and Investigations [RFA & RFI]) to determine what, if any, hazardous substances or petroleum products may be present on the property.

NOTE: The presence of some of the above noted conditions (e.g., non-friable asbestos) should not preclude a CERFA determination of "uncontaminated." However, their presence and any required protective actions should be identified and addressed.

- b. Review of all reasonably obtainable Federal, state, and local government records for each adjacent facility where there has been a release of any hazardous substance or any petroleum product, and which is likely to cause or contribute to a release or threatened release of any hazardous substance or any petroleum product on the real property.
 - c. Analysis of aerial photographs that may reflect prior uses of the property which are in the possession of the Federal Government or are reasonably obtainable through state or local government agencies.

- d. Interviews with current and/or former employees involved in operations on the real property.
- e. Visual inspections of the real property; any buildings, structures, equipment, pipe, pipeline, or other improvements on the real property; and of properties immediately adjacent to the real property, noting sewer lines, runoff patterns, evidence of environmental impacts (e.g., stained soil, stressed vegetation, dead or ill wildlife) and other observations which indicate actual or potential release of hazardous substances or petroleum products.
- f. Identification of sources of contamination on the installation and on adjacent properties which could migrate to the parcel.
- g. Ongoing response actions or actions that have been taken at or adjacent to the property.
- h. A physical inspection of property adjacent to the real property, to the extent permitted by owners or operators of such property.
- i. Sampling, if the circumstances deem appropriate.

NOTE: For the purposes of paragraphs b, e, f, g & h above, "adjacent properties" should be defined as either those properties contiguous to the boundaries of the property being surveyed or other nearby properties. In either case, the survey should be addressed to those portions of the properties relatively near the installation that could pose significant environmental concern and/or have a significant impact on the results of the EBS.

- 3. Documentation of an EBS. At the completion of the EBS, a report will be prepared which will include the following:
 - a. An Executive Summary briefly stating the areas of real property evaluated and the conclusions of the survey.
 - b. The property identification (e.g., address, assessor parcel number, legal description).

- c. Any relevant information obtained from a detailed search of Federal Government records pertaining to the property, including available maps.
- d. Any relevant information obtained from a review of the recorded chain of title documents regarding the real property. The review should address those prior ownerships/uses that could reasonably have contributed to an environmental concern, and, at a minimum, cover the preceding 60 years.
- e. A description of past and current activities, including all past and current DoD and non-DoD uses to the extent such information is reasonably available, on the property and on adjacent properties.
- f. A description of hazardous substances or petroleum products management practices (to include storage, release, treatment or disposal) at the property and at adjacent properties.
- g. Any relevant information obtained from records reviews and visual and physical inspections of adjacent properties.
- h. Description of ongoing response actions or actions that have been taken at or adjacent to the property.
- i. References to key documents examined (e.g., aerial photographs, spill incident reports, investigation results). (The documents will be made available by DoD upon request.

IV. PROCEDURES AND RESPONSIBILITIES

- A. Regulatory agencies will be notified at the initiation of the EBS. The process of development of these documents will be designed to assure that regulators are provided adequate opportunity to express their views. Regulators will be provided with workable draft documents as they become available. Regulatory comments received during the development of these documents will be reviewed and incorporated as appropriate. Any unresolved regulatory comments will be included as attachments to the EBS.

- B. Once completed, the appropriate DoD Component official will review the EBS report and will, in the appropriate instance, determine that the property, or some portion of it, is uncontaminated as defined above and in CERFA.
- C. Once the above-required determination has been made, the EBS report and determination will be provided immediately to the United States Environmental Protection Agency (EPA) Administrator and state and local government officials and made available to the public. In addition, a request for concurrence in such determination will be included in the submittal to the appropriate regulatory official. This will take place at the earliest possible time, but no later than 120 days prior to the deadlines discussed below. Additional supporting documentation will be made available upon request. In the case of real property that is part of a facility on the NPL, the appropriate concurring regulatory official will be the EPA Administrator or designated representative. In the case of real property that is not part of a facility on the NPL, the appropriate regulatory official will be the designated state official. In the case of a concurrence which is required from a state official, the concurrence is deemed to be obtained if, within 90 days after receiving a request for the concurrence, the State official has not acted (by either concurring or declining to concur) on the request for concurrence. The DoD Components will address relevant comments from regulatory officials that are received within the first 90 days of the 120-days period. Every effort will be taken to resolve any conflicts at the installation - regulatory agency level. Unresolved comments will be forwarded to the DoD Component's Deputy Assistant Secretary level. The EBS report along with regulatory comments, DoD responses to those comments, and signed regulatory concurrence will be included in the installation records and, where appropriate, in the Administrative Record.
- D. The identification required under paragraph III is not complete until the above concurrence in the results of the identification is obtained.
- E. For installations described in paragraph II.A. on which operations have been closed or realigned or scheduled for closure or realignment pursuant to a base closure law described in paragraphs II.A.1. or II.A.2., by the date of the enactment of CERFA, the identification and concurrence required above shall be made not later than 18 months after such date of enactment. (For installations designated in BRAC 88 or BRAC 91, the

REPRODUCED BY THE NATIONAL ARCHIVES
identification and concurrence process will be completed by April 19, 1994 [18 months after the CERFA enactment date of October 19, 1992].)

- F. For installations described in paragraph II.A. on which operations are closed or realigned or become scheduled for closure or realignment pursuant to the base closure law described in paragraph II.A.2. after the date of the enactment of CERFA (October 19, 1992), the identification and concurrence required above shall be made no later than 18 months after the date by which a joint resolution disapproving the closure or realignment of the real property under Section 2904(b) of such base closure law must be enacted, and such a joint resolution has not been enacted.

- G. For installations described in paragraph II.A. on which operations are closed or realigned pursuant to a base closure law described in paragraphs II.A.3. & 4., the identification and concurrence required above shall be made not later than 18 months after the date on which the real property is selected for the closure or realignment pursuant to such base closure law.