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NAVAL STATION TREASURE ISLAND
ENVIRONMENTAL RESTORATION ADVISORY BOARD MEETING

17 DECEMBER 1996

7:00 P.M.

COPY

FLEET ADMIRAL NIMITZ CONFERENCE CENTER

TREASURE ISLAND

MEETING NO. 28

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TRANSCRIPT OF PROCEEDINGS

REPORTED BY: STEPHEN BALBONI, CSR NO. 7139

A T T E N D E E S

1

2 U.S. NAVY:

3 JAMES B. SULLIVAN (BEC and Navy Co-Chair)

4 ERNIE GALANG (RPM)

5 HUGO BURTON (NAVSTA TI)

6 PRC ENVIRONMENTAL MANAGEMENT, INC.:

7 SHARON TOBIAS

8 THORSTEN ANDERSON

9 STACEY LUPTON

10 REGULATORY AGENCY:

11 GINA KATHURIA (RWQCB)

12 CHEIN KAO (DTSC)

13 RACHEL SIMONS (US EPA)

14 MARTHA WALTERS

15 COMMUNITY MEMBERS:

16 PAUL V. HEHN (Alternate Community Co-Chair)

17 GARY JENSEN

18 RICK NEDELL

19 PATRICIA NELSON (Community Co-Chair)

20 DALE SMITH

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A T T E N D E E S (Continued)

COMMUNITY MEMBERS:

TI MUSEUM (LAURIE GLASS)

TI YACHT CLUB (HARLAN VAN WYE)

USHA VEDAGIRI

BRAD WONG

P R O C E E D I N G S

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CO-CHAIR SULLIVAN: I think we are ready to start.

I think probably because of the holiday season, the attendance won't be as high as at previous meetings.

We thank you for coming out during the holiday season.

Also, I apologize for the lack of lights on California Avenue. You can't blame that on PG&E. It's the Navy system. I think one of the underground cables shorted out during the storm, so we are in the process of repairing that to get the lights back on.

So we switched from the Casa last month to the Nimitz this month. We might be switched back to the Casa next month. We have to be kind of flexible during this last year of the Naval Station because of the closures. So we may end up having to move the meeting around several times. So please note the meeting locations in the agenda.

1 First, were there any written notes concerning
2 the RI that we could pass on to look at prior to our
3 8:25 discussion?

4 If anyone has any notes that they would like
5 to pass concerning the remedial investigation report or
6 the skeet range report?

7 (No response.)

8 CO-CHAIR SULLIVAN: All right. Next item
9 would be discussion and approval of tonight's agenda.
10 There are additional copies on the side table.

11 So are there any comments concerning tonight's
12 agenda?

13 (No response)

14 CO-CHAIR SULLIVAN: There being no comments,
15 we will consider the agenda approved.

16 The next item is discussion and approval of
17 the November meeting minutes, and there is additional
18 copies of the November meeting minutes also on the side
19 table if anyone needs one.

20 Is there any comment concerning November

1 meeting minutes?

2 MR. KAO: I have one comment.

3 Just for the record, on page 7 of the minutes,
4 there was a comment that I made about suggesting to have
5 a portion of the RI that was not including a draft
6 report to be made available as a -- on the third line of
7 the comments -- as a supplement to the draft RI rather
8 than just RI.

9 CO-CHAIR NELSON: Is this the last comment on
10 the page?

11 MR. KAO: Right. The bottom of page 7.

12 CO-CHAIR SULLIVAN: Okay.

13 MR. KAO: So my comment was, it should read:
14 Results of these activities should be made available as
15 a supplement to the draft RI rather than incorporating
16 the results into the draft final RI.

17 (Ms. Dale Smith and Mr. Harlan Van Wye enter
18 room.)

19 CO-CHAIR SULLIVAN: So we just opened the
20 meeting and we are discussing the November meeting

1 minutes.

2 There is additional copies on the side table
3 if you need one.

4 Yes, Dale?

5 MS. SMITH: Are you accepting corrections to
6 the minutes?

7 CO-CHAIR SULLIVAN: Yes.

8 CO-CHAIR NELSON: We are in the process.

9 MS. SMITH: Because I also have a change to
10 the minutes.

11 CO-CHAIR SULLIVAN: Okay.

12 CO-CHAIR NELSON: Do you want to describe
13 those?

14 MS. SMITH: Yes, thank you.

15 Under Mr. Ramos' discussion of the Nimitz
16 housing, the questions and comments.

17 CO-CHAIR NELSON: On a particular page?

18 MS. SMITH: I will try to find that.

19 It would be either 4 or 5.

20 I asked for a clarification of how many feet

1 down was the land assessment done. That's not included
2 in the questions. He has never responded to me as to
3 how many feet down the land assessment was performed.

4 I think that's something that should be
5 included. Even though the military cannot respond to
6 that, I think it is important to have that as an item of
7 concern, lead-based paint contamination around the
8 historical buildings. He never responded.

9 CO-CHAIR SULLIVAN: We are actually still in
10 the process of going through the comments that we
11 received and from the discussion also at our BRAC
12 Cleanup Team meeting, which we had a week ago yesterday.

13 Can I ask Dale for clarification? Is there a
14 concern that maybe the samples were, the samples we
15 might have taken were too shallow or too deep?

16 MS. SMITH: Too shallow.

17 CO-CHAIR SULLIVAN: Too shallow, okay.

18 MS. SMITH: Because the statement I had made
19 was that the Presidio found there was lead contamination
20 two feet below surface level, which I'm very surprised

1 at, but the housing, Nimitz housing, is approximately
2 the same age as some of the housing at the Presidio, and
3 so the contamination may be that deep.

4 So all this talk about mulching on top may be
5 something that is just cosmetic.

6 CO-CHAIR SULLIVAN: So the concern is that the
7 sampling may not have been deep enough.

8 MS. SMITH: I just want to know how deep the
9 sampling was done.

10 CO-CHAIR NELSON: Would you suggest then that
11 the question that you had that is number 4 on page 4,
12 how much testing for lead was conducted around the
13 buildings below the surface at depth, to distinguish it,
14 rather than the extent of testing around the perimeter.

15 CO-CHAIR SULLIVAN: About the middle of page
16 4.

17 So, basically, your question would then just
18 encompass how much and how deep.

19 MS. SMITH: How deep, yes.

20 CO-CHAIR SULLIVAN: Okay.

1 MS. SMITH: Thank you.

2 CO-CHAIR SULLIVAN: All right. Are there any
3 other comments concerning the meeting minutes of
4 November?

5 (No response.)

6 CO-CHAIR SULLIVAN: There being no further
7 comments --

8 CO-CHAIR NELSON: I think we need a motion to
9 approve the minutes as amended by Chen and Dale, but,
10 also, we would want Dale's question responded to in the
11 next iteration of the minutes.

12 CO-CHAIR SULLIVAN: That's agreed.

13 Actually, I think I could partially respond to
14 it later as part of this meeting, because, in fact, we
15 were discussing this particular issue earlier this
16 morning at EFA West.

17 CO-CHAIR NELSON: Would somebody like to make
18 a motion?

19 MR. HEHN: Motion to change the minutes or
20 accept the minutes.

1 MR. WONG: I will second it.

2 CO-CHAIR NELSON: Thank you, Brad.

3 MR. WONG: Whatever Paul said.

4 CO-CHAIR NELSON: The revised minutes will be
5 issued with the December minutes.

6 CO-CHAIR SULLIVAN: Yes.

7 The next item is public comment period,
8 although I don't see any members of the general public.
9 So if there were any members of the general public and
10 they wanted to make any general comment, this would be
11 the opportunity.

12 But in that case, we will move on to program
13 updates. Under general updates, we had a BRAC Cleanup
14 Team meeting a week ago Monday and Rachel will summarize
15 that.

16 MS. SIMONS: Yes.

17 We actually only had one meeting this month,
18 and it was our monthly BCT meeting.

19 There is two main topics. The first one was
20 the revisions to the BRAC Cleanup Plan, which is coming

1 out, I think, at the end of this month.

2 Then the second half of the day, we talked
3 about the FOSLs, our agency's comments on the FOSLs, and
4 this included the Nimitz FOSL, the Coast Guard summary
5 document, and the police academy training FOSL. And we
6 also talked about the future plans for sort of large
7 zone FOSLs that are coming up.

8 And that's about it.

9 CO-CHAIR SULLIVAN: Under reuse issues,
10 Martha, is there anything you want to add on reuse?

11 MS. WALTERS: No.

12 Just the fact that the city has come up with a
13 possible priority list, and I've shared that with Jim.

14 Jim, the City and the Navy are now having
15 weekly meetings, and it's been extremely productive.
16 They run about an hour and a half to two hours every
17 week. It's really good because we go over every item
18 every week so we can update and people follow through.

19 And I have provided, the City has provided the
20 Navy with our FOSL's zone list. I was talking to Paul a

1 little bit earlier before the meeting tonight, and I
2 will get that to you and share it with the Community
3 members.

4 CO-CHAIR SULLIVAN: Okay.

5 CO-CHAIR NELSON: I have a question for
6 Rachel.

7 MS. SIMONS: Yes.

8 CO-CHAIR NELSON: And that is, there is
9 something that we have been following, I guess, every
10 other month, and that's the BTAG update.

11 MS. SIMONS: Yes. I did talk to my
12 representative, whose name is Clarence Callahan, he's an
13 ecological risk assessor for Treasure Island, the
14 EPA-BTAG representative.

15 I asked him, you know, when are you going to
16 come and give a presentation for the third or fourth
17 time?

18 Essentially, what he said is that, at this
19 point, they are still waiting for the Navy to get the
20 document, the big thing they are working on right now is

1 a set of screening levels.

2 CO-CHAIR NELSON: Right.

3 MS. SIMON: They are still waiting for the
4 document.

5 At this point, I think he said February is
6 when they were expecting it. So at this point, he
7 didn't really have anything to update besides that.

8 Once they get the document, they start looking
9 at it and negotiating and stuff and there will be more
10 time. That was it.

11 MS. VEDAGIRI: Who is preparing those numbers,
12 is it the Navy and their contractors?

13 MS. SIMONS: Yes.

14 MS. VEDAGIRI: So at what point does it get
15 input from Clarence and -- is it Susan Gladstone?

16 MS. SIMONS: That's right. It's all those
17 people.

18 The way I understand it, the Navy is preparing
19 the document and they propose the numbers. Then it goes
20 to the agency for comments at that point.

1 MS. VEDAGIRI: I don't know. The impression
2 that I got from listening to Susan talk was that there
3 had already been some level of --

4 MS. SIMONS: Those are different.

5 I think when she was here, she was talking
6 about different numbers. This is what I think. They
7 were doing terrestrial numbers, which were TRVs, toxic
8 reference values.

9 These were actually the sediments in the bay.
10 These are from cleaning up the sediments in the bay. So
11 that's what this document is.

12 The TRVs, I think, are in the RI, so those you
13 should have the comments on.

14 MS. VEDAGIRI: Okay.

15 CO-CHAIR NELSON: Brad?

16 MR. WONG: Question: You mentioned you
17 discussed the FOSLs for the Nimitz house.

18 Did you discuss my comments that I had sent
19 forward as part of that?

20 CO-CHAIR SULLIVAN: Yes, yes. In fact, we got

1 a fax on those and we've distributed it.

2 MR. WONG: What was decided in the
3 conversation? I would be interested in knowing.

4 CO-CHAIR SULLIVAN: Actually, I was going to
5 go over that later, but that's all right. It's short.
6 It's under FOSLs. I didn't have a specific line item
7 for it.

8 But, basically, in a nutshell, there was
9 concern, you know, not only our comment of concern
10 concerning lead on the site, as well as comments of
11 concern from the regulatory agents or from Region 9, and
12 as a result, we were going to complete the FOSL for
13 Nimitz House with a restriction against residential use
14 initially until we can do a little more work, and then
15 move to amend the FOSL at some later, unspecified date
16 to allow a more unrestricted use of the property.

17 But, specifically in regard to your question,
18 we looked at the relationship of the Nimitz House with
19 respect to the lead levels, the samples that we had
20 taken from the adjacent CERCLA site. And the nearest

1 sample site to that, to the Nimitz House lawn was about
2 75 parts per million.

3 The higher samples tended to be on the south
4 side of the bridge, and the lower samples were on the
5 north side of the bridge, so from the amount of sampling
6 that we have done, it appears that probably because of
7 the prevailing winds, the irony of the concern is going
8 to turn out to be more south of the bridge and not
9 nearest the Nimitz House lawn.

10 MR. VAN WYE: And that's Coast Guard property,
11 right?

12 CO-CHAIR SULLIVAN: Pardon?

13 MR. VAN WYE: That's Coast Guard property,
14 right?

15 CO-CHAIR SULLIVAN: It's a combination of the
16 Coast Guard property and Navy property, both.

17 MR. WONG: And CalTrans.

18 CO-CHAIR SULLIVAN: CalTrans has an easement,
19 but the Navy and Coast Guard actually own all of the
20 property.

1 MR. WONG: So if I understood correctly, the
2 FOSL that we read, it was being released for residential
3 use, and so you are changing, you're putting more
4 stringent to what?

5 CO-CHAIR SULLIVAN: Stringent restriction on
6 use.

7 MR. WONG: Industrial?

8 CO-CHAIR SULLIVAN: No, just nonresidential,
9 which would be, you know, commercial, occasional social
10 use of the site would fall more into a commercial use,
11 like this building, for example.

12 MS. SMITH: Which is actually an industrial
13 category for reuse.

14 We keep going around commercial versus
15 industrial.

16 CO-CHAIR SULLIVAN: I think I need help on
17 this.

18 MS. SIMONS: We considered them sort of the
19 same.

20 MS. SMITH: Exactly.

1 MR. WONG: Well, I would be remiss if I didn't
2 just make my comment on that, and then I will let it go.

3 But that fundamentally doesn't address the
4 issue of why I made the suggestion, which is, when you
5 use large amounts of entertainment, which it is designed
6 to do, you can assume there will be a lot of kids
7 running around and playing in the yard and keeping them
8 away from the formal ceremonies and stuff.

9 I think if the FOSL originally called for
10 putting wood chips as a way to buffer people from being
11 exposed to lead in that area, I think a fence could do
12 it as well.

13 So changing the classification of the FOSL, I
14 understand what that allows you to do, but it
15 fundamentally sidesteps my issue, and I just want to say
16 that.

17 MS. WALTERS: Actually, I would like to back
18 up a little bit.

19 The Nimitz House is going to be used for
20 ceremonial purposes only, maybe 10 or 12 times a year,

1 and they will not be like large gatherings with lots of
2 kids. I think we need to be realistic.

3 MS. SMITH: But there are many other houses
4 associated with that property transfer. There are seven
5 other buildings.

6 MS. WALTERS: I understand what you are
7 saying, but we are just focusing right now on the Nimitz
8 House, and I just wanted to let you know about what the
9 anticipated use is going to be for it now.

10 CO-CHAIR SULLIVAN: Of course, Dale, this is
11 not, we are not dealing with transfer at this point. We
12 are just dealing with the current limited uses. I think
13 what we will see, this FOSL will probably go through
14 some phases.

15 So I think we may be doing some additional
16 work and then further amending the FOSL at a later date;
17 of course, each amendment of the FOSL would involve RAB
18 and regulator consultation.

19 MR. WONG: Well, if that's the case, then I
20 would just, again, have to respond: I would like to see

1 a lease restriction that no children are allowed at
2 ceremonies.

3 What you tried to suggest is, there aren't
4 going to be kids running around playing in the dirt and
5 stuff, so restrict it.

6 MR. VAN WYE: Isn't that a bit of overkill?

7 MS. WALTERS: I think it is.

8 MR. VAN WYE: Give me a break. I mean, they
9 are only going to be there on a rare, sporadic occasion.

10 To suggest that anybody could be seriously
11 damaged, it just seems to me to be so beyond the pale.

12 CO-CHAIR SULLIVAN: Well, I understand the
13 comment.

14 It probably also warrants internally to take
15 another look at frequency of exposure, because the
16 frequency has an effect, too, for a resident person
17 versus an occasional visitor, but your comment is
18 appreciated.

19 MR. HEHN: Jim, actually, this original FOSL
20 was not only for the Nimitz House alone, but also for

1 all the surrounding houses and buildings.

2 Has that been revised and now only affects the
3 Nimitz House, or are all the other houses and buildings
4 around it going to be included?

5 MS. WALTERS: You're talking about quarters 1
6 through 7, right?

7 CO-CHAIR SULLIVAN: Well, the FOSL covers the
8 whole site, but the initial lease is just for the Nimitz
9 House.

10 The other houses, there is no firm schedule
11 for leasing. It might be some months or longer in the
12 future.

13 MR. HEHN: So those have been separated out in
14 that original FOSL, then?

15 CO-CHAIR SULLIVAN: No, no. They are in the
16 FOSL.

17 MS. WALTERS: They are in the FOSL. We are
18 talking about the lease.

19 CO-CHAIR SULLIVAN: The only building that's
20 actually being used is the Nimitz House.

1 MR. VAN WYE: Jim, do I understand what they
2 are contemplating, and, of course, you read it in the
3 papers, is that the Nimitz House is essentially going to
4 become a social facility for the Mayor of San Francisco
5 to be under his control to be able to use for the
6 ceremonial things and conferences?

7 CO-CHAIR SULLIVAN: I'm not in the position as
8 the Navy to really comment directly at how the city will
9 use the house.

10 Basically, the Navy is leasing the house to
11 the City for nonresidential use.

12 MR. VAN WYE: It's my understanding this is
13 going to be under the control, essentially under the
14 control of the Mayor of the City of San Francisco.

15 MS. WALTERS: That's exactly right, Harlan.

16 MR. VAN WYE: So I wouldn't like to spend a
17 lot of time trying to put restrictions on Willie Brown.
18 I mean, give him the lease, give him the approval, and
19 let's get on with some real business.

20 MR. KAO: I think the point really is to make

1 sure the lease reflects the kind of restrictions that
2 goes into the scenario when you design for the risk
3 evaluation.

4 So when you do a risk evaluation for the FOSL,
5 you go to several scenarios, and that scenario should be
6 reflected in the lease restrictions, however that is.

7 If it's the ceremonial use, then the risk
8 evaluation is based on that kind of use, then the risk
9 of the lease should reflect that kind of situation.

10 CO-CHAIR SULLIVAN: I agree.

11 MR. VAN WYE: Well, I think you can do
12 whatever you want to on paper, but, in point of fact,
13 once the mayor gets control of the property, he's going
14 to do whatever he wants.

15 CO-CHAIR SULLIVAN: Well, that's not quite
16 correct.

17 Just so we can close this subject,
18 basically --

19 MR. VAN WYE: You've obviously never dealt
20 with the mayor in Sacramento.

1 CO-CHAIR SULLIVAN: Well, anyway, I mean,
2 basically, when we lease the property, whether it's to
3 whomever we lease it, there's going to be lease
4 restrictions and the lessee needs to honor those
5 restrictions.

6 That's all I can say. It's a legal document.

7 MR. HEHN: Can I make one more question on the
8 BCT?

9 CO-CHAIR SULLIVAN: Yes.

10 MR. HEHN: I was just going to make a question
11 about, in the last BCT minutes of November 5th, there
12 was a statement in there on page 2 about accomplishments
13 identified by the BCT.

14 One of those was the completion of all onshore
15 environmental sampling for all CERCLA sites has been
16 completely characterized.

17 Do you feel that that's an appropriate
18 statement to make at this point since we really haven't
19 gone through the whole process?

20 MS. SIMONS: This was sort of like a

1 brainstorming meeting.

2 One of the ways that we -- this is the way I
3 understand it -- one of the ways that we get funding is
4 to show that we've made some progress.

5 The BCP is really important. Actually, that's
6 the only thing that a lot of people in the headquarters
7 look at.

8 We actually decided to change that slightly, I
9 think, but this was also sort of a brainstorming
10 session, where we sort of were throwing out there, what
11 can we say we've accomplished over the last year? And
12 that's sort of where that came out.

13 It will be in the BCP, you know, the
14 accomplishments section, but, you know, I think that we
15 decided to slightly reword it and make it milder. We
16 talked about this at the last meeting. We made it sort
17 of say, I think, the majority of the sampling has been
18 done. So we were trying to say, okay, well, what have
19 we done?

20 MS. KATHURIA: Make ourselves look really

1 good.

2 MS. SIMONS: Make ourselves look like we've
3 done something so we will keep getting funding.

4 CO-CHAIR NELSON: So are the minutes going to
5 be modified to reflect the context that you just
6 described?

7 MS. KATHURIA: The next month meeting from the
8 BCT meeting. This month's?

9 CO-CHAIR NELSON: Right. Are those minutes
10 going to be revised to reflect that the assessments and
11 sampling are largely completed rather than are
12 completed?

13 MR. GALANG: No. We are not going to revise
14 the November 5th meeting minutes, but it will be taken
15 care of in the last December 9th meeting minutes.
16 That's one of the topics that's been discussed.

17 CO-CHAIR SULLIVAN: So the discussion of the
18 November meeting minutes will be reflected in the
19 December meeting minutes.

20 CO-CHAIR NELSON: I'm getting the months mixed

1 up.

2 MS. TOBIAS: It will be taken care of.

3 MS. SMITH: But if you said that you completed
4 all of your work, why should the federal government give
5 you more money if you haven't completed your work?

6 MS. TOBIAS: But it won't say what those
7 minutes say right now. It won't say that all the work
8 is done.

9 It will say that the majority of the work, the
10 onshore sampling is completed at this time.

11 The federal government isn't looking to fund
12 studies. They are looking to fund cleanup at this
13 point.

14 MS. SMITH: I know, but you said the cleanup
15 is already characterized, therefore they will not need
16 to fund further characterization. That's my concern,
17 and that's what is happening throughout the cleanup
18 process throughout the United States. Companies like
19 you and the military are saying, "We did it all. We
20 don't have to do it any more." And the fed government

1 is saying, "Cool."

2 Further characterization is not done and there
3 is data gaps that are not being funded. Cleanup, quote,
4 unquote, is going ahead, and it's not cleanup.

5 MR. KAO: Well, actually, the department
6 disagrees with that statement.

7 In asking for the modification of those
8 minutes, I did not feel that we had agreement on that
9 particular statement. I thought we were going to modify
10 the minutes.

11 MS. SMITH: The Regional Water Quality Control
12 Board is not willing to modify minutes?

13 MS. KATHURIA: No. It's just this was a
14 brainstorming session. We were throwing things out.
15 What can we say good about ourselves so that we'll look
16 good and promote us in terms of funding: Look, this
17 group can get a lot done. Let's keep funding them
18 because they are moving forward.

19 So in that meeting, we were discussing and
20 just throwing ideas out there.

1 So in the December meeting, we said, okay,
2 what did we list? Let's go through what doesn't make
3 sense. So that's what Chen said.

4 Well, that one comment is not one hundred
5 percent true. Let's make it true and change it a little
6 bit or a lot -- I can't remember the changes -- let's
7 make it look right, and that's what we did.

8 Although it's not reflected in November in
9 that we were just brainstorming, in December, we will
10 talk about, what did we get from that brainstorming
11 session and how are we going to use it in the BCP.

12 So that's how I saw the process.

13 MR. HEHN: I guess one of the things is that
14 the minutes don't really reflect that.

15 If you say, well, we were talking about
16 general comments or general things, it says: These are
17 the revisions that are going to be made to the BCT.

18 So, yes, it kind of leads to the assumption
19 that, yes, this is already a done deal.

20 That's what my conclusion was. Sorry.

1 CO-CHAIR SULLIVAN: We will address this issue
2 to have it sufficiently accurately reflect the
3 situation.

4 CO-CHAIR NELSON: Just to reach closure, are
5 we done talking about the BTAG updates? Sounds like
6 there will be a February study going to be released by
7 the Navy, and maybe that's something we can schedule for
8 a presentation.

9 CO-CHAIR SULLIVAN: Yes. When is the
10 publication available? I'm not exactly sure what the
11 timing is as far as public availability.

12 But when is the document available?

13 MR. KAO: I was going to say, I don't know how
14 formal this is, but I actually participated in a senior
15 staff meeting with the Navy and EPA and Water Board.

16 In that meeting, this issue was brought up.
17 Apparently, within the Navy, there were internal
18 discussions going on as to how to develop this screening
19 criteria. There were documents or memos that was
20 circulated around within the Navy that they are

1 discussing that.

2 And so I'm not sure if that reflects the same
3 thing you talked about the February release.

4 MS. SIMONS: For the sediment screening
5 levels?

6 MR. KAO: Right.

7 MS. SIMONS: I don't know. I wasn't there at
8 the meeting.

9 Did they say when they were going to submit
10 them?

11 MR. KAO: No. Actually, the discussion was,
12 how are they going to develop this screening criteria?
13 It sounds like a different approach.

14 MS. SIMONS: I can find out about that.

15 I think the meeting was just yesterday, right?
16 Was the meeting yesterday that you went to?

17 MR. KAO: Thursday.

18 CO-CHAIR SULLIVAN: But I think it sounds like
19 we're within a few months or less of being able to
20 release information or release documentation.

1 When the documentation is available, we will
2 be able to share it with the RAB. I just don't have a
3 precise release date yet.

4 Okay. I would like to move into the BRAC,
5 into our presentation, and then come back to the action
6 items so we can really get back on schedule.

7 Under BRAC cleanup process, we are in the
8 process of revising the BRAC Cleanup Plan where the
9 draft revision is going to be available at the end of
10 this month.

11 We wanted to spend some time at this meeting
12 discussing one of the more significant changes in the
13 document.

14 Also to provide any opportunity for comment
15 from the RAB members, so Sharon will be discussing the
16 particulars involved in this latest change.

17 MS. TOBIAS: I will start by giving you a
18 handout.

19 I want to start with, you've all seen the BRAC
20 cleanup updates annually for the last two or three

1 years, depending on how long you have been on the RAB.

2 Typically, the updates include just a
3 progress, what's been accomplished within the last year,
4 you know, tanks removed, sites cleaned up, or tanks that
5 have been removed, staffing that's been completed and
6 what goes on in each of the compliance programs.

7 We also update the schedules, the applicant
8 schedule and the compliance schedule.

9 In chapter 4, we have the environmental
10 condition of property. What that does is, in that
11 chapter, we show the classifications. We talk about the
12 environmental pollution of property in relation to
13 transfer.

14 In September of '96, Congress passed the 1997
15 Appropriations Act, which amended CERCLA and CERFA in
16 how property gets transferred.

17 This law that got passed enables the transfer
18 of federal property if the following five conditions are
19 met: The property must be suitable for the intended
20 use; the intended use needs to be consistent with the

1 protection of human health and the environment; adequate
2 notice must be given; the transfer will not
3 substantially delay the response action, any remedial
4 action or cleanup phase to be done; and the response
5 action assurances must be given.

6 MR. VAN WYE: By whom?

7 MS. TOBIAS: Excuse me?

8 MR. VAN WYE: By whom?

9 MS. TOBIAS: I would assume the federal
10 government.

11 I have to admit, I'm at a disadvantage at this
12 presentation. I'm not a lawyer.

13 But, overall, what is done -- do you all
14 remember the seven environmental conditions of property?
15 Do you vaguely remember it from the past?

16 In each of those, storage was always
17 mentioned, storage of hazardous substances or petroleum
18 products.

19 Well, what this law did, storage is no longer
20 an issue, storage of hazardous substances or of

1 petroleum products. That has been eliminated from all
2 definitions.

3 MS. SMITH: What happens to the storage of
4 materials given the change in law?

5 MS. TOBIAS: What before would happen, there
6 was a category 2 originally. Category 2 said that there
7 might have been chemical storage here for less than a
8 year.

9 All of the categories discuss if there was a
10 release, disposal, migration or storage of hazardous
11 substances or petroleum products.

12 Now the law is concerned if there was a
13 release there from hazardous substances or petroleum
14 products.

15 Storage, if there was no release, is not an
16 issue.

17 If there was storage and release, the release
18 is still a concern.

19 So since they got rid of that category 2 that
20 had to do with storage of one year or less -- well, I

1 can't say why they did this, but all petroleum only
2 issues are now classified in category 2.

3 So what they did was, they eliminated in each
4 category where it said a release or disposal or
5 migration of hazardous substances or petroleum products,
6 all the other categories are for hazardous substances
7 only, such as CERCLA substances, and all petroleum only
8 issues are now classified under category 2.

9 Probably the more important feature is that
10 categories 1 through 6 can now be transferred if six
11 criteria are met.

12 In the past, only categories 1 through 4 could
13 be transferred. So, at this time, the EPA, it's my
14 understanding -- I'm not trying to speak for any of the
15 agencies -- but it's my understanding that the Navy, EPA
16 and DTSC are each coming up with their own policy on how
17 to implement the new law. That's what I was told.

18 MS. SIMONS: I haven't heard.

19 MS. TOBIAS: That's what I was informed.

20 So how it's going to be implemented has not

1 quite yet been determined, but this is what the Navy is
2 following now at this time.

3 MS. SMITH: Do you know the name and number of
4 that law and when it was promulgated?

5 MS. TOBIAS: It was a 1997 Appropriations Act.
6 It was passed in December of 1996. It's very recent.

7 It's on the beginning of your -- and I can
8 find out if there was a more detailed name of the law.

9 MS. WALTERS: DOD.

10 MS. TOBIAS: DOD?

11 The last thing on the back of your handout, I
12 did this cheat sheet for me, except that this is really
13 hard to read so you need to look at your handout.

14 It's about what the definitions were before
15 and what they are now. So if you look at yours, and I
16 apologize, you can't see it.

17 Category 2 is for petroleum only, and the
18 petroleum substances or petroleum products have been
19 removed from all the other categories, and the storage
20 has been eliminated.

1 I thought this might give you an idea of what
2 the categories are now. You will see this in your new
3 BRAC Cleanup Plan when you receive it at the end of this
4 month.

5 What the BCT did in October, they met to
6 reclassify the parcels based on the new definitions.
7 Some of the parcels that were previously in category 2
8 moved up to category 1. The only issue was storage, so
9 it automatically moved to category 1.

10 We had some category 6 parcels, which were
11 related to contamination. They moved into category 2
12 because they are petroleum only. The nine petroleum
13 only sites that you know of, transferred out of CERCLA.
14 They became category 2.

15 And there were some other changes.

16 I think it's really fair to say that the Navy
17 and, of course, the contractor, we were trying to
18 reclassify this to meet a deadline, and so when you see
19 these maps, there will be a note saying that concurrence
20 has not been received by the state on the

1 reclassification of the parcels or from the agencies
2 until they are completed and reviewed in the RI report
3 and corrective action plan.

4 So you will see some draft figures in the RI.
5 You will probably see new tables that show, well, you
6 will see a new table that shows the parcel --

7 MS. SIMONS: Sharon, that's BCP, right?

8 MS. TOBIAS: The BCP, I'm sorry, your cleanup
9 plan.

10 The recategorization of the property hasn't
11 been concurred upon by all the agencies until they
12 complete the review of the RI report to agree with the
13 fact that some parcels haven't been impacted by
14 migration.

15 There will be a new table in chapter 4 where
16 it's presented. It shows the parcel number, the old
17 category and the new category and why it got
18 transferred, so that should give you some background on
19 how the decision was made or what was discussed.

20 And that's all I had. The rest of the changes

1 are standard.

2 Any questions?

3 CO-CHAIR NELSON: Well, I have a comment, and
4 that would be, I think it would be of interest to the
5 RAB to have, I guess, all agencies present, and give
6 their line-up of what the category changes mean.

7 I know what you said was 1 through 6 can be
8 transferred, but category 6 under the new legislation as
9 summarized here is that, on such a piece of property,
10 the release of hazardous substances has occurred, and
11 the required actions have not yet been implemented.

12 I can't imagine any agency will allow it to be
13 transferred or leased unless the required actions have
14 been implemented, so I would like to suggest it be an
15 action item to arrange for such a presentation after you
16 discuss this at your BCT and give us an idea as to what
17 that means in terms of our review of the FOSLs.

18 MS. SIMONS: I don't know. This is really
19 new, and I don't know what our official agency position
20 is.

1 I think it's partly written into the law to
2 CERCLA 128.

3 MS. TOBIAS: It is.

4 CO-CHAIR SULLIVAN: Well, I guess, basically,
5 what it is saying is that, categories 5, 6 and -- well,
6 category 7 means you're still investigating, you don't
7 have enough information to make any kind of decision.

8 In fact, in the color coding system we use,
9 it's gray for obvious reasons.

10 In 5 and 6, you've identified a problem, but
11 under the old rules, until you had remediated it, until
12 the federal government remediated it, you couldn't
13 transfer the deed.

14 But under these new rules, you could transfer
15 the deed, but as part of that deed transfer, there has
16 to be an agreement that some party, whether it's still
17 the federal government or maybe some, whoever the new
18 owner of the property is, there has to be some
19 agreement, clear agreement, that somebody is going to
20 complete that cleanup.

1 So it's not a matter of the deed transferring
2 and the problems still being there and not being
3 addressed.

4 It's a way to allow earlier transfer of
5 property with either the federal government continuing
6 to clean it up, or the party that's accepting it
7 cleaning it up, because, in some cases, reuses can occur
8 even during the cleanup, for example, with groundwater.

9 CO-CHAIR NELSON: Laurie?

10 MS. GLASS: Jim, when you are talking about
11 that, say there was something that needed to be cleaned
12 up and the property was transferred.

13 Who is responsible for ensuring that that
14 cleanup has occurred? Say the responsibility is
15 transferred to the private party. I'm thinking about
16 this kind of thing: Let's not and say we did.

17 CO-CHAIR SULLIVAN: Well, this gets into the
18 real particulars of implementing this, I think, which is
19 part of what is still being worked on, but my
20 understanding is that there has to be some legally

1 binding agreement that I think the regulatory agencies
2 have to buy into that demonstrates clearly as to who is
3 responsible for the cleanup, and it's enforceable with
4 some legal means.

5 MS. GLASS: So in other words, the regulatory
6 agencies also have to buy into the agreement.

7 MS. SIMONS: And, also, if it was under
8 CERCLA, we follow our whole RFS/ROD process. They are
9 still on the hook until it's cleaned up.

10 So even if it was transferred, I mean for the
11 CERCLA, I would think that we are not going to forget
12 about it, if we are still going through this process,
13 regardless of whether it's been transferred or not.

14 Now, for the non-CERCLA stuff, I'm not sure,
15 but I would think that you're still following the same
16 process. I think it would be unlikely that we would
17 forget about it in terms of that.

18 MS. GLASS: And I had a follow-up.

19 CO-CHAIR NELSON: Chein and Brad and Laurie,
20 you said you had a follow-up.

1 MS. GLASS: Yes. I had one kind of similar
2 question.

3 The way I'm reading this and looking at it is
4 kind of a VEN diagram. It seems like one of the major
5 differences is that petroleum products is excluded. So
6 we have kind of hazardous substances and petroleum
7 products.

8 I don't know if there is any instance where
9 there is hazardous substances and there has been some
10 kind of migration of petroleum products. It is sort of
11 a combined situation that seems to be not covered here.

12 CO-CHAIR SULLIVAN: Well, when you have a
13 combination of hazardous substances, or call them CERCLA
14 substances and petroleum substances, when they are
15 combined, then the combination is still a hazardous
16 substance or a CERCLA substance.

17 It's only when you have just petroleum that
18 you can call it a petroleum site. That's why we moved
19 some of our sites out of CERCLA, but some of our sites
20 are still in CERCLA. Even though there may be some

1 petroleum issues there, there is also nonpetroleum
2 issues.

3 MS. GLASS: Thank you.

4 CO-CHAIR NELSON: Chein?

5 MR. KAO: Well, I was just going to try to see
6 if I could make the issue of, we call it dirty transfer.
7 To be clear, and I'm not right on top of the development
8 of that particular legislation, but toward the end of
9 the last session, there was a big discussion about dirty
10 transfer, which is the law is going to be changed so
11 that certain properties can be transferred, even still
12 dirty, but the liability stays with the responsible
13 party.

14 The last version I've heard was that when this
15 dirty transfer takes place, if it's NPL site, it needs
16 to get concurrence from EPA administrator.

17 If it's not NPL site, it needs to get state
18 governor's concurrence.

19 I'm not sure, I didn't follow through toward
20 the end. I don't know if that carries through. I'm not

1 sure. But it sounds like there was a lot of concern
2 about this issue.

3 I think if I can offer this, to bring one of
4 our specialists, who resides in Sacramento, who follows
5 this rather closely, maybe he can give us an update.

6 CO-CHAIR NELSON: That would be most welcome.

7 MS. SMITH: Most useful.

8 CO-CHAIR NELSON: Brad?

9 MR. WONG: I was going to say, what I kind of
10 read into this, and I think a presentation would be
11 great, Chein, whoever you bring in, what I read into
12 this, what it's saying is that, they wrote into the law
13 that whereas the federal government before was required
14 to identify, you know, classify and clean up reported
15 transfer, it's now open for negotiation.

16 So the federal government could do it as part
17 of the lease negotiation, or the deed negotiations. The
18 state might decide to do it, because they might want to
19 get involved. The city might want to decide to do it.
20 They might get Disney, if they would agree to do the

1 environmental cleanup.

2 So I'm reading this now as, the federal
3 government, you know, is responsible for identifying the
4 hazards, but, then, they have opened the door to be
5 negotiated who pays for the cleanup.

6 It doesn't mean it won't get cleaned up, but
7 they opened the door to who actually is going to pay for
8 it.

9 CO-CHAIR NELSON: Harlan?

10 MR. VAN WYE: I'm not quite sure that these
11 issues are anything that the RAB can control, although I
12 think they are fascinating to know.

13 My sense is that the import of Laurie's
14 question, from a legal standpoint, is whether any of
15 these transfer agreements where someone else besides the
16 federal government agrees to clean things up, whether a
17 third party right would be created in either a public
18 agency like, say, California Department of Water Quality
19 Control or some public agency would have a right to
20 intervene and force the transferee of the property to do

1 the cleanup, or whether some third party citizens, say
2 the Sierra Club, or some group of citizens ad hoc would
3 have the right to go to court to compel the other party
4 to clean things up.

5 It's a legal question that might depend upon
6 the specific state of the law. It might depend upon the
7 specific transfer agreement that was entered into. It's
8 all very fascinating, but I don't know if we can do
9 anything about it.

10 CO-CHAIR NELSON: Chein?

11 MR. KAO: I may not be very clear on how the
12 details are, but one thing that is clear, the law did
13 not change the liability. The liability stays with the
14 responsible party.

15 What it does change, the situation can arise,
16 if the property is still dirty after transfer, then you
17 have two responsible parties, and CERCLA law is, what we
18 call it, joint and several liability, the new owner
19 automatically becomes another responsible party.

20 MR. VAN WYE: Mr. Kao, with all respect, you

1 may have a liability, but you may have no mechanism
2 whatsoever to enforce it, because if the federal
3 government leaves and washes their hands of the
4 property, they may have no interest in enforcing it, and
5 the new owner who takes over may have no interest in
6 spending a vast amount of money to achieve a very
7 marginal benefit for cleaning up property that he or she
8 can continue to use.

9 And so there may be a right or a
10 responsibility, but there may be no enforcement
11 mechanism whatsoever, which may well be what's intended
12 by doing this little law shift so that everybody can
13 wash their hands of the problem.

14 MR. KAO: Are you suggesting there is no
15 enforcement mechanism for CERCLA?

16 MR. VAN WYE: I'm suggesting if neither the
17 federal government chooses to enforce it, nor the
18 oncoming property owner to whom the property is
19 transferred desires to enforce it, there may be no
20 mechanism to enforce it.

1 MR. JENSEN: The DTFC and the EPA both have
2 mechanisms to enforce it.

3 MR. VAN WYE: They may not care to enforce it.

4 MS. SMITH: They may not have the mechanisms.

5 MR. VAN WYE: I'm saying, this is very
6 fascinating, but it has nothing to do with anything that
7 we have to do with.

8 CO-CHAIR NELSON: Well, our tenet here is to
9 comment on what's been presented, and we are doing very
10 well with that.

11 Dale?

12 MS. SMITH: The City of Berkeley has had a
13 great deal of difficulty with this exact enforcement
14 issue.

15 When we move things out of CERCLA, then there
16 are no enforcement regulations, and you have to go and
17 you have to actually cite previous owners for petroleum,
18 PH, PAHs, and other hydrocarbon contaminations, which we
19 have had to do in the City of Berkeley.

20 This is not a trivial matter moving the

1 petroleum products out of the CERCLA. The CERCLA does
2 seem to have some teeth to it, but the other parts do
3 not.

4 Emeryville is totally without any cleanup
5 recommendations or requirements whatsoever because they
6 decided to remove themselves through the Regional Water
7 Quality Control Board from any cleanup. They don't have
8 to do it. Parts of this island could do the same thing.

9 It's not a trivial issue. This is a very
10 significant issue. Emeryville has proved it. 57 acres
11 are now filthy and will never be cleaned up. They're
12 going to be paved.

13 MR. VAN WYE: Let me just suggest, as a member
14 of the bar for 24 years and a judge for 4 years, this is
15 a perfect mechanism for everybody to totally wash their
16 hands and abandon the problem, including the state
17 regulatory agencies and the federal regulatory agencies.

18 It obfuscates responsibility, and, therefore,
19 nobody is responsible.

20 CO-CHAIR NELSON: I will look forward to lots

1 of participation in the subcommittee when we review the
2 BRAC Cleanup Plan.

3 MS. VEDAGIRI: I have a technical question.

4 CO-CHAIR NELSON: Yes.

5 MS. VEDAGIRI: When we talk about petroleum
6 products, does that include additives that could be in
7 the petroleum products but are not, themselves,
8 hydrocarbons?

9 MS. TOBIAS: Like NTBs? It would still be a
10 petroleum product, I would think.

11 MS. SMITH: But it's not been tested for.

12 MS. TOBIAS: No.

13 MS. VEDAGIRI: Does the Regional Board have a
14 policy? This question has come up several times at our
15 meetings.

16 MR. KAO: Actually, there have been two rounds
17 of legal battle, what is exactly a petroleum exclusion.

18 I have a policy that I can put out. It gives
19 you fairly detailed, and gives you some good examples.
20 I will be glad to give you a copy of that.

1 MS. VEDAGIRI: What is your policy on MTB, for
2 example?

3 CO-CHAIR SULLIVAN: Actually, there was just a
4 policy.

5 Let's make an action item. We can address
6 this issue of what is petroleum and MTBE.

7 MS. KATHURIA: When we are talking about
8 petroleum only, we are thinking about constituents that
9 come from a petroleum source.

10 So if it's an MTB, PAHs, benzene, if it comes
11 from a petroleum source, it's considered petroleum only.

12 The Board does have a policy on MTBE.

13 We are also doing a draft or revising our UST
14 regulations as well, and that would include MTBE policy
15 as well. That's still in the works. I think there is
16 an internal copy out there, and when a draft comes out,
17 I will make it available to everybody.

18 MS. VEDAGIRI: Well, the reason I brought it
19 up is because at some of our mid-month meetings, this
20 issue keeps coming up, because we assume that MTB, for

1 example, is part of the petroleum product.

2 But then you don't necessarily see that they
3 are sampling for it or specifically addressing it in
4 whatever document.

5 MS. KATHURIA: There is a policy on samples
6 and the detection levels.

7 MS. SMITH: But we don't see that in the
8 documentation.

9 Why are you asking for that documentation? If
10 you have detection levels, you have requirements, why
11 aren't we seeing them in the reports?

12 MS. KATHURIA: We see them in the monitoring.

13 MS. TOBIAS: Right. We just got them last
14 week.

15 MS. SMITH: So this is a new thing you're
16 talking about. This is not ancient and medieval
17 history. This is brand new.

18 MS. KATHURIA: No, it's not brand new.

19 MS. SMITH: Then why haven't we been seeing
20 it?

1 MS. KATHURIA: You will see why.

2 According to the scenario in which this policy
3 applies, the release had to occur at a certain time.
4 The releases here predated the time that the policy was
5 implemented. There was just some confusion on that
6 part.

7 CO-CHAIR SULLIVAN: Well, maybe still as an
8 action system, we can address this issue of what is a
9 petroleum release and all these related issues to that,
10 so we will cover that as an action item.

11 MR. HEHN: To follow up, I just wanted to
12 verify, Sharon: MTB is now going to be added to the
13 analysis?

14 MS. TOBIAS: We are still evaluating it.

15 MR. HEHN: So it hasn't been determined at
16 this point yet?

17 MS. TOBIAS: That's correct.

18 MR. HEHN: Okay.

19 CO-CHAIR NELSON: I just want to sum up the
20 action items that we have so far before we move on.

1 One of them is for the Navy and the agencies
2 to describe and provide the RAB copies of their policies
3 for sites qualifying for petroleum exclusion.

4 And the other -- I only had two action
5 items -- the other is to address the, I guess, the 1997,
6 the Appropriations Act changes to the seven categories
7 for reviews.

8 And Chein Kao has graciously offered to
9 arrange for a detailed use specialist to make us that
10 presentation.

11 Were there any action items that I missed?

12 (No response.)

13 CO-CHAIR NELSON: I think we can move on.

14 CO-CHAIR SULLIVAN: Okay. I have a two-part
15 discussion on the budget and FOSLs. I will pass around
16 the budget discussion. I don't have overheads, but we
17 can use this as a laptop, what we call a laptop brief.

18 Not a whole lot of changes concerning the
19 budget, happily. I've got an update on it as recently
20 as last week.

1 Our total dollar figure that we are looking
2 at, which is the same dollar figure that we talked about
3 four or five months ago, is about \$10.8 million.

4 What our focus on in '97 is, is completion of
5 most but not all investigations. Basically, we want to
6 get over the hump of investigations in '97, and then be
7 in a position to do less investigation and more cleanup
8 in '98.

9 Also, the preparation of the rods for our
10 onshore CERCLA sites and the start of some remediation
11 and promotion of reuse through EBSs and FOSLs.

12 The next couple of pages are really a laundry
13 list of the major projects which really cover all of our
14 study areas.

15 We have the BRAC Cleanup Plan update.

16 EBSs, FOSLs and FOSTs.

17 The underground storage tank program, which
18 consists of groundwater sampling, investigations, and
19 some of our sites will be moving into remedial design
20 this year.

1 Asbestos completion of the inventory as well
2 as the start of remediation.

3 Lead-based paint, completion of inventory,
4 design of abatement and abatement.

5 The fuel line removal.

6 Ozone depleting substances, inventory and
7 closing, and that's primarily fire suppression systems.

8 Above ground storage tanks. Design for their
9 removal and actual removal during this year.

10 And inventory of PCBs and probably some
11 abatement, if required, or that might be in '98.

12 Those two pages really are what we have been
13 calling BRAC compliance.

14 And this next page is what's covered under
15 what we have been calling the RI program.

16 We have the Phase II ecological offshore
17 sediment sampling.

18 RAB support, which, for budget purposes, comes
19 under installation/restoration.

20 Data management, which could include

1 electronic mapping.

2 The IR program groundwater monitoring.

3 ROD preparation.

4 Some potential interim actions at our YBI
5 sites, and that's an action that we might take if we
6 move to transfer Yerba Buena Island areas on a more
7 faster track. We are not sure if we will go ahead with
8 that or not.

9 In removal of contaminated soil, the old
10 firefighting school and the fuel farm and the gas
11 station.

12 And what have we funded to date? Well, of the
13 10.8 million, we have about, we only have 1.3 million.
14 And the bulk of that funding has gone to phase II
15 ecological offshore sediment sampling.

16 But we also funded the RAB support, the BRAC
17 Cleanup Plan update, some environmental baseline survey
18 work to sample the storm water system.

19 What that consists of is not actual sampling
20 of storm water, which is covered under an operational

1 program. It's not part of the cleanup, but rather we
2 sample soil outside of the pipelines to make sure that
3 if contaminants got into the storage system, they didn't
4 migrate out of the system.

5 So we are trying to eliminate the storm sewer
6 system as a potential contributor to contamination of
7 soil in the areas around the pipeline.

8 And then the UST groundwater sampling, which
9 is a separate sampling program from the IR sample, it
10 totals 1.3 million.

11 So as we continue to be funded, we will
12 continue to work the projects that make up the total
13 \$120 million package.

14 And that's really it. We are always hoping
15 for additional money, but we will be satisfied to at
16 least be able to execute the program the way we planned
17 it.

18 Any comments or questions concerning the '97
19 budget program?

20 CO-CHAIR NELSON: I guess I had one if nobody

1 else did.

2 Back in August, you prepared a Navy station
3 island -- excuse me -- plan, which is a more detailed
4 list than what you just described.

5 CO-CHAIR SULLIVAN: Yes.

6 CO-CHAIR NELSON: And I guess if we were
7 closer to 11 million in that summation, not including
8 ongoing funding projects or overhead and internal costs
9 for this process, so I'm not asking what happened to the
10 half million.

11 But can you update this for those of us who
12 reviewed the budget?

13 CO-CHAIR SULLIVAN: The budget total we did
14 the presentation on back a few months ago, the total was
15 10 million 956. And, actually, 10 million 956.440, but
16 that was based on estimates at the time.

17 And the estimates have kind of been adjusted
18 over the last couple of months so the line items are
19 basically the same. It's just that the total is closer
20 to 10.8 million. So it's a difference of about \$150,000

1 or so.

2 CO-CHAIR NELSON: But, really, all the items
3 on the list are funded at some level. There have been
4 no items not funded.

5 CO-CHAIR SULLIVAN: Correct.

6 CO-CHAIR NELSON: Okay.

7 MS. WALTERS: How much does the Navy spend on
8 RAB support per year?

9 CO-CHAIR SULLIVAN: I think it's somewhere,
10 part of it will depend on how you do the accounting,
11 whether you account for all the labor time of all the
12 personnel involved, or just the, say, the contracted
13 time, or contract services, like our esteemed court
14 reporter.

15 I think it's -- I know it's under \$100,000 and
16 probably less than 50,000. I don't have a precise
17 figure on that, but I think it's a percentage of the
18 total project.

19 It's pretty small, and I think, at least I'm
20 assuming, the level of service we have been providing to

1 the RAB is sufficient.

2 MS. WALTERS: I was wondering what the range
3 was.

4 CO-CHAIR SULLIVAN: Any other comments or
5 questions concerning the budget?

6 Pat's comment is well-taken, to make sure that
7 we are accounting for all the line items.

8 The other half of this is on the FOSLs, and
9 this is kind of a work in progress. But we wanted to
10 involve the RAB, and, as Martha had mentioned, the City
11 has been working with the Navy on putting together our
12 FOSL priorities for this year.

13 We wanted to take the time to get RAB input
14 for the directions we were heading this year. This is
15 the most ambitious FOSL undertaking, much more so than
16 the past year, '96.

17 So what are we doing in '97? Our focus is to
18 support the City's reuse plan; make as much property
19 available as possible; the FOSL larger zones instead of
20 the smaller parcels, because it can be a lot more

1 efficient to look at a larger piece of property than a
2 single building. The report for a large area may not be
3 bigger than the report for a single building, as you
4 probably noted in some of the boilerplate that's in
5 these reports, but also to avoid conflict between
6 cleanup and reuse.

7 And this is a work in progress, but,
8 basically, we are looking at a couple of zones or large
9 areas to FOSL this year, '97.

10 The first one, and they don't have official
11 names, but the first one basically represents the west
12 side. I don't need the map to show this, but this is, I
13 think, everyone pretty much understands the geography by
14 now.

15 But, basically, the first area is the west
16 side of TI, the San Francisco side. Nonresidential
17 areas that would include the existing marina, Building
18 1, the chapel, and there is a library building adjacent
19 to the chapel, and the Casa de la Vista and the Fogwatch
20 Restaurant which is just north of there. And then

1 further north, we have two barracks or dormitory
2 buildings, 452 and 453. Those are sometimes known as
3 the Star Barracks. They are asterisk shaped.

4 And, then, also, the child care center, the
5 fire station and this complex, the Nimitz Center, and
6 open space.

7 So this is a fairly large area, but it's also
8 an area in which we don't have a lot of cleanup action
9 going on. So this is one site that we think we can move
10 more quickly through the FOSL process. In fact, this
11 area has the largest number of category 1 sites.

12 "Category 1" meaning there is no environmental issues on
13 this site.

14 The second area is the south side of Treasure
15 Island. This is kind of a fill-in area. We already
16 have done the FOSLs for the movie studios in building
17 180, building 2 and building 3, and this kind of fills
18 in the gaps to complete the FOSLization of the south end
19 of TI.

20 Probably for, you know, in part for potential

1 expansion of the studio operations and maybe for some
2 other uses, and this area includes the commissary, we
3 have a more modern office type building, building 450,
4 piers 1 and 12 and open space.

5 The next area would be the Yerba Buena Island
6 family housing. And that would be the family housing
7 excluding what we've already FOSL'd in the Nimitz
8 complex, or will FOSL in the Nimitz complex, and also
9 excluding our CERCLA sites. That would be the landfill,
10 the sludge disposal area, the Clipper Cove Tank Farm,
11 and the lead areas of concern under the bridge. So this
12 would allow the existing family housing to be utilized.

13 And then the next area would be the TI family
14 housing, and, similarly, that would also exclude any
15 cleanup sites.

16 And, then, lastly, the fifth area still needs
17 to be definitized a little more. It's basically the
18 east side of Treasure Island. We have to look at that a
19 little more closely as far as what types of uses there
20 might be for that area, but it also has the highest

1 proportion of cleanup sites.

2 MR. VAN WYE: Where in this scheme of things
3 does the offshore skeet range come?

4 CO-CHAIR SULLIVAN: It actually doesn't in
5 terms of FOSL, because, I mean, what we are talking
6 about here is strictly finding the suitability to lease
7 an existing property.

8 So the marina, for example, I mean, the two
9 existing operations in Clipper Cove are, for example,
10 the marina and our military piers, piers 1 and 12, so we
11 have those covered in the FOSL plan.

12 MR. VAN WYE: One of the things that I can
13 easily contemplate is that somebody that would be
14 interested in leasing the marina would want to build and
15 expand, and it would inevitably impact on the skeet
16 range area, so I'm just wondering how definitively that
17 logically fits together.

18 CO-CHAIR SULLIVAN: I think I anticipated that
19 question, and I think we were addressing here existing
20 properties that were leasable.

1 As far as a proposal for new construction in
2 Clipper Cove, I think our existing, at least the Navy's
3 position right now is that we have further investigatory
4 work to do and that we would have to, if someone would
5 propose that to us, we would have to consider it, but we
6 are not prepared to FOSL the open waters of Clipper Cove
7 yet.

8 CO-CHAIR NELSON: Dale?

9 MS. SMITH: What about the center of the
10 island?

11 CO-CHAIR SULLIVAN: Well, the center of the
12 island actually is covered, you know, between the west
13 side area and the east side area, it's basically --

14 MS. SMITH: No, it's not. You're talking
15 about Nimitz. That's really very close to the west
16 side.

17 You're talking about east side, that's the
18 firefighting school.

19 You have the medical facility, you've got vast
20 amounts of open space, and you have the old Medical

1 Center.

2 CO-CHAIR SULLIVAN: It's actually, well, let
3 me clarify.

4 Actually, what is sort of in the middle,
5 though it's not exactly geographically in the middle, is
6 the job corp setting. So you have the job corp center
7 here (indicating), which we are transferring to the
8 Department of Labor.

9 And then on the east side of that is this
10 fifth area, this miscellaneous area.

11 So while I use the term east side, and that's
12 not an official designation, it really meant everything
13 east, which includes areas well inland.

14 CO-CHAIR NELSON: Well, I almost hate to ask
15 for it, but is there an overlay that could define all of
16 this?

17 CO-CHAIR SULLIVAN: Since this is a work in
18 progress, we will be in a position to provide that maybe
19 by the next meeting.

20 MS. WALTERS: Keep in mind, it's a work in

1 progress. It's going to be constantly changing.

2 MR. WONG: I have a question.

3 CO-CHAIR SULLIVAN: Yes, Brad?

4 MR. WONG: Would it be fair to say, I think
5 you're giving examples under each zone.

6 CO-CHAIR SULLIVAN: Yes. It's not an
7 exhaustive list of all the facilities.

8 MR. WONG: Essentially, what I would guess is,
9 you divided the whole base up into five zones, and
10 within '97, the whole island is going to be able to be
11 leased, so transferred over, I mean, except for those
12 few CERCLA sites.

13 CO-CHAIR SULLIVAN: Or any other site of
14 cleanup, like, just to clarify, it wouldn't just be the
15 CERCLA sites.

16 But, say, if there were areas of contamination
17 around the pipeline as we pull them up, or the UST
18 sites. So there are some non-CERCLA sites.

19 MR. WONG: But, essentially, the strategy is,
20 instead of holding all this property, we give you this

1 property while we retain the small parcels to work on,
2 is how I read it, kind of the shift in this, because you
3 basically covered the whole base.

4 If I look through this, and it may be off, I
5 don't know, this might be in the priority that the FOSLs
6 might come at us?

7 I mean, Zone 1 seems like that could be really
8 ready to go pretty quickly.

9 Zone 2, as you said, is a fill-in for a lot of
10 what we did.

11 And what you're doing is saving Zone 5,
12 because that is the most dirty area, probably, for the
13 RAB.

14 MS. WALTERS: It's also the City's priority,
15 too.

16 CO-CHAIR SULLIVAN: Yes, and the fifth area,
17 which may be just coincidentally, the fifth area, the
18 east side area is probably less definitized in terms of
19 interim reuse, and it also happens to have a higher
20 proportion of cleanup sites.

1 So, actually, we may just turn out to be lucky
2 in that respect, that the more desirable areas turn out
3 to have the fewer concerns.

4 CO-CHAIR NELSON: Is there a schedule that
5 goes with this?

6 CO-CHAIR SULLIVAN: We are not to that stage
7 yet.

8 We are just starting to scope out the contract
9 to do it and to put together a schedule, which we will
10 be working on with the City, and, of course, we will
11 need the funding to do it, which we hope to get soon
12 after the 1st of the year.

13 MR. WONG: Jim, I just want to make it clear,
14 I'm not passing judgment, but, essentially, the way I
15 read this, and what we are suggesting is, during the
16 course of '97, the vast majority of TI will be on line.

17 CO-CHAIR SULLIVAN: Actually, no, and I may
18 have erroneously given that impression.

19 Actually, it will depend on how much areas we
20 have to exclude because of the cleanup.

1 Right now, I couldn't give you a firm
2 percentage, so when you add it all up, whether it turns
3 out to be like, say, 60 percent FOSL and 40 percent
4 withheld for cleanup, I don't know what that percent
5 breakdown is.

6 The intent is to be able to make available as
7 much as we can as long as it's not going to conflict
8 with the cleanup.

9 CO-CHAIR NELSON: Paul?

10 MR. HEHN: Well, I think when you talk about
11 Zone 1, you talk about no environmental issues in that
12 area.

13 I assume you were just talking about above
14 ground environmental issues that needed to be resolved.

15 CO-CHAIR SULLIVAN: Yes, or fewer issues.
16 It's not like zero issues, but the east side of the
17 island, traditionally, has had less intensive use and
18 more personnel management related and training related
19 as opposed to light industrial operations.

20 MR. HEHN: So things in Zone 1 might be put

1 out as FOSLs similar to maybe building 2 and 180 and
2 that kind of stuff, where there are some restrictions to
3 subsurface use and that kind of thing because of the
4 tanks that were there?

5 CO-CHAIR SULLIVAN: Depending on what was
6 there. I mean, if we still have an active UST
7 investigation site, and there are, even in this first
8 area, there might be restrictions on excavation.

9 But in some of this east side or west side
10 area, where there is category 1, where the parcels have
11 been identified as having no issues, there may actually
12 be no restrictions on the reuse.

13 CO-CHAIR NELSON: Jim, I have a question. I
14 know this is a FOSL plan, but in August, you had
15 provided the RAB a schedule indicating that there would
16 be some thoughts coming up in, I guess, January or March
17 of '97 for cat 1 and 2, which are clean land parcels.

18 Are they in Zones 1, 2, 3, 4 or 5?

19 CO-CHAIR SULLIVAN: In a few places, and,
20 actually, that schedule now is kind of shifting. It's

1 because we don't have the funding at hand yet to start
2 the work.

3 And, actually, that may be a shift, too,
4 depending on what we may want to do on what the Navy and
5 the City decide.

6 Originally, we were considering doing the
7 findings of suitability of transfer for parcels that
8 were ready to transfer, but if, in fact, the City isn't
9 ready, or somebody isn't ready to accept that by
10 transfer, maybe we don't want to do that right away.
11 Maybe we want to concentrate on the FOSLs instead.

12 CO-CHAIR NELSON: So the FOSTs will not be
13 forthcoming, but there will be reports to us when they
14 will be?

15 CO-CHAIR SULLIVAN: Yes.

16 Are there any other comments concerning the
17 FOSL?

18 (No response.)

19 CO-CHAIR SULLIVAN: This is really the first
20 shot at it to get some initial comment on it. The City

1 and Navy are continuing to refine that.

2 Rick?

3 MR. NEDELL: In the conversations you have
4 been having with the City, have they indicated any
5 willingness to pick up some of the cleanup costs to
6 expedite this FOSL process?

7 CO-CHAIR SULLIVAN: No.

8 MS. WALTERS: It's the Navy's responsibility.

9 MR. WONG: Cleanup is part of the FOSL? I
10 didn't think it was.

11 MS. SMITH: No, it isn't.

12 CO-CHAIR SULLIVAN: Tangentially, I guess. If
13 someone came in and cleaned something up, then that
14 would affect what the use restrictions might be in the
15 FOSL.

16 MR. WONG: Right.

17 CO-CHAIR SULLIVAN: So in some cases, we might
18 do some cleanup in association with the FOSL just to
19 remove some lease restrictions.

20 And in other cases, we might just FOSL as is

1 with the associated restriction.

2 MR. WONG: And lead and asbestos are
3 notification issues unless it's friable.

4 CO-CHAIR SULLIVAN: For asbestos, it's pretty
5 much a given if the material is -- and this occurred
6 with the movie studios -- if the material is damaged and
7 accessible. We would, for any type of usage, we would
8 go in and repair that prior to occupancy, which we did
9 with the studio buildings.

10 And for lead-based paint, well, it would only,
11 it would apply only if it was a real, if it was a
12 significant industrial hygiene issue, I mean, where it
13 was a real problem, which we are unlikely to see here,
14 or if it was a residential situation, where the levels
15 are much more sensitive.

16 MR. WONG: But isn't the responsibility just
17 to notify that it is there, it's not to abate it or
18 whatever, right?

19 CO-CHAIR SULLIVAN: If there was, I mean, if
20 there was a hazard, if there was an imminent threat to

1 human health, then somebody would have to take action
2 before anybody occupied the building, either the Navy
3 would have to take action prior or the potential lessee
4 would have to take action prior.

5 But in the case of notification, like in the
6 case of asbestos, if the material is in good condition
7 but it's there and it could be damaged, that's something
8 that we would, that notification we would provide to the
9 City and the lessee.

10 For example, the movie studios would use that
11 information in case they go to modify the interior of
12 the building, which they do. They need to know what
13 materials are asbestos containing and what's not.

14 CO-CHAIR NELSON: Are we ready for a break?

15 CO-CHAIR SULLIVAN: All right.

16 (Short break.)

17 CO-CHAIR SULLIVAN: Our next item, just to
18 provide time for any questions concerning the draft
19 remedial investigation report and skeet range report,
20 and I think we had one comment card, and we can address

1 that, and at least take any other comments, although we
2 may not be prepared to address any other comments we
3 receive right away.

4 MS. TOBIAS: I lost the toss, the coin toss.

5 We have two comments. The first one is with
6 the groundwater. It's not evaluated based on human
7 health risk assessment because it is not a drinking
8 water source now or in the future.

9 Is it ever likely to be used for any other
10 purposes, such as irrigation, for gardening, sanitary
11 and shower uses, et cetera?

12 Well, I think sanitary and shower uses fall
13 into the drinking water source.

14 MS. VEDAGIRI: Well, actually, that's not
15 true.

16 I worked on sites. I was curious about all
17 future land uses where people might be living there or
18 whatever, working there, they might be trucking in water
19 for people to drink because this water is not suitable
20 to drink.

1 Are they also going to be trucking in water
2 for every possible use that people might have, such as
3 showers and so on?

4 CO-CHAIR SULLIVAN: Well, it's expected that
5 the existing water distribution system, you know, we
6 receive water by pipeline over the Bay Bridge. The
7 primary source is San Francisco, but we also have a
8 backup to East Bay MUD, and then that feeds the
9 reservoirs on Yerba Buena Island.

10 So the assumption is that that system will
11 continue to provide potable water to Treasure Island.

12 MS. VEDAGIRI: And as far as capacity, right
13 now maybe 100 people use water on Treasure Island.

14 Suppose, in the future, under these different
15 conditions of land use, if there were 1,000 people?

16 CO-CHAIR SULLIVAN: Well, in general, I don't
17 remember the specifics, but my general remembrance of
18 the City's existing conditions report is that the
19 existing reservoirs we have, and I think it's in excess
20 of 3 million gallons, it might be as much as 5 million

1 gallons storage capacity, it was sufficient for what the
2 reuse plan was conceived to be.

3 MS. KATHURIA: Real quickly, the City of San
4 Francisco did their own groundwater analysis. They call
5 it the Master Plan. They, themselves, looked at
6 possible development within their County and the City of
7 San Francisco.

8 Based on that analysis, they told us that they
9 weren't interested in using the groundwater at Treasure
10 Island, and some other reasons, as well, within the
11 City.

12 They told the Water Board their priorities as
13 well. The aquifers that they will use in the future.

14 So based on that report and also studies in
15 geology and other analysis internally within the Water
16 Board, we made that determination that we want to
17 declassify the groundwater at TI based on that.

18 MS. VEDAGIRI: So it's never going to be used
19 for anything.

20 MS. KATHURIA: For drinking water, but there

1 are still four other beneficial uses.

2 MS. VEDAGIRI: That was what I was going to
3 follow up with.

4 Are any of those other remaining beneficial
5 uses likely to be, likely to need an evaluation for any
6 kind of exposure?

7 MS. KATHURIA: Those four benefits have to be
8 protected.

9 MS. SMITH: What are the four beneficial uses?

10 MS. KATHURIA: Industrial, process, supply,
11 industrial -- what's the other one?

12 MS. TOBIAS: Irrigation or agricultural.

13 MS. KATHURIA: There's agricultural and two
14 industrial categories, and surface water replenishment.
15 That's the four.

16 MR. NEDELL: I understood from one of the
17 earlier meetings here that the groundwater was basically
18 just the bay water.

19 MS. KATHURIA: Well, there is some storage
20 capacity for when it rains. So there is some fresh

1 water areas, but not enough to service any great
2 population.

3 MS. VEDAGIRI: So if that irrigation use
4 remains in there, does that mean that it may not
5 actually be used, but that they are required to protect
6 it for irrigation purposes?

7 MS. KATHURIA: Right.

8 MS. VEDAGIRI: So, then, is that included in
9 your consideration for the scenarios for the human
10 health?

11 MS. TOBIAS: It would be considered cleanup.

12 MS. KATHURIA: Correct. That would be a risk
13 assessment. That would be included in the risk
14 assessment.

15 MS. VEDAGIRI: But is it?

16 MS. TOBIAS: No, it's not included in there.

17 MS. SMITH: But shouldn't it be, then, if
18 there is a possibility of using it for irrigation?

19 MS. TOBIAS: My risk assessments aren't here
20 tonight, but when we met with the agencies and discussed

1 the scenarios, that wasn't identified as a viable one.

2 I could go back and talk to them about it.

3 MS. VEDAGIRI: A lot of times, I thought, you
4 know, viable is different from designated.

5 MS. KATHURIA: You mean potential?

6 MS. VEDAGIRI: Right.

7 MS. KATHURIA: No, there is no potential use
8 for drinking water at TI.

9 MS. VEDAGIRI: No. Irrigation I mean.

10 There is never going to be huge cornfields at
11 Treasure Island, but if people use it for gardens or
12 soccer fields.

13 MS. KATHURIA: There might be some local
14 policies that prohibit them from tapping in, but we have
15 to look in particular why it wasn't looked at in the
16 risk assessment.

17 CO-CHAIR SULLIVAN: So that's something we
18 have to further clarify.

19 MS. TOBIAS: Yes.

20 MS. GLASS: I just want to point out -- Karen

1 isn't here tonight -- but one of the notions of
2 sustainability is that you kind of use local resources
3 so that was, the idea of preserving potential uses for,
4 you know, nondrinking kinds of things, such as
5 irrigating lawns and what have you, from a local source
6 is kind of a sustainability idea, and it's why many
7 people hold that to be desirable.

8 MR. WONG: Can this be an action item maybe to
9 look into? It's a risk assessment why irrigation use
10 was left out.

11 MS. TOBIAS: It could be a comment you make on
12 the IR report. We probably won't be able to get back to
13 you in time on comments on the RI.

14 MR. VAN WYE: In point of fact, other than the
15 time when the State of California might be in a severe
16 drought, the entire island of Treasure Island is
17 completely girded with a system for distributing potable
18 water throughout the island.

19 I can't conceive why anybody would spend any
20 money of substance to drill wells to create a separate

1 water system on Treasure Island for nonpotable water
2 when there is plenty of regular potable water through
3 the standard drinking system that's available on the
4 island for all conceivable uses.

5 MS. VEDAGIRI: Well, but you're talking about
6 reality.

7 MR. VAN WYE: Well, I apologize for talking
8 about reality.

9 MS. VEDAGIRI: I guess the point I was trying
10 to make, a lot of times when you do a baseline risk
11 assessment, especially in my job, the agency, you know,
12 there is a reality based thing that comes in the
13 decision making process.

14 But up front, investigation and assessment, if
15 a water is designated potable water, even if nobody
16 drinks it now and nobody is likely to drink it in the
17 future, as long as it's designated potable, they want
18 you to look at the risks if somebody did drink it.

19 Or if it's designated irrigation, even if
20 nobody uses it now and not likely to in the future, that

1 potential use is allowed by the law at that time, and,
2 therefore, they want you to evaluate the risks
3 associated with that allowed use.

4 MR. HEHN: Oftentimes, we run into illegal
5 wells, too, where somebody might have an old existing
6 well.

7 In this case, I can see maybe someone would go
8 out and use a monitoring well to pump water out because
9 they don't want to pay the water bill. We have seen
10 that a lot.

11 I have cases in Sacramento where there are old
12 wells in backyards that they use for the house, even
13 though they are hooked up to city water, because it
14 doesn't cost as much.

15 MR. NEDELL: For the most part, they are flat
16 rates anyway in Sacramento, so it doesn't make any
17 difference.

18 MS. SMITH: It happens in Berkeley all the
19 time, too.

20 A lot of the wells in Berkeley are actually

1 used for irrigation for yards and vegetable gardens, and
2 they are not tested and they do have contaminants in
3 them.

4 CO-CHAIR NELSON: Any other questions or
5 comments? 2?

6 CO-CHAIR SULLIVAN: Sharon?

7 MS. TOBIAS: Comment two: No trash receptors
8 were evaluated for Treasure Island because of poor
9 habitat, et cetera.

10 Now, what about land use in the future where
11 lawns or paved areas now may be vegetated and support of
12 trash receptacles in the future?

13 My understanding of BRAC is that the nonuse
14 should be current and future.

15 In the RI for Treasure Island, for the
16 ecological risk assessment, we didn't evaluate trash
17 receptors, because we anticipated the future land use of
18 Treasure Island would be similar to current land use.
19 They have as many structures out there as the Navy has
20 now.

1 So any receptors that would be in the future
2 would be the same as now, which is minimal, that's why
3 it was not evaluated, and it was stated in the RI
4 report.

5 MS. VEDAGIRI: My question actually is, it's
6 not directed so much to you, but to the City, I guess.

7 When we were at the scoping hearing for the
8 EIS, I noticed there was somebody who had a public
9 comment on using . . . which part . . . I guess it was
10 the northwestern part of the island for wildlife
11 habitat.

12 So I was curious about what happens if
13 designated land use changes in the future, and some of
14 them could involve exposure, especially for ecological
15 risk receptors in areas that are not currently slated
16 for.

17 CO-CHAIR NELSON: Actually, you could probably
18 address that in the broader view, too. In ten years
19 they could change and the risks associated with the
20 particular land uses might not apply.

1 MS. VEDAGIRI: Especially for assuming no
2 exposure under the current scenario, but if it happens
3 down the road?

4 CO-CHAIR SULLIVAN: Well, I think this
5 addresses the issue of potential changes in land use,
6 and this issue of perhaps creating a habitat where one
7 doesn't currently exist is kind of an interesting twist
8 on that.

9 I mean, I think, and this has been a topic,
10 this issue of future changes in land use has been a
11 topical issue in the base conversion and reuse process,
12 and it still appears to be kind of an open-ended
13 question as to what happens if there is a reuse plan and
14 the base is remediated to the reuse plan, and at some
15 time in the future the reuse plan changes, is the
16 federal government obligated to come back? That is
17 still kind of an open-ended question.

18 At this point in time, we are working with the
19 City and the regulatory agencies to achieve a cleanup
20 that's protective of human health and the environment

1 based on what we know that current and future
2 environment is going to be.

3 So that's all we have to go on at this point
4 in time.

5 Dale?

6 MS. SMITH: I guess I would like to have that
7 question redirected slightly off of Treasure Island.

8 One thing that's always been nagging me in the
9 back of my mind, we have no accurate data or in-depth
10 data for Yerba Buena that we do for TI.

11 Yerba Buena has the capacity to maintain
12 native species, and it has native species, which is
13 probably DNA unique to that area because it is isolated.

14 But we never hear any discussion of habitat
15 maintenance or species maintenance for Yerba Buena.

16 CO-CHAIR SULLIVAN: Well, we did evaluate the
17 habitat on Yerba Buena as part of that ecological
18 assessment, and where are we at exactly, is there any
19 further terrestrial ecological work.

20 MS. TOBIAS: For each IR site, the four IR

1 sites and the CERCLA sites, the risks were evaluated in
2 the IR report for the four sites -- sites 28, 29, 8 and
3 11.

4 MS. SMITH: But there is the whole rest of the
5 island.

6 CO-CHAIR SULLIVAN: Right, but as far as the
7 cleanup, I think I know how to address your question.

8 As far as the cleanup is concerned, if there
9 is a cleanup issue at a site, then an ecological
10 assessment, you know, it becomes part of the solution to
11 determine what's potentially impacted.

12 But if there is another area of the island
13 where there is no cleanup issues, then we won't
14 necessarily, we won't, at least as part of the cleanup
15 program, we won't be looking at the habitat.

16 However, in answer to anyone's interest in
17 habitat, as part of the environmental impact statement
18 and environmental impact report, we do have to catalogue
19 the ecological resources at Yerba Buena Island and, if
20 there were any, at Treasure Island.

1 So part of that EIS/EIR process, that does
2 have to cover both islands, or at least both islands
3 excluding portions like, for example, part of the Coast
4 Guard.

5 But that would provide an assessment of those
6 two items, at least for the purposes of evaluating
7 effects of potential reuse in the future.

8 MS. SMITH: And so you would be looking at the
9 terrestrial receptors throughout Yerba Buena, not just
10 on your IR sites, because, trust me, mice move. They
11 don't stay in one little spot.

12 So are you actually going to do a full-fledged
13 total island assessment?

14 CO-CHAIR SULLIVAN: Well, insofar as it's a
15 part of the environmental impact statement, yes.

16 We have to identify the potential resources on
17 Yerba Buena Island and Treasure Island in order to
18 determine what impacts there could be on those resources
19 if Yerba Buena and TI is developed for such and such a
20 purpose.

1 But, certainly, at any stage of the cleanup
2 process, if you don't feel or if anyone doesn't feel
3 that we are properly addressing the ecological issues
4 associated with that cleanup site, that's a pertinent
5 comment.

6 Those are the two questions?

7 MS. TOBIAS: Yes.

8 CO-CHAIR SULLIVAN: Paul?

9 MR. HEHN: Other questions?

10 CO-CHAIR SULLIVAN: We can take other
11 questions, but because they are spontaneous, we may not
12 be in a position to address them, but we can take them,
13 yes.

14 But I would also preface that by saying that,
15 for this month, while we are still taking commentary on
16 the remedial investigation report into next month, we
17 are going to close the comment period on the skeet range
18 report at the end of, well, on the 23rd of December.

19 And let me also say that, as far as the skeet
20 range report goes, at least, of course, the comment

1 period hasn't ended yet, but as far as the Navy proposal
2 was when we issued the draft report, is that the Navy
3 finding is that, on the skeet range, there is no impact
4 to the environment, in our opinion, given the levels,
5 given the depth at which lead has been found in the
6 sediment.

7 And at this point in time, the Navy's proposal
8 is to not take any further action on that site.

9 We are continuing to take sediment samples,
10 and we will be taking additional sediment samples in
11 Clipper Cove, and then in both the skeet range and the
12 other offshore sediment sampling, both in Clipper Cove
13 and other areas around TI and YBI, it will become part
14 of an offshore remedial investigation report.

15 So this closure of comment on the skeet range
16 report closes that particular investigation, or closes
17 that phase of the investigation of the skeet range, but
18 it doesn't close the remedial investigation, the final
19 remedial investigation report on that, on all of the
20 offshore areas.

1 MR. VAN WYE: Let me suggest with respect to
2 the skeet range, I appreciate the thorough work that's
3 been done on this. I have no reason to doubt whatsoever
4 any of the data that has been collected.

5 The thing that strikes me is that the Navy has
6 created an environmental situation where there is a
7 level of contamination which, according to the report,
8 sits three feet under the sediment.

9 The natural development of that area, and I
10 say natural both as intuitively correct and also
11 contemplated in the reuse plan of the City, is that
12 marine development should occur down that area along the
13 area and directly over where the skeet range has
14 historically existed.

15 It would seem to me that, in order to allow
16 the natural development, the self-evident development
17 that should take place there, that there is some
18 remediation that needs to be done, and the problem was
19 created by the Navy -- and I say that as a former naval
20 person, a retired naval commander, so I'm not blaming

1 the Navy but just suggesting it as fact -- that it would
2 seem appropriate that cleaning up the mess before the
3 Navy leaves is entirely appropriate.

4 And I would hope that the report would
5 indicate that a remediation needs to be done in this
6 area so that the area can be placed in its natural and
7 appropriate use.

8 CO-CHAIR NELSON: I guess we have two topics
9 out, and we are about a half hour behind schedule.

10 I would like to have voiced any further
11 comments on the skeet range report and ask those people
12 that have provided comments to provide them to either
13 Paul or I in writing so that we can submit them formally
14 to the Navy.

15 MR. VAN WYE: My comments orally do not
16 constitute --

17 CO-CHAIR SULLIVAN: No. I mean, the oral
18 commentary is captured in the minutes.

19 But you are also welcome, if you wanted to
20 further add to that in any written format, you're

1 certainly welcome to do that also.

2 MR. VAN WYE: Thank you.

3 CO-CHAIR NELSON: Are there any other RI
4 report comments to bring up at this time?

5 Paul?

6 MR. HEHN: This is kind of a general question
7 related to sort of the risk and hazards that are
8 associated with the RI report. It's a question that I'm
9 not sure you can answer it, but I would like to find out
10 eventually what the result is.

11 In all of the RI sites that were discussed in
12 the report, when it's looked at, either human health or
13 environmental risk, ecological risk, the factors that
14 are considered or are discounted are the things that are
15 natural nutrients that were detected in the soil and
16 groundwater concentrations.

17 One of the things that concerns me is that
18 when does some of those elements that are part of those
19 tests move from natural nutrients to something at a
20 toxic or an environmental hazard level?

1 Things that seem to come up fairly often in
2 the soil samples and the sites that I reviewed are
3 things like very high concentrations of aluminum,
4 manganese and iron, particularly that seem to be very
5 out of range from what the normal concentrations are in
6 other probable background samples.

7 So my question is: When do those things
8 become a hazard or a toxic substance versus when they
9 are just a normal nutrient.

10 In the risk category, they have been
11 discounted no matter what their concentration is, and
12 I'm not sure that that's necessarily correct. Is there
13 no hazard there?

14 MS. TOBIAS: Well, it's a really good
15 question.

16 I will definitely take that and any other
17 question about the irrigation back to the risk
18 assessors.

19 I can't begin to answer that question. It's
20 very good.

1 MS. SIMONS: What were the three that your
2 concern was about?

3 MR. HEHN: The three that seem to stand out
4 are aluminum, manganese and iron.

5 MR. JENSEN: Well, I can tell you that this
6 area has very high iron and manganese levels, because I
7 happen to be on a well at my house near the side of the
8 hills, and that's very prevalent in the groundwater and
9 in the soil, so it's naturally occurring.

10 MR. HEHN: I guess sometimes there are, when
11 you look at the sample results, there are concentrations
12 that might be 2,000 to maybe 7,000 PPM, which is okay,
13 that's fine, if everything else is in that same range.

14 And all of a sudden, then, there might be one
15 or two that are 50,000 or 100,000, and you say: Well,
16 wait a minute. What's the difference here? If
17 everything else is 2 to 7,000, why do these hit so high
18 and what's the reason for that?

19 CO-CHAIR NELSON: And is the concentration
20 hazardous?

1 MR. HEHN: And should that be addressed in
2 this process?

3 And what stands out in reviewing the
4 documents, oftentimes in the water samples, there are
5 very high levels of TDS that don't seem to be normal to
6 what other concentrations are in water samples that are
7 nearby, and these may not be necessary water samples
8 taken from wells immediately adjacent to the bay, but
9 may be more inland and the question is, what is causing
10 that high, very high concentration of TDS?

11 Certainly saw that at the samples at site 1,
12 the medical facility, where very far inland you got TDS
13 samples that were 500,000 PPM. That's not a normal
14 concentration.

15 So there is something happening there that
16 needs to be at least addressed and reviewed. What is
17 the reason for this? Is the data wrong? Did somebody
18 move the decimal point in the wrong place, or was there
19 something in the well that caused that? Is there
20 something that we need to address?

1 CO-CHAIR NELSON: Sharon, I guess that's
2 something that you can address.

3 MS. TOBIAS: I don't have any answer.

4 CO-CHAIR SULLIVAN: If there isn't any other
5 commentary, we will move into organizational business,
6 and that's actually a good segue into the schedule for
7 the continued RI report.

8 CO-CHAIR NELSON: Yes.

9 Let's close on comments on the skeet range.
10 We would like to get those into the Navy. If there any
11 other comments by the 23rd, I would ask they be either
12 faxed to me or Paul by Friday of this week.

13 And, I don't know, Paul, if you want to give
14 out your fax number, but mine is 415-973-9201.

15 MR. HEHN: Mine is on the address list, but
16 it's 510-233-3204.

17 CO-CHAIR NELSON: The last couple of months we
18 have been meeting the first and third Tuesday of the
19 month rather than the second and fourth, and we began
20 years ago now.

1 And we have scheduled tentatively, anyway, an
2 interim meeting on the 7th and another RAB meeting on
3 the 21st, and comments on the RI are due on the 22nd.
4 The Navy and PRC are accommodating us on that so that we
5 can put together written comments that we can present to
6 the RAB on the 21st and, at that time, take any further
7 comments from the floor.

8 Do we still want to meet in January on the
9 first and third Tuesdays, is the first question, or do
10 you want to move that to the 14th and the 28th?

11 MR. VAN WYE: I find that the third Tuesday,
12 at least for me, works much better than the fourth
13 because of other matters on my calendar.

14 CO-CHAIR NELSON: Okay. Is that something the
15 RAB wishes to carry on through 1997, first and third
16 Tuesdays?

17 Any discussion? Any preference?

18 (No response.)

19 MR. VAN WYE: So moved.

20 MS. SMITH: I have no problem with it.

1 MS. VEDAGIRI: Fine by me.

2 CO-CHAIR NELSON: That helps. That clears up,
3 really, two items at once.

4 And I think we need a location for the interim
5 meeting on the 7th. In November, we scheduled the
6 interim meeting in San Francisco for December. At that
7 time, I guess John Allman had proposed the meeting in
8 the East Bay. He's not here tonight, but Chein Kao has
9 graciously offered the office at 700 Pine Avenue in
10 Berkeley as the interim meeting on the 7th.

11 Is that acceptable or would people like to
12 find another location?

13 MR. HEHN: It's great as far as I'm concerned.

14 MS. SMITH: Yes, it's really good.

15 CO-CHAIR NELSON: Free parking.

16 MS. VEDAGIRI: From Treasure Island we change
17 it to?

18 CO-CHAIR SULLIVAN: Yes. If you accept the
19 change, instead of being in Building 1 on the 7th of
20 January, it would be at the DTSC's offices in Berkeley,

1 and we would provide a flier ahead of the meeting anyway
2 with the location.

3 MR. VAN WYE: Generally speaking, let me just
4 note: If there comes a time when you have problems, the
5 yacht club is right outside the gate there at Treasure
6 Island, and it would be available on advance notice.
7 That is a comfortable facility that could accommodate 50
8 or 60 people.

9 CO-CHAIR SULLIVAN: We may have to take you up
10 on that after we turn over Building 1 to the City.

11 MR. VAN WYE: Sure, and it has a kitchen and
12 everything.

13 CO-CHAIR SULLIVAN: But Building 1 will be
14 available on TI. It's only, if the RAB members would
15 like to meet off the island at other locations, it would
16 be welcome to, but Building 1 would always be available
17 for interim meetings as long as the base is open.

18 CO-CHAIR NELSON: So we will meet January 7th
19 at your office?

20 MR. KAO: Yes.

1 CO-CHAIR NELSON: The meeting is January 7th.

2 Is that good for everybody?

3 (No response.)

4 MS. VEDAGIRI: What is the address again?

5 MR. KAO: 700 Pine Avenue.

6 CO-CHAIR NELSON: It's very easy to get to.

7 It's off of Ashby.

8 MS. SMITH: Off 7th and Ashby.

9 CO-CHAIR NELSON: We had a lot of discussion
10 of various comments on the RI report, and this will be
11 putting inked paper time for our comments on the five
12 volume set that we've received, so please bring the
13 pencils and paper.

14 Do you want to report out to the rest of the
15 group the last interim meeting, the discussion?

16 MR. HEHN: Yes.

17 We met at the PG&E offices and we looked at a
18 pretty good discussion on recommendations on how we can
19 adequately address all the issues, and how the issues
20 that were outstanding as it came along, how we made sure

1 that those things got into the administrative record.

2 I think one thing, one of the things that we
3 were very concerned about was making sure that our
4 comments were captured, and that's what Pat has been
5 talking about tonight, to make sure we get them written
6 down, or publicly submitted to the meeting so that
7 everything is reviewed and available for future review.

8 One of the thing we are also focusing on is
9 that in having the written comments available to us for
10 future times, that one of the key issues coming up is
11 when the ROD is prepared and available for public
12 comment.

13 We need to focus on making sure that we have
14 all our comments available, and we'll probably want to
15 resubmit a lot of our comments that have not been
16 resolved prior to that time for review again at the time
17 of the ROD.

18 Brad has offered to keep us on track on that
19 basis, so that we can make sure to address those issues
20 adequately and keep track of our comments and bring up

1 critical issues at that time.

2 And we also talked about various parts of --
3 who was going to be working on various parts of the
4 Phase II RI. A lot of that has come out tonight, so we
5 are well on track on looking at that.

6 Usha's been very gracious in looking at the
7 risk portions of it. Chris Shirley will also look at
8 the human health risk assessment portion. Dale will
9 look at the process errors for the Phase II, and also
10 looking at reuse. And Brad will keep us on track and
11 make sure that we get it all done.

12 MS. VEDAGIRI: The big picture.

13 MR. HEHN: Yes, the big picture.

14 CO-CHAIR NELSON: Before we really forget, the
15 BRAC Cleanup Plan will be available and comments on that
16 are also due the 22nd of January, '97, so there will be
17 two big pushes at this next meeting.

18 And, again, I think although this month there
19 weren't a lot of people here at 6:30, we would continue
20 to offer that at the next meeting. So anybody that

1 would like to come and discuss and develop their
2 comments on either of these documents for review, we can
3 do that and provide feedback on the 21st.

4 CO-CHAIR SULLIVAN: Okay. So upcoming
5 reports. The only new upcoming report, really, is the
6 BRAC Cleanup Plan, which will be out in a couple of
7 weeks. We still don't have a firm schedule yet for the
8 corrective action plan.

9 And that's it.

10 Now, into open questions and discussion. Any
11 open commentary?

12 (No response.)

13 CO-CHAIR SULLIVAN: There being none, the
14 proposed agenda items for the next meeting, for January,
15 since there will be the close of the RI report,
16 discussion that will probably be our major topic, the
17 remedial investigation report.

18 Martha and I will be in a position to discuss
19 the FOSL planning which, I think, will kind of come
20 under this category of integration of interim uses and

1 the cleanup plan. So we will at least be able to cover
2 something on interim reuses.

3 Brad, did we still want to talk about the role
4 of the RAB? Do we want to do some of that at the
5 January meeting?

6 MR. WONG: I think that was a Henry issue, if
7 I'm not mistaken.

8 MS. SMITH: That was a Henry issue.

9 MR. WONG: That was a Henry issue.

10 CO-CHAIR SULLIVAN: All right.

11 CO-CHAIR NELSON: Henry was unable to be here
12 tonight and was unable to make the interim meeting. He
13 thought it would be a good time to revisit the role of
14 the RAB for 1997, and how we would be part of the
15 process for the ROD development review and what our
16 comments mean in that process.

17 CO-CHAIR SULLIVAN: So we may not be able to
18 do that in January, since he's not here this month. So
19 that might have to shift to February, but I think it's
20 something that we may still want to pursue.

1 And then I think the RI report and discussions
2 on the FOSLs are two big items for January, and then we
3 may still be able to start an introduction to our
4 geographic study site on the east side of Yerba Buena
5 Island for the cleanup process. So that would be
6 January.

7 And then February, it's been a while since we
8 talked about some of the non-IR programs in depth, so we
9 propose to provide an update on two or three of the
10 biggest programs -- the lead-based paint, asbestos and
11 petroleum programs -- in February.

12 And then we have additional items: The
13 information repository, admin record, corrective action
14 plan, CERCLA feasibility study, which will be coming up
15 later this spring, which is the follow on to the
16 remedial investigation report for the CERCLA sites, and
17 Coast Guard property issues, and then the ongoing BTAG
18 update.

19 Are there any comments concerning next month's
20 schedule in January?

1 Dale?

2 MS. SMITH: Could you just run past me, we
3 spent about a month ago to maybe two months ago going
4 over this proposal for a presentation of how all of the
5 different cleanup plans is going to work. Is that
6 something that you're talking about?

7 CO-CHAIR SULLIVAN: That's the geographic
8 study site, yes, how all the different cleanup plans fit
9 together.

10 MS. SMITH: Good, thank you.

11 CO-CHAIR SULLIVAN: Okay. So our next regular
12 meeting would be on the 21st of January. So we will
13 have a 6:30 session, optional session for those people
14 who want to come in and discuss the RI.

15 And then if we continue on the third Tuesday
16 of the month, the February meeting would be on the 18th
17 of February.

18 Tentatively, I've got it penciled in at the
19 Casa in January, but that may still be subject to
20 change, so we will always provide a notification for the

1 meeting notification because of the base closure here.
2 Things may tend to shift around a little bit.

3 I think we will try to stay at the Casa as
4 often as we can. It seems more comfortable than here.

5 And then the next community member interim
6 meeting will be on the 7th of January at the DTSC
7 Berkeley offices.

8 CO-CHAIR NELSON: I had a comment I would like
9 to make.

10 I think everybody here would like to join me
11 in thanking the Navy and Sue for providing the special
12 Christmas refreshments.

13 (Applause.)

14 CO-CHAIR SULLIVAN: Thanks to who brought the
15 sodas and the popcorn and some of the other things, too.

16 (Applause.)

17 CO-CHAIR SULLIVAN: And I would like to thank
18 everyone for coming out during this holiday season. I
19 know everyone is busy. We appreciate your attendance
20 and hope you have a good holiday season.

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Thank you very much.

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(The meeting adjourned at 9:45 p.m.)

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I, the undersigned, a duly authorized Certified Shorthand Reporter, do hereby certify that the within proceedings were taken down by me in stenotype and thereafter transcribed into typewriting under my direction and supervision, and that this transcript is a true record of the said proceedings.

Stephen Balboni