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NAVAL STATION TREASURE ISLAND
ENVIRONMENTAL RESTORATION ADVISORY BOARD MEETING

21 JANUARY 1997

CERTIFIED COPY

7:00 P.M.

FLEET ADMIRAL NIMITZ CONFERENCE CENTER

TREASURE ISLAND

MEETING NO. 29

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TRANSCRIPT OF PROCEEDINGS

REPORTED BY: STEPHEN BALBONI, CSR NO. 7139

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A T T E N D E E S

U.S. NAVY:

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

ERNIE GALANG (RPM)

HUGO BURTON (NAVSTA TI)

PRC ENVIRONMENTAL MANAGEMENT, INC.:

SHARON TOBIAS

STACEY LUPTON

RICHARD KNAPP

REBECCA SUGARMAN

REGULATORY AGENCY:

CHEIN KAO (DTSC)

GINA KATHURIA (RWQCB)

COMMUNITY MEMBERS:

JAMES ALDRICH

CHRIS SHIRLEY (ARC Ecology)

RICHARD HANSEN

PAUL HEHN (Alternate Community Co-Chair)

CLINTON LOFTON

DANIEL MC DONALD

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

COMMUNITY MEMBERS (Continued)

- KAREN MENDELOW
- PATRICIA NELSON (Community Co-Chair)
- HENRY ONGERTH
- DALE SMITH
- THOMAS THOMPSON
- HARLAN VAN WYE (TI Yacht Club)
- BRAD WONG

1 CO-CHAIR SULLIVAN: Well, good evening.
2 Welcome to our first Restoration Advisory Board meeting
3 of 1997.

4 We are meeting here on the third Tuesday of
5 January, which we are going to propose later to become
6 the regular time for the monthly meetings.

7 First, everyone should have gotten a copy of
8 tonight's agenda. If not, there are extra copies on the
9 back of the table.

10 Our first item is if there are any comments
11 concerning tonight's agenda?

12 (No response.)

13 CO-CHAIR SULLIVAN: If there aren't any
14 comments concerning the agenda, we will consider it
15 approved for tonight.

16 The next item is discussion and approval of
17 the December meeting minutes. There is additional
18 copies of the December meeting minutes also on the back
19 table.

20 Is there any comment or discussion on the

1 December meeting minutes?

2 CO-CHAIR NELSON: I guess I had a question in
3 December.

4 We also reviewed the November minutes and
5 there was some modification to those.

6 I don't know if those modifications are a part
7 of this package, and I think the modifications had to do
8 with some questions that Dale had brought up.

9 MS. SMITH: There were modifications. I
10 didn't want to necessarily be pedantic about it, but
11 they weren't characterized correctly.

12 CO-CHAIR NELSON: And those November minutes
13 were going to be revised.

14 If anybody else saw them? Maybe I'm blind or
15 they didn't get collated into the copy.

16 MS. SMITH: No. The approval of the November
17 minutes . . .

18 CO-CHAIR NELSON: Was conditional?

19 MS. SMITH: I asked that it be noted that
20 Naval consultancies did not identify the depth of sample

1 collection for lead around the Nimitz complex. That was
2 not expressed in the minutes. That was my concern. I
3 don't know if anybody else had a concern.

4 The other thing I noticed is that Rick
5 Nedell's name is spelled with a "K" not an "H." He's
6 not Richard. He's -- well, I guess he is, but it's
7 Rick. And that's on page 7.

8 MR. KAO: I think my clarification of my
9 statement, I think, was a little discrepancy, but we can
10 double check that.

11 CO-CHAIR SULLIVAN: Okay.

12 MR. KAO: I will get back to you.

13 CO-CHAIR SULLIVAN: Well, then, I would
14 propose we make these December minutes conditional on
15 clarifying both Chein's and Dale's issues.

16 MS. SMITH: We are just clarifying our
17 statements.

18 CO-CHAIR SULLIVAN: Yes. Clarifying the
19 statements, I'm sorry.

20 Are there any other comments concerning the

1 December meeting minutes?

2 Well, then, conditional on taking care of
3 Chein's and Dale's comments, we will consider the
4 minutes approved.

5 CO-CHAIR NELSON: And were those comments made
6 in the November minutes or in the December minutes?

7 CO-CHAIR SULLIVAN: Chein's were made in
8 November and Dale's comments were made . . .

9 MS. SMITH: November.

10 CO-CHAIR SULLIVAN: Yes, both of them were in
11 November.

12 We were attempting to address them in
13 December, but, apparently, we need to clarify that a
14 little better.

15 CO-CHAIR NELSON: Got it.

16 CO-CHAIR SULLIVAN: All right. We will move
17 to the public comment, although I don't see any members
18 of the general public present.

19 We do have this time set aside, if there were
20 any members of the general public, for them to make any

1 comments regarding the cleanup process, but there being
2 no public comment, we will move into program updates.

3 Normally, we assign somebody to comment on the
4 BCT meeting from December, and we realize that we didn't
5 assign anybody. So we will have to backtrack during the
6 break and come up with that.

7 CO-CHAIR NELSON: So is that item deferred
8 until after the break?

9 CO-CHAIR SULLIVAN: Yes. BCT meeting update
10 is deferred until after the break.

11 But we did have a meeting in December.

12 MS. KATHURIA: January.

13 CO-CHAIR SULLIVAN: Or in January, I'm sorry.

14 Next is reuse issues. I really just wanted to
15 address two items.

16 Martha Walters isn't here from the city. The
17 first is the status of FOSLs. I have a map handout in
18 draft form, which I will pass down on either side. We
19 completed the FOSL for the police academy.

20 However, due to the comments that we had

1 received from both the RAB and the regulators concerning
2 the Nimitz House, we are doing additional soil testing
3 in and around the house and in the lawn area, so that
4 work will be taking place over the next couple of weeks.

5 In fact, we were planning to start it this
6 week, but because of the rains, we were delayed a week
7 or two.

8 So we would expect to do that soil testing and
9 potential soil removal in the early part of February, so
10 that we can present a revised FOSL during February.

11 But the focus of this additional work is the
12 lead in the exterior soil, both immediately around the
13 house as well as out on the lawn, and where the lawn
14 intersects with our IR site.

15 The map I handed out is still a work in
16 progress, but it may be a little hard to read and we
17 will have a better final copy.

18 It reflects the FOSLs that have been
19 completed, which are generally the blocks that have some
20 writing in there, whether you can read it or not.

1 The remaining FOSLs, proposed FOSLs, are
2 represented by numbered zones, 1 through 6. And so the
3 first area that we will be addressing is Zone 1, which
4 is predominantly the west side of the island, although
5 it includes a few other areas that have proven of
6 interest to the city.

7 So that's why Zone 1 has some noncontiguous
8 parcels at the various locations around the island, like
9 the child care center and the firehouse, this building,
10 the Nimitz Center, some warehousing, the theater, the
11 youth center, and then an additional building adjacent
12 to the brig.

13 So that would be our first FOSL priority with
14 a tentative completion date of May, although that's
15 depending on when we receive the funding to start the
16 project.

17 And then the other FOSLs, 2, 3 and 4 would
18 follow. 5 is kind of a miscellaneous area, and it
19 happens to include the highest percentage of our cleanup
20 sites. So that's a little less defined.

1 And then we have an excluded area of the tip
2 of YBI, which includes two of our other CERCLA sites.

3 And then the Coast Guard area is blanked out
4 because we are not conducting investigations there,
5 other than where it appears that there is some
6 relationship between their property and ours, like one
7 UST that's on the border.

8 So I think that this map will probably change
9 a little bit, but that's the general direction we are
10 taking with regards to findings of suitability to lease.

11 Second, on the skeet range, I just wanted to
12 state that we have received comments regarding the skeet
13 range from both the Yacht Club and the mayor's office,
14 and we will be addressing those comments.

15 One point of clarification is that the skeet
16 range report, our recommendation was to take no action
17 at this time, and the reason for that, we are also
18 conducting additional investigation areas in Site 13,
19 and Site 13 actually is on top of Site 27.

20 Both the Site 13 and the Site 27 data will be

1 presented in a complete offshore remedial investigation
2 report at a later date.

3 So our primary objective at Site 27 was to
4 determine whether there was an imminent threat to the
5 environment, and there being none, given the depth of
6 the lead in the sediment, the next step is to finish the
7 other offshore investigation work, and then have a
8 complete remedial investigation report with
9 recommendations on all of the offshore area.

10 MR. VAN WYE: Let me comment as probably the
11 principal party interested in that area.

12 I appreciate exactly what Jim is saying.

13 A couple of comments: I'm not sure, and I'm
14 not a technical expert, but some of the comments that we
15 have received in writing from some of my colleagues
16 indicated that maybe the area between the lead three
17 feet below the surface and the surface of the underwater
18 area there is not quite as benign as the report would
19 say, and I reserve judgment on that because I'm not
20 really an expert.

1 I think that, notwithstanding anything, that
2 the report on area 13, all the other underwater areas of
3 the bay says it seems patently obvious, given the plans
4 that the City and County of San Francisco Board of
5 Supervisors have approved, that a cleanup is going to
6 have to be done on area 27. And that's not dependent on
7 whatever else is found around, you know, the northwest
8 tip of the island or something.

9 So I would hope, and I would seek advice from
10 the people that are probably more knowledgeable than I
11 am of the process and the procedures and the limits of
12 the authority of the RAB, for the RAB, as an
13 organization, to suggest that the Navy's thought of
14 leaving without doing anything, and I recognize that
15 that's a preliminary thought, but that that be, perhaps,
16 resounded by this body.

17 CO-CHAIR NELSON: Do I hear a motion?

18 MS. SMITH: I second it.

19 MR. VAN WYE: I'm not sure if that's a motion.
20 Maybe it's a little premature.

1 I certainly feel strongly about it, and I
2 would welcome a resounding condemnation from this body
3 tonight, but I'm not pushing that. I want it to be done
4 in the proper procedural way and taken up at the
5 appropriate time with the caveat that the appropriate
6 time is probably pretty quick because things are moving
7 along: The Navy is going to be leaving, the City and
8 County is going to be taking over, and this is an area
9 of prime early development for the city.

10 CO-CHAIR NELSON: I have a question of
11 procedure.

12 You had mentioned, Jim, that RI report was
13 going to be issued for Sites 13 and 27.

14 CO-CHAIR SULLIVAN: Yes.

15 CO-CHAIR NELSON: Do you see an appropriate
16 time to have the RAB formally recommend to the Navy upon
17 their review of this RI report, or to adopt the comments
18 that were submitted by individual members of the RAB and
19 make recommendations at this time, with the other
20 comments that will be submitted tonight on the . . .

1 MR. VAN WYE: I defer going ahead immediately
2 because there were some other technical comments that
3 were made by, I think that Usha made them, at least in
4 part, if I'm not mistaken. She's in India this month.
5 I would hesitate to go ahead piecemeal.

6 But I think that this is something I would
7 like to see happen fairly quickly, and, by that, it
8 looks like I may be assigned as a judge to hear cases
9 during the week of our next meeting in Southern
10 California.

11 But perhaps this could be calendared for the
12 March meeting as an agenda item, and that would give
13 everyone time to look through and revisit all of the
14 issues raised by the various comments to the report on
15 area 27.

16 At that point, appropriate motions with some
17 specific language could be prepared that the RAB could
18 then address in a brief but systematic way.

19 MS. SMITH: If I understand Robert's Rules
20 correctly, he can make a motion, I can second it, and we

1 can forward it with continuous comments until we have a
2 time at which we want to actually take action.

3 CO-CHAIR NELSON: All right. Brad had a
4 comment also.

5 Was it related to the skeet range?

6 MR. WONG: Yes. I just have a question.

7 I want to understand what you mean by no
8 action at this time is necessary and what the process is
9 that's going on.

10 CO-CHAIR SULLIVAN: Well, the skeet range
11 really started, really began separate from the rest of
12 the cleanup process.

13 It was the result of a Board order from the
14 Regional Water Board. They had conducted a study of
15 skeet range activities in the Bay Area and ended up
16 citing, I think, about seven or so different areas
17 around the bay.

18 So we were responding to this order which was
19 really independent of the cleanup investigation.

20 Then we agreed that we would do the skeet

1 range investigation alongside the remedial
2 investigation.

3 But the Board, well, not to put words in the
4 mouth of the Board, but I would imagine the Board's
5 immediate concern was: Is there a threat to the
6 environment at this time?

7 MS. KATHURIA: Well, we had tasks laid out in
8 the order, one of which was to characterize the site,
9 and then the Board would take that data, look at it and
10 determine what action that needs to be taken at that
11 site.

12 So, currently, we are reviewing the document,
13 and we are also comparing it to how we closed other
14 skeet ranges within the Bay Area to see if it's
15 consistent with that.

16 To be honest, some of the skeet ranges have
17 been closed with the higher concentration.

18 We have talked to Martha and some other
19 people, and we are thinking about what we want to do at
20 this time.

1 MR. VAN WYE: Let me just say so that
2 everybody is aware of what's been going on.

3 Martha and I have been communicating. Larry
4 Foran wrote a letter to the captain, Captain Hano of the
5 Naval base, expressing the City and County's distress
6 over the thought that the Navy would leave without
7 cleaning up the underground lead.

8 The commodore of the Yacht Club has forwarded
9 my letter and some other information to Mayor Brown
10 asking that the mayor be on top of the situation.

11 Basically, Gina, I think that there are
12 probably other skeet ranges in various parts of the Bay
13 Area that may well be closable, but I'm not aware of any
14 other skeet range that is right in the path of the
15 proposed major marina development, and that's the key
16 distinction here.

17 MS. SMITH: Especially when you are proposing
18 to downgrade water quality.

19 MR. WONG: I guess what I'm trying to ferret
20 out here is that there are two separate issues going on

1 here:

2 There is a separate request or action by the
3 Board to take a look at the skeet range, and am I right,
4 did I hear right, that that is not part of the RI or
5 EBS, it's separate, and that you will be doing that
6 later on?

7 Is there a commitment that the Navy is saying
8 we don't have to do anything?

9 CO-CHAIR SULLIVAN: Well, we've
10 subsequently -- the issue was raised by the Board, and
11 then we subsequently, and in addition to responding to
12 the Board's requirement, which was actually an order,
13 legal order, we also adopted it as an additional CERCLA
14 site.

15 And so we are really now taking care of it on
16 two tracks: One, in responding to the Board, and,
17 secondly, just as a part of the installation restoration
18 program work.

19 MR. WONG: And the final finding for the RI
20 program was that no action was necessary, no remedial

1 action?

2 CO-CHAIR NELSON: I think that was an
3 ecological risk assessment.

4 CO-CHAIR SULLIVAN: No. We had a special
5 report on the skeet range, and in order to respond to
6 the Board.

7 But because we are doing additional offshore
8 work, which includes the skeet range area, we won't be
9 producing a -- we will be producing an additional
10 offshore report which includes the skeet range and other
11 areas, and that will become the remedial investigation
12 report.

13 It would have been on the same track as the
14 onshore remedial investigation report, except that we
15 didn't receive funding to do the offshore sampling work.
16 So we split off the offshore from the onshore.

17 So we have the onshore remedial investigation
18 report, the special skeet range report, and then further
19 down the line, the offshore remedial investigation
20 report, which encompasses the skeet range.

1 MR. WONG: So this is not a closed issue.

2 MS. KATHURIA: No.

3 MR. WONG: What's been determined is that
4 there is not an imminent risk posed to wildlife or to
5 human health.

6 MS. SMITH: No, no, no. Brad, you have to
7 understand, the Regional Water Quality Control Board is
8 downgrading the entire risk assessment process as we
9 speak, and it is being degraded.

10 Gina can tell you. She has all of the facts
11 and figures.

12 MS. KATHURIA: The Board wanted to see the
13 skeet range data early. They originally wanted to put
14 it with the offshore RI when we get it, but we wanted to
15 see it beforehand so we can evaluate whether action
16 needs to be taken.

17 MR. WONG: I just want to make sure that we
18 aren't mixing apples and oranges.

19 I understand that people have very vested
20 interests in this beyond myself, but what I'm hearing is

1 the opportunity for us to review the outcomes of any
2 studies of Site 27 through the IR program is still
3 coming down the pike.

4 CO-CHAIR SULLIVAN: That's correct.

5 MR. WONG: Because you have not done that.

6 And in the evaluation of cleanup that needs to
7 be done for a site, based on future potential uses, then
8 it will come into play as to what level you might have
9 to clean it up.

10 In other words, the fact that it might become
11 dredged as a marina as a future use would come into play
12 in the IR -- I mean, RI program as opposed to the Board
13 program, which is a health, human health assessment.

14 MS. SMITH: Except that the Regional Water
15 Quality Control Board is downgrading all of that to an
16 even lower level of human health and ecological risk.
17 They are exposing us to even higher levels of
18 contaminants.

19 MR. ONGERTH: What's the relevance of that to
20 the IR process that we are involved in?

1 MS. SMITH: It just means there are higher
2 cancer levels.

3 MR. ONGERTH: Pardon?

4 MS. SMITH: There is just higher cancer risks.

5 MR. ONGERTH: I understand that, but you're
6 raising a question about the policies of the Regional
7 Board, and I'm asking how those policies impact the
8 process that we are dealing with here.

9 MS. SMITH: Two years ago, we asked for an
10 analysis on the offshore because we didn't see any, and
11 we asked for analysis of the skeet range, which was not
12 available.

13 The rates were higher. The human risk
14 assessment levels were higher. The ecological risk
15 assessments were higher.

16 Just, what, two months ago, you downgraded
17 them significantly, and so now everything is going to be
18 significantly at a lower level of assessment when they
19 do the risk assessment, which they didn't do for two
20 years.

1 MR. ONGERTH: Are you saying -- I'm not
2 arguing your point, which I understand it -- are you
3 saying that the level of action at the Regional Board
4 impacts where this process goes?

5 MS. SMITH: I believe so.

6 MR. ONGERTH: Could you elaborate on that a
7 little bit?

8 MS. SMITH: Would you like to talk about
9 9049 -- 9249?

10 CO-CHAIR SULLIVAN: I don't think we are
11 really in a position to have a detailed discussion on
12 this.

13 I think what I would like to be able to say is
14 that, really, I mean, if we want to call the skeet range
15 report kind of the pre-RI report, there is still an RI
16 report upcoming on the offshore areas, including that
17 site.

18 I would ask that we have the opportunity to
19 review that document in its entirety, because, really,
20 the skeet range data is just a piece of data, but the

1 offshore report should be all of the relevant data.

2 MS. SMITH: But except what Henry is asking,
3 you are asking for a downgradation that has been
4 happening over the last two years.

5 The Regional Water Quality Control Board said
6 you do not have to clean up anywhere near the level that
7 you had to do two years ago, thanks to the Water Quality
8 Control Board's recent enactment of their law, and
9 Harlan is concerned about that.

10 MR. ONGERTH: Are you suggesting that there is
11 a way that we should try to deal with that to impact the
12 action of the Regional Board?

13 MS. SMITH: No.

14 MR. ONGERTH: I guess I'm wondering what
15 you're striving for.

16 MS. SMITH: The City of Berkeley is trying to
17 impact that.

18 MR. WONG: Harlan, I guess I'm trying to, you
19 know, along those lines, get a sense of what -- I want
20 to make sure if we are making a motion on something.

1 MR. VAN WYE: No, I haven't made a motion.

2 MS. SMITH: No, you didn't.

3 MR. VAN WYE: No. It sounded like to Dale
4 everything sounds like a motion.

5 MR. WONG: I don't know if we are looking at
6 what the Board is doing, and it's a change of criteria,
7 or if we just want this one report and we disagree with
8 it, but there is something else.

9 MR. VAN WYE: Dale is talking about something
10 different than I am.

11 I want to be very careful that we don't
12 overstep the boundaries of what we have the authority to
13 do, because once you overstep the boundaries of your
14 charter, you start to lose credibility and
15 effectiveness, at least that's been my experience.

16 It would appear to me -- and, Jim, I'm very
17 appreciative of your clarifying where we are, it's
18 helpful -- the skeet range is going to be subsumed
19 within the offshore RI, which is area 13.

20 The preliminary RI, which is how Jim just

1 characterized the report that we got about a month and a
2 half ago, says everything is hunky-dory, don't do
3 anything to the skeet range, don't clean it up.

4 I sense that there is, in this body, a feeling
5 that that is just not appropriate, and that when the
6 final report comes out, it should clearly indicate that
7 there is a responsibility to clean up the skeet range,
8 perhaps other areas in area 13, and I don't want to have
9 to fight the battle again and again, so I'm hoping --
10 who is preparing the RI?

11 CO-CHAIR SULLIVAN: Well, we are.

12 MR. VAN WYE: So when you prepare the RI, put
13 in a requirement to clean up the lead underneath the
14 skeet range and everybody is happy, except the Navy.

15 MS. SHIRLEY: So you just want us to keep it
16 on our radar screens.

17 MR. VAN WYE: Keep it on the radar screen, and
18 I assume the Navy will do the right thing, clean up the
19 site and all the stuff, and then we won't have to
20 revisit this. We can bless it and go on to other

1 business.

2 But I would think that the Navy needs to
3 understand that at the highest levels of the City and
4 County of San Francisco, and here on this body, there
5 is, I think, a pretty strong sense that the Navy put,
6 you know, 20 years of lead pellets in the bottom of the
7 damn bay, or Clipper Cove, and that has to be moved,
8 because it blocks development that is already
9 contemplated and the plan for development of the island
10 has been approved by the board of supervisors.

11 I would hope that you would not bring an RI to
12 us that says you don't have to clean up the skeet range.

13 CO-CHAIR NELSON: Any further discussion?

14 I think that pretty well characterizes it.

15 MR. VAN WYE: I mean, is there anybody here at
16 this table that disagrees with anything that I just
17 said?

18 CO-CHAIR NELSON: No. And as a matter of
19 fact, I think when we get into more presentation, I
20 think the reuses of the base, including the offshore,

1 are very important in considering what risks there are
2 and to develop cleanup criteria.

3 MR. VAN WYE: By the way, let the record
4 reflect that nobody responded in the affirmative to my
5 question.

6 MS. MENDELOW: The only issue you come into
7 there is if it's the right time to do a cleanup.

8 Maybe the right time to do the cleanup is when
9 the dredging goes on or something like that.

10 MR. VAN WYE: Of course, precisely.

11 It may be in connection with the
12 development --

13 MS. MENDELOW: And if the responsibility isn't
14 going to go away, that's where the issue lies.

15 If the responsibility is still there in 15 or
16 20 years when the thing gets dredged, or something like
17 that, but I think there are some ecological problems in
18 dredging this stuff up.

19 MR. VAN WYE: Precisely. I'm not suggesting
20 for a minute, Karen, that there aren't, and that any

1 cleanup would have to be done consistent with proper
2 ecological protective standards.

3 But it just seems that it's something that has
4 to be done, and the RI should reflect that.

5 MR. ONGERTH: Could I introduce a procedural
6 question that should be dealt with later on, but I would
7 like it to be recognized as a subject for some
8 consideration?

9 It's not clear to me, and maybe I forgot a lot
10 of what already has gone on, if so, I would be pleased
11 to be straightened out on the matter.

12 It's not clear to me what standards we are
13 being guided by with relation to all of our efforts with
14 relation to cleanup.

15 I would be, I think, it would be useful to me,
16 perhaps to others, to have a clarification so that we
17 understand or can come to a common agreement on what
18 standards are guiding our actions.

19 If that's clear to everyone else here, then
20 forget my raising the question, and I don't mean to open

1 up a discussion at this point, but rather to ask that if
2 the rest of the group thinks that there might be some
3 uncertainty about the answer to the question that it be
4 scheduled sometime in the future for discussion.

5 CO-CHAIR NELSON: I think that's a wonderful
6 suggestion.

7 I don't know that it's clear to me what
8 standards we are using, and I think that will become
9 clearer in the presentation on the remedial
10 investigation report.

11 MR. HEHN: I'm sympathetic to that, also,
12 because I think when Dale said that the Cal-EPA is
13 downgrading their requirements, what she really means is
14 that they are making it more stringent.

15 MS. SMITH: No, they are not. They are
16 loosening it.

17 MS. KATHURIA: That's an opinion, not a fact.

18 MR. HEHN: But, in any case, it's a moving
19 target.

20 So, Henry, you're asking for some

1 clarification?

2 MR. ONGERTH: Well, I don't know what the
3 standards are that are guiding us.

4 Are they the regulatory agency's standards, or
5 something else?

6 If they are the regulatory agency -- I don't
7 want to open up this discussion now, sorry. I
8 shouldn't.

9 But, you, I think, get the flavor of what I'm
10 wondering about.

11 CO-CHAIR NELSON: Yes.

12 MR. VAN WYE: Jim, when do we expect the RI
13 for the area 13 to come in?

14 CO-CHAIR SULLIVAN: We are starting the field
15 work in the next month or so, and the draft report is
16 due --

17 MR. GALONG: December of 1997.

18 CO-CHAIR SULLIVAN: December.

19 CO-CHAIR NELSON: December of '97?

20 That's quite a long time now for the other RI

1 report.

2 CO-CHAIR SULLIVAN: Well, basically, they are
3 about a year, approximately a year part.

4 CO-CHAIR NELSON: And the report -- I just
5 went through the comments on the skeet range report,
6 according to how the report was referenced -- that was
7 an ecological assessment.

8 It was not a remedial investigation, just for
9 clarification.

10 MR. VAN WYE: Well, I think we appreciate and
11 hope that the area 13 report will be forthcoming as
12 quickly as possible, consistent with doing a good job,
13 obviously.

14 CO-CHAIR SULLIVAN: Okay.

15 MR. WONG: Just one last thing.

16 A ROD or a RAB could not be done until the RI
17 is done, right?

18 CO-CHAIR SULLIVAN: Right.

19 I mean, we are following the same process with
20 Site 27 and Site 13 that we are following with all of

1 the other CERCLA sites. It's still a CERCLA site.

2 The only sites that have changed character are
3 those sites that are now out of CERCLA, they are
4 following a separate process. Okay.

5 Next item is review of action items, but due
6 to the, I took a look in the December minutes, and I
7 think probably primarily due to the holiday period,
8 there is no action item that I can see that has a
9 specific update.

10 So if there are any, and I'm looking at page
11 10 of the December meeting minutes, so unless anyone has
12 any particular concern over any one or more items that
13 they would like us to make a special effort to address,
14 we will continue the items.

15 CO-CHAIR NELSON: Well, I would like to
16 suggest, we seem to defer review of action items at each
17 meeting, and there are some that have been pending for
18 quite some time.

19 I would really like to propose that we perform
20 the due diligence on just where we are and when we can

1 expect responses. Otherwise, it doesn't make any sense
2 without the action items.

3 CO-CHAIR SULLIVAN: Yes. I think what we
4 probably need to add is a target date, and rather than
5 say, "to be completed," and to be able to track the
6 targeted dates.

7 CO-CHAIR NELSON: We had done that last year,
8 and those dates seem to have been dropped.

9 CO-CHAIR SULLIVAN: Well, some items were
10 completed and moved off.

11 CO-CHAIR NELSON: Right.

12 CO-CHAIR SULLIVAN: Other items were added and
13 it didn't have a specific completion date.

14 CO-CHAIR NELSON: I guess I would like to
15 propose that this be an item for discussion at the next
16 meeting, that the Navy come prepared with the action
17 items for the last six months, just to help us go
18 through each and determine what's critical and what's
19 not, and what should be done and establish those target
20 dates.

1 MS. SHIRLEY: And make the proposal at the
2 next RAB meeting?

3 CO-CHAIR NELSON: Yes.

4 CO-CHAIR SULLIVAN: So we will attempt the
5 next interim meeting on the 4th of February to discuss
6 the action items.

7 CO-CHAIR NELSON: That would be great.

8 MS. SMITH: Could I ask for the RAB to
9 consider issues that we discussed last month but did not
10 make into the action item agenda?

11 CO-CHAIR SULLIVAN: Yes. Any time in
12 consideration of the meeting minutes, if an action item
13 hasn't been identified or hasn't been accurately
14 reflected, that would be a comment to the meeting
15 minutes, so if you have any comments.

16 MS. SMITH: There are three:

17 The reuse issues from Martha Walters, the
18 zones -- you did give us a small map tonight of the
19 reuse zones, but it might be better to have the City and
20 County of San Francisco's priority list for parcel

1 zoning available to us.

2 You've got it. We don't got it.

3 CO-CHAIR SULLIVAN: Actually, what we can do
4 is to ask Martha to comment on this. Actually, this map
5 is kind of a collaborative effort.

6 MS. SMITH: It's very simple.

7 The Regional Water Quality Control Board has a
8 policy on MTBE and is revising its underground storage
9 tank regulations.

10 We asked for a copy of the policy and we have
11 not received that.

12 And seeing how that is dumb, I think the draft
13 policy should be made available to us.

14 Last month, we would have had it, and we don't
15 have it.

16 And then the last item is Naval plans to take
17 action on FOST. This was Pat Nelson's request and it's
18 not on our action item list. We need to know that.

19 CO-CHAIR SULLIVAN: I'm sorry, just to clarify
20 the issue: It was on the status of transfers?

1 MS. SMITH: Yes.

2 CO-CHAIR SULLIVAN: The finding of the
3 suitability to transfer?

4 MS. SMITH: Yes. She wanted it as an action
5 item and it's not an action item.

6 CO-CHAIR NELSON: A status report on that as
7 well.

8 MS. SMITH: It's not on our list, so we need
9 to have that.

10 CO-CHAIR SULLIVAN: All right. So then those
11 are three items.

12 MS. SMITH: You know, you may not have
13 anything to transfer, but we need to know where you're
14 moving on these things.

15 CO-CHAIR SULLIVAN: So three items: Reuse
16 issues from the standpoint of the city.

17 MS. SMITH: And zones.

18 And then the Regional Water Quality Control
19 Board's reclassification.

20 CO-CHAIR SULLIVAN: MTBE.

1 MS. SMITH: Yes.

2 CO-CHAIR SULLIVAN: And then the third is the
3 status of finding of suitability to transfer.

4 MS. SMITH: The FOST.

5 CO-CHAIR SULLIVAN: I know I have seen the
6 MTBE document. I thought we had, but maybe we hadn't
7 sent it out.

8 MS. SMITH: I don't have a copy of the draft
9 policy. I'm very interested in that.

10 MR. HEHN: It actually showed up in the BCT
11 minutes from the last one that we haven't reviewed yet
12 for this submitted.

13 MS. SMITH: It's thin. It's only three pages.

14 MR. HEHN: It was submitted to the BCT.

15 MS. SMITH: There is not a draft policy in
16 this. It's only three pages.

17 MS. KATHURIA: It's one page -- I mean, it's
18 the three pages, and I think the recommendation is the
19 last page, how to handle MTBE.

20 MS. SMITH: It doesn't discuss MTBE as far as

1 I could tell.

2 CO-CHAIR SULLIVAN: Maybe, Gina, you could
3 talk to Dale off line to clarify what we had provided.

4 MS. KATHURIA: Sure.

5 CO-CHAIR NELSON: Before we talk about
6 updates, I don't know that people noticed in their
7 package, but the University of California at Davis had
8 submitted to the Navy and to me an announcement for a
9 seminar coming up on Saturday, January 25th, which, I
10 guess, is this coming Saturday, the meeting to challenge
11 cooperative solutions for base closure cleanup. It will
12 be here at the Nimitz Conference Center on the 25th. If
13 you're interested, be sure to check your package so that
14 you can sign up. We forgot to do that in the last
15 meeting to announce it.

16 CO-CHAIR SULLIVAN: Yes.

17 And, lastly, I just received a Federal
18 Register publication of technical assistance for public
19 participation for proposed rules. So I have some copies
20 in the back and we will also include copies in a mail

1 out. But this is another proposed rule. So this is the
2 second proposed rule. The first being the RAB rule.

3 MS. SHIRLEY: Are we doing any announcements
4 now?

5 CO-CHAIR SULLIVAN: Well, if there are any
6 others, since we are kind of in an update phase, if
7 there are any.

8 MS. SHIRLEY: Well, the -- well, now my mind
9 went blank.

10 Well, I will just do it later. I need some
11 time to think about this.

12 CO-CHAIR SULLIVAN: All right. With that, we
13 will move into the BRAC cleanup process.

14 CO-CHAIR NELSON: Brad has a comment.

15 MR. WONG: One last comment.

16 With regards to that technical assistance for
17 public participation, I believe that was published in
18 the Federal Register in December.

19 CO-CHAIR SULLIVAN: Yes.

20 MR. WONG: And the closing date will be coming

1 up in February, if I'm not mistaken.

2 CO-CHAIR SULLIVAN: February 25th, yes,
3 comments are due by February 25th.

4 MR. WONG: So that's very similar to what we
5 were looking at for the body of laws and stuff for
6 setting up RABs.

7 My understanding how this ran, it was
8 originally provisioned to provide technical assistance,
9 and they started to try to do away with it. It got kind
10 of buried. So there was no money available.

11 The way the laws were written, it basically
12 delayed these decisions on whether or not to provide it.

13 And now what's happening is that the momentum
14 seems to be swinging back, that they are thinking about
15 providing technical assistance funding to the RABs on
16 the order of something like, generally, about 100 grand
17 to RABs. There are some issues about who can actually
18 do the contracting, if the RAB can do it or the
19 government has to do it.

20 So I would like to suggest that these actually

1 do get sent out to people, because I think it's
2 important for us to look at that and get some comments
3 in.

4 And I think we need to make an agenda item
5 somewhere down the road because there could be funding
6 for us. The momentum swung in the last 18 months.

7 MS. SMITH: So you think we need it on the
8 next agenda item, on the next meeting? Do we have to
9 close on this quick?

10 MR. WONG: February 25th is the last call for
11 Federal Register, so maybe I would like to put it on the
12 interim meeting and we can figure out what we have.

13 But if those could be mailed out to everybody
14 beforehand so they have a chance to read it. It is an
15 important topic because money can become available.

16 MS. SHIRLEY: What I was going to say before I
17 was flustered, BADCAT, Bay Area Defense Conversion
18 Action Team are doing some demonstrations at Hunter's
19 Point starting Thursday, the 23rd, from 9:00 to 1:00 on
20 Thursday, Friday and Saturday. And also next Monday and

1 Tuesday from 12:00 to 3:00.

2 They are demonstrating some cleanup
3 technologies, two cleanup technologies, one is a soil
4 washing and the other one is a -- I don't know what the
5 other one is -- oh, it's an x-ray fluorescence on site
6 analysis technology.

7 And if you're interested in checking out some
8 field activity, it might be interesting to go out to
9 Hunter's Point next week and see what they are up to.

10 CO-CHAIR NELSON: Could you repeat the dates
11 again?

12 MS. SHIRLEY: Yes. It's Thursday the 23rd
13 through Saturday the 25th from 9:00 until 1:00. They
14 are hour-long tours and you need to meet right inside
15 the gate at Hunter's Point. So, basically, just show up
16 between 9:00 and noon and they will take you on a bus
17 out to the demonstration site.

18 MR. VAN WYE: It's nothing new. BADCAT's been
19 demonstrating out at Hunter's Point for years.

20 MS. SHIRLEY: And then they're going to

1 continue on Monday through Wednesday, the 27th through
2 the 29th, from 12:00 to 3:00. Again, just show up.

3 They are hour-long demonstrations starting at the gate.

4 And then if you really care, they're going to
5 have a reception on Wednesday from noon to 5:00.

6 CO-CHAIR NELSON: Chris, that's good
7 information.

8 And just so we get the acronym down, that's
9 Bay Area Defense Cleanup Action?

10 CO-CHAIR SULLIVAN: Conversion.

11 CO-CHAIR NELSON: Conversion.

12 MS. SHIRLEY: Yes, Conversion Action Team.

13 CO-CHAIR NELSON: Okay.

14 CO-CHAIR SULLIVAN: Okay.

15 CO-CHAIR NELSON: We have a presentation
16 tonight summarizing comments that Paul and I have
17 prepared on the remedial investigation report. Other
18 RAB members have also prepared comments, and they are in
19 written format.

20 I think copies of all of them were on the back

1 table.

2 I think Dale has commented, Chris has, I have
3 and Paul has.

4 We set up the meeting tonight so that comments
5 given verbally here for the first time can be recorded
6 and given as comments to the Navy on the RI report.

7 And while I step into my role as presenter
8 here, Harlan has graciously demurred to the position of
9 moderator.

10 MR. VAN WYE: Thank you.

11 When the speaker of the house wants to comment
12 substantively on any issue, he has to hand the gavel to
13 somebody else and step down into the well of the chamber
14 and take his licks. So our honored speaker is going to
15 be down there in the well of the House for a while.

16 This involves principally Paul and Pat,
17 although I perhaps shouldn't say, "principally them,"
18 but they prepared some comments.

19 Dale has been participating, Christine has
20 been participating, and I believe, Chein, you have been

1 participating?

2 MS. SHIRLEY: All the regulators.

3 MR. VAN WYE: All the regulators have been
4 participating.

5 There are some technical documents that have
6 been prepared. And the document headed January 21, '97,
7 NSTI RAB Meeting, Technical Subcommittee Presentation is
8 going to, I assume, will be the principal document, or
9 at least the outline for the discussion tonight.

10 There is a report memorandum from Paul, dated
11 January 21, '97 on the back table, and there may be some
12 other memoranda back there. And if there are, I'm sure
13 we would be enlightened concerning them.

14 So at this point -- and I'm only going to be
15 participating in this as a moderator, I have little or
16 no substantive comment to make -- at this point, I would
17 like to turn it over to Paul to describe just what
18 exactly has transpired and how we got to where we are.

19 Well, let's try it two ways. As you know, I'm
20 a great one for live discussion, but there is a lot of

1 material to go over, and there is only a limited amount
2 of time to do it.

3 So I will exercise the prerogative of the
4 Chair and try to keep the questions to a minimum, and,
5 by that, each one of you has cards in front of you. If
6 you have questions that you need to raise, why don't you
7 write them down on the card and indicate who the
8 questions are for.

9 We will take a brief break after about,
10 hopefully, about 25 minutes or so into the presentation,
11 and then you will have a chance to interact. And we may
12 take a few questions from the floor to individuals to
13 get a dialogue, but I think that's going to depend a bit
14 on time.

15 And so without further adieu, I'm going to
16 turn it over to Paul.

17 MR. HEHN: Thanks, Harlan.

18 This is, essentially, the majority of the
19 comments here and, essentially, all the comments are
20 those made by Pat and myself in our review of the Phase

1 II-B remedial investigation report.

2 I wanted to just mention, as we review these
3 particular comments and concerns and issues that we have
4 raised as part of our presentation, we are not really
5 looking for responses or any kind of, well, essentially
6 responses from either the Navy or anybody else in this.

7 We are essentially putting your comments out
8 there. These reflect pretty much what our written
9 comments are. What we would like to do, based on
10 comments we have made and others have made to this
11 particular document. We would really like to propose
12 that in the February meeting, we get responses to these
13 comments, questions and concerns that we express at this
14 time.

15 So we are going to do this in sort of a tag
16 team approach tonight. I'm going to do part of the
17 presentation, and then Pat's going to do part of the
18 presentation. So we will be switching back and forth,
19 and you will get a variety of comments and views on
20 this.

1 Without further adieu, we will go ahead. So,
2 essentially, this is just a review of the Phase II-B RI
3 report and what our issues and concerns are.

4 One of the things we will do is sort of start
5 off with an executive summary, if you will, as to what
6 the major points are that ended up out of our review.

7 Certainly one of the things is that, we feel
8 that, after we looked at the overall report and all our
9 reviews of the technical presentation, the RI report, we
10 feel, is incomplete. We will go into details as to why
11 we feel some of those things are incomplete.

12 The second thing is, we feel that the Navy
13 should fund and schedule this additional investigation
14 that we are going to propose as part of our conclusions
15 and recommendations tonight in 1997, or to make sure
16 that this process gets to the point where it's ready to
17 go into feasibility.

18 So just in looking at sort of the general
19 topics that we are going to cover tonight, we are going
20 to look at site data, sort of what the history of some

1 of the data has been and how it's utilized, how valid
2 that data is, and how reproducible the sampling results
3 have been.

4 The methodology, as far as the site
5 assessment, as far as what the data has shown, and how
6 it's been characterized and the site actions that are
7 being proposed, and what we feel about the rationale for
8 those particular site recommendations.

9 We are also going to look at the site
10 assessment completeness, as to what the vertical and
11 horizontal extent of the characterization of soil and
12 groundwater have been at these particular sites, what we
13 feel about the risk evaluation on these various sites.

14 And, certainly, I think we are not risk
15 assessors by any means, and we are giving what our
16 initial comments are, certainly others such as Chris
17 and, unfortunately, Usha had to leave for a family
18 problem, but she had certainly done a lot of work on
19 this, too, but we will make what comments we can, and
20 then conclude with our conclusions and our final

1 recommendations on the process as to how to improve it
2 and get to the result that I think we would all like to
3 see.

4 So at this point, we are going to do the first
5 of your tag team switch, and you're on, Pat, for site
6 data.

7 CO-CHAIR NELSON: Thank you. I'm going to
8 stand up and change slides when it's appropriate, but
9 for right now, I will start by remaining seated.

10 One of the things that I look for when I
11 review an RI report is try to reconstruct the murder
12 scene, as it were, where are we, and what are we trying
13 to discern here.

14 And part of that is summarization of previous
15 site investigations so we know what the starting point
16 is.

17 In the work plan, we had commented how the
18 historical data used wasn't completely clear. It still
19 is not clear in the RI report.

20 There is very little reference to how the data

1 that had been collected confirms or illuminates a
2 mystery that may have been seen when the historical data
3 was reviewed for the first or second time.

4 So the preliminary assessment and site
5 investigation data, the Phase I and Phase II-A data
6 didn't appear to be used as a basis for the Phase II-B
7 work.

8 Part of the Phase II-B work was use of field
9 screening methodologies -- use of the geoprobe and the
10 immunoassay chemical analysis kits.

11 It was described in the Phase II-B work plan
12 that data would be collected, and, based on that data,
13 decisions would be made with regard to where the final
14 bore holes and monitoring wells would be placed.

15 There is a lack of description of how that
16 happened, and, exactly, you know, where some of those
17 final locations were and what they were looking for in
18 those locations.

19 What Paul and I have decided to do in
20 tonight's presentation is really to take one site and

1 try to make as many points on one site to illustrate our
2 points.

3 I'm getting ready to change slides but not
4 quite yet.

5 The other piece of the historical information
6 that is really important before the investigation is
7 done is what the historical land uses were and the
8 building uses.

9 There is some description in the work plan in
10 the RI report, but it isn't really clear whether or not
11 those uses really past World War II occupation of
12 Treasure Island were any different or what new chemicals
13 could have been introduced or what really happened
14 inside the buildings and what chemicals were brought on
15 site.

16 Being a professional in the business, I
17 recognize operational histories are sometimes scant, and
18 I can imagine that they might even be rarer in the case
19 of military uses.

20 But what we looked for in Site 12, and I'm

1 going to use some primitive slides here because I didn't
2 have the originals, and I had the xeroxes reproduced
3 many times.

4 In the work plan and in the RI report, there
5 is a visual of historical uses for Site 12. Some of the
6 areas shaded here were shaded so that you could see
7 them.

8 So we have some uses. The rectangles are
9 largely for bunker areas, and the hatched areas are
10 disposal areas and landfill areas.

11 And you might notice -- let's see if I can get
12 my mechanical pointer here. We have a landfill area
13 here that really goes across two site areas, and the
14 police academy is here as well.

15 So this is one area just in a brief review
16 that interests Pat Nelson, and there is an elementary
17 school in this . . .

18 CO-CHAIR SULLIVAN: No, down.

19 CO-CHAIR NELSON: -- in this area right here
20 (indicating). So there are sensitive receptors there,

1 just as a matter of interest.

2 So we have another adjacent IR site here
3 (indicating).

4 So what I was looking for when I overlaid my
5 drawings, and I will apologize again, it's not quite to
6 scale, but I think, hopefully, we will be able to see
7 something here.

8 Now, the purple are the locations roughly -- I
9 underline boring numbers and things -- core samples were
10 taken, and you will notice that there were some areas
11 that were not investigated at all.

12 In fact, this area here, this contiguous one,
13 it's very surprising that there hadn't been more
14 investigation in that area.

15 So this is how I look at land use and how I
16 look at where there might be a rationale to sample or
17 not to sample in these areas. It brought up a lot of
18 questions how this information was used.

19 I think I can take these off now (indicating).

20 So there wasn't a lot of explanation. There

1 were other sites that I had similar concerns about, but
2 all in all, I didn't see a clear rationale or scientific
3 method for review of some of this.

4 Another concern I had reviewing the data, and
5 my pet issue is always data, I have been in the hot seat
6 many times trying to defend data, so I always look at
7 the validity of it.

8 Now, when the work plan came out, the RAB had
9 prepared comments, really outlined their concerns on the
10 use of the immunoassay kits because of a lot of reasons.

11 But the use of immunoassay kits are
12 particularly sensitive to the technician that's
13 performing the analysis, and field conditions, among
14 other things. There are batch problems, manufacturers,
15 so the additives to run the analyses sometimes aren't as
16 good as other batches.

17 And whereas in perfect conditions they might
18 have low failure rates, in field conditions that I've
19 encountered, personally, they have had relatively
20 disturbing failure rates.

1 In 1995, there was a field demonstration in
2 which some of these immunoassay kits were used. And
3 there was a large, relatively large failure rate of the
4 immunoassay kits in soil and in groundwater, largely
5 because of false-positive results. This means that the
6 end result is a positive detection of a chemical,
7 whereas it's not there, maybe. We don't know unless
8 it's really confirmed in a traditional laboratory.

9 The kits, we understood, took a mid course
10 correction. Other kits were used, and there is no real
11 description of those kits or what specifications they
12 were developed and whether or not they were even
13 approved as an alternative technology or analytical
14 method by the DTSC. So I have a concern about that.

15 The immunoassay kits that had been used for
16 TPH analysis for Site 12 had, for soil, a very high
17 failure rate, which was largely because of false
18 negatives, which means you get a negative result, and
19 with the traditional laboratory method, it shows a
20 positive detection.

1 That's very disturbing because you might have
2 more contamination out in the field than has been
3 confirmed, since only a small percentage of the samples
4 had been analyzed in a traditional lab, and, similarly,
5 in groundwater where there is a false negative failure
6 rate of approximately 25 percent.

7 I haven't gone back and computed just what the
8 overall failure rate was, but I don't have a good
9 feeling about the data that was used to characterize the
10 horizontal and vertical extent of the contamination at
11 any of these sites. In my experience, it was a very
12 high failure rate.

13 What was even more disturbing to me going
14 through the traditional laboratory data was that a lot
15 of that data was simply qualified with footnotes that
16 would indicate QA/QC procedure errors within a
17 laboratory, not only for the organic but inorganic
18 analyses.

19 So when you try to confirm immunoassay
20 results, and you have laboratory QA/QC problems on those

1 samples that were confirmed one way or the other, it
2 doesn't leave me with a feeling of confidence that we
3 have enough data here overall to characterize the
4 wherewithal of the horizontal extent of contamination,
5 which is one of the focuses of an RI report.

6 One of the things I look for when I review an
7 RI report is whether or not the sampling occurred in a
8 biased or random scheme.

9 A biased scheme is one in which you try to
10 find the worst of the worst out there. You have some
11 idea of what the historical operations were. You know
12 there is a high probability of finding contamination
13 there. It's a very good way to do a screening analysis.

14 However, if you want to know where that waste
15 has gone, you combine it with a random sampling, so that
16 you can get around the perimeter of the area where you
17 suspect contamination, typically on a grid.

18 Now, the island is very big and there are a
19 lot of sites here, but you might recall that little
20 corner where Site 6 and Site 12 converge. I would have

1 expected, because there was a well very near the
2 boundary of where the two are adjacent, to have seen
3 some sampling across that boundary so that one can then
4 determine a lateral extent in groundwater.

5 It's not really clear from how it was
6 described in text or by the sampling program that was
7 illustrated on the drawings just what kind of basis for
8 their sampling plan was implemented.

9 In addition, also in my experience, when we
10 undertake a site, we try to find out as much about
11 similar sites so that we know what chemicals to screen
12 for based on historical uses.

13 And on Naval bases, I'm sure that there might
14 be a family of chemicals that are typically associated
15 with their use.

16 One of the discoveries that came out of the RI
17 report is a lot of beryllium seems to be ubiquitous on
18 the site. Christine had looked up what possible sources
19 of beryllium there would be. Well, in strategic metals
20 and breaking pads -- and correct me if I'm wrong --

1 equipment that is typically associated with base use can
2 be sources of beryllium, but it had not been identified
3 up front in the work plan that we had considered.

4 Similarly, there were underground tanks on
5 site, and the MTBE is commonly associated with
6 underground tanks circa 1980, and certainly some of
7 these tanks were in use at that time. That had not been
8 investigated as part of this work. It probably, in my
9 view, should have.

10 Also, I think Dale had mentioned in the past
11 locations of seasonal variations for flora and fauna
12 habitat on both islands that were not fully
13 investigated. I think there was a very short window in
14 one season that sampling had occurred. There are
15 migratory species and some plants that maybe would have
16 shown up in other seasons. That needs to be fully
17 addressed.

18 Take it away, Paul.

19 MR. HEHN: Thank you, Pat.

20 All right. The next thing we are going to

1 consider are some of the screening criteria that were
2 used to determine impacts on particular sites and
3 whether or not it should be included for additional
4 assessment or whether or not those could be eliminated
5 from consideration.

6 One of the things that came up in my mind was
7 some of the screening levels that were used for metals
8 on almost all the sites.

9 One of the criteria was an ambient screening
10 level which appears to have used all the existing sample
11 analytical data from all the sites that were sampled in
12 coming up with an ambient level for Treasure Island and
13 YBI.

14 I have a concern about that only because
15 you're specifically sampling impact of sites, and,
16 therefore, your screening criteria are normally going to
17 be higher than if you are really looking at an ambient
18 level for nonimpacted sites on the Naval base.

19 So what really would need to be done, and I
20 don't know whether there are enough samples to do that

1 or not, would be to come up with an actual background
2 level of what would normally be an unimpacted site of
3 unimpacted soils on both islands so that you can really
4 determine whether or not what you're getting is really
5 above a background level.

6 The other thing is in looking at background
7 levels, there was a methodology that was used to screen
8 out metals that were detected in most of these sites.

9 One of them was whether or not they were
10 natural nutrients, which is some of these sites have
11 very high concentrations of some metals. The question
12 was asked previously as to what level those become
13 hazardous concerns rather than just natural nutrients,
14 and I don't think that you can just throw everything out
15 no matter what the concentration is by throwing it into
16 the level that it's a natural nutrient.

17 The other thing is, in trying to determine
18 what metal concentrations should be assessed and what
19 needs further assessment and what could be potential
20 chemicals of concern, there was a methodology that was

1 used whereby if the metals concentrations were not
2 greater than ten percent of the overall ambient
3 concentrations or background levels for metals, they
4 were discarded because they didn't meet that ten percent
5 criteria.

6 I don't know where that ten percent criteria
7 comes from, because if you have, even at ten percent or
8 less that have high concentrations, those may be
9 specific hot spots that you're really detecting and not
10 necessarily just, you know, some abnormality within the
11 data.

12 So those really need to be looked at more
13 carefully and not just thrown away because they were
14 less than ten percent.

15 So especially with metals where they may not
16 be very mobile, you may have only one or two places
17 where you might have very high metal content in a soil
18 sample. Therefore, you need to really look at that as
19 to why it's there.

20 In looking at the historic interim and

1 long-term base reuses, there is a real shortage of using
2 a lot of the data that was available, and Pat has
3 touched on that earlier.

4 One of the things I wanted to just sort of
5 mention was that in looking at the previous historic
6 uses of the base and using Site 12 again as our example,
7 this is sort of using the information that's available
8 from some earlier report.

9 Now, I recall in seeing some other air photos
10 of Treasure Island during World War II, or maybe shortly
11 after World War II, there was a much more extensive area
12 of bunkers in this area than what is shown in this
13 diagram.

14 Now, I remember seeing two fairly extensive
15 rows of bunkers going down through this area
16 (indicating), and that may reflect in some of these slip
17 trenches or these areas where there might have been
18 disposal.

19 I don't know if this was reevaluated in
20 looking at the Site 12 investigation as to what other

1 impacts there might have been, so I think that needs to
2 be relooked at, and I don't know if this work plan was
3 reevaluated based on the new information in photos that
4 were supplied by the EPA.

5 So we need to look at that and see if we have
6 clarification on the sites in that particular location.

7 The other thing is that -- and we will go into
8 this in a little bit more detail as we go along -- there
9 wasn't a lot of work that was done on trying to look at
10 the long-term reuses of the land.

11 In a lot of the cases, they looked at what the
12 current site conditions were, for instance, on
13 leachability of metals. It was concluded that because
14 this was a paved site, there wasn't a concern about
15 leachability because there wasn't going to be any
16 groundwater infiltration or surface water infiltration.

17 A lot of this sort of ignored the fact that
18 five years from now, ten years from now, whatever the
19 city decides to use this as, it may no longer be paved,
20 or it may have a building on it now, or it may not have

1 a building on it in the future.

2 We need to really look at it and not just say,
3 "Well, it's paved and you don't have to worry about it,"
4 because what might happen in 10 years or 20 years if
5 they decide to take that building out? What is going to
6 be underneath that building and what kind of problems is
7 that going to bring out?

8 Pat touched on the information of the
9 interaction and migration of contaminants between sites.
10 That's left pretty much on a site specific basis.

11 There is really no discussion about how sites
12 interact, what might be commingled plumes between
13 various sites. That's a really tough thing, hard to do
14 on a large base like this with so many different
15 contaminants and so many different areas. But there
16 needs to be an attempt to try to really put that picture
17 together so that you know what's moving from site to
18 site, for instance, like Site 12 and Site 6. Also,
19 between what's happening between the sites and the bay.

20 And one of the things that happens there is

1 that, looking at tidal fluctuations, that's another
2 concern that really has not been adequately addressed.
3 That may be a case where we are waiting for the
4 groundwater modeling to be completed, and maybe some of
5 the toxicological stuff when the TPA should be
6 completed.

7 But there certainly has not been any
8 discussion as to what sort of interaction there might be
9 between the bay and the sites, especially, for instance,
10 here in Site 12, where you have some pretty high impacts
11 immediately adjacent to the bay, and, obviously, from
12 the tidal influence study, there was about 200 feet of
13 influence inland.

14 So you need to really look at what's happening
15 with that. Maybe a higher or lower contamination based
16 on the time of tide, and, also, the fact that we have
17 some real lack of data in parts of the area where there
18 is no information at all because there is no groundwater
19 monitoring wells.

20 And, finally, looking at TPH, the methodology

1 for TPH, human health risk assessment and ecological
2 health risk assessment. There really is some real
3 shortages as far as how that is established.

4 I think in this point, we will look at this a
5 little bit later, but there really has not been a
6 complete picture presented as to why certain criteria
7 was used, and it's poorly developed, I think, in a lot
8 of cases.

9 The argument of why things were removed from
10 the human health or ecological risk assessment, or why
11 particular TPH sites were removed from consideration is
12 just kind of left, and there is no discussion and,
13 essentially, it's incomplete.

14 MR. VAN WYE: Paul, this is good and
15 interesting. I need to move you along as expeditiously
16 as possible.

17 MR. HEHN: Okay. Thank you.

18 Actually, I think Pat has this one.

19 CO-CHAIR NELSON: Well, the rationale for site
20 actions, the intent there is really kind of to sum up

1 what we felt was lacking in terms of description or
2 analysis in the RI report.

3 I've already described what I felt was a
4 deficiency in the description of how the geoprobe and
5 immunoassay were used to determine the final bore hole
6 monitoring well locations.

7 Of equal or more concern to me was the data
8 that had been developed for the nine sites that were
9 removed from the IR program and placed in the UST
10 program.

11 I'm not comfortable enough with the data that
12 I've seen to know that these sites shouldn't be
13 reconsidered with additional information data that is
14 gathered in the field on a supplemental field work
15 program.

16 Often in the description of the sites there
17 were recommendations for no action described in the RI
18 report, but that didn't seem to be based on a lot of
19 hard analysis or scientific methodology, and that is
20 disturbing.

1 And I guess one point I would like to add to
2 Paul's, showing these contours (indicating), there are
3 some omissions in the report, maybe by design. There is
4 data missing for Site 12 and Site 17 in the groundwater
5 model.

6 But I wanted to point out that Site 12, to do
7 a tidal fluctuation study, only 11 wells, if you believe
8 the RI report, had been monitored.

9 In the interim groundwater report, 13 were
10 reported plus a bay location.

11 But this is a large island and those wells
12 were not identified in the report. So we don't know
13 where the measurements had been made during the 12-hour
14 time period.

15 But there is a lack of monitoring wells here
16 (indicating), and you see these contours are estimated,
17 but there is not a lot in the interior of the island.

18 Tidal fluctuations very often have a lag time.
19 I think Harlan might appreciate this because he's a
20 sailor, and so am I, and I also scuba dive, but very

1 often there is a lag time. What happens, when the tide
2 comes in the Gate, it doesn't come in at an equal rate
3 all the way around. It has to work its way around
4 shoals and islands and this and that.

5 But it will influence on a seasonal basis what
6 this estimated groundwater contour is going to be.

7 In this area here (indicating), there is not a
8 lot of monitoring wells that you could see at Site 12.

9 Site 6 is not identified, but there should be
10 a clear methodology if no action is going to be
11 represented or RI sites are going to be moved from one
12 program to another.

13 There should be some description and some
14 scientific analysis based on some sort of spatial
15 distribution on the groundwater gradient establishment
16 and any modeling work.

17 You're on.

18 MR. HEHN: I'm moving along, Harlan.

19 MR. VAN WYE: Good.

20 MR. HEHN: In looking at sort of the

1 completeness of some of this data, we touched on a lot
2 of that as far as the vertical and horizontal extent of
3 the contamination, and we will take a quick look, and,
4 again, we are back at our favorite site, Site 12.

5 Just looking at some of the analysis that was
6 done, and this is straight out of the RI report, for
7 instance, here's the copper in groundwater (indicating).

8 The concentrations are pretty high over here
9 near the old disposal area (indicating).

10 This area around where the old bunkers were,
11 but nothing at all in this area (indicating).

12 No data upgrading so as to determine what the
13 extent of upgrading of this particular impact might be
14 or whether there are other impacts.

15 No data up here (indicating), and there is
16 nothing to determine what the extent of that particular
17 impact is.

18 And the same thing shows up for -- this is
19 nickel -- the same area, same sort of air pattern of
20 concentrations here that needed to be established as to

1 what the extent of these particular impacts are.

2 And this is a question here as to your use of
3 contours and, also, what you use for your data
4 presentation.

5 These are present in the micrograms ppb.
6 Oftentimes they are done in ppm, which is going to make
7 this number seem a lot larger. Instead of 500, it will
8 be 50,000. So the numbers get to be kind of critical as
9 to how they are presented as well.

10 Same sort of pattern, again mercury, and keep
11 in mind, too, that, right now, Site 12 is residential,
12 and, at least in the near term, it seems to continue to
13 be residential, as far as the City and County of San
14 Francisco is concerned. Whether or not it be for
15 workers, for a potential theme park or movie studios or
16 homeless areas, it's a pretty significant impact if we
17 continue to have a residential area, especially in this
18 case, mercury.

19 MS. SMITH: Site 12 had mercury?

20 MR. HEHN: Yes, in the groundwater.

1 MR. HEHN: Again, TPA is pretty much the same
2 situation, and here, again -- now, see, we have changed
3 units in this one now, so we have now gone to milligrams
4 per liter. So we are at ppm levels instead of ppb
5 levels. And now we have small numbers when, in
6 actuality, this one here in the middle, if you use the
7 same contamination or the same units that we had in the
8 last one, this is now 1,000 ppb instead of one in that
9 same contamination. A big difference is how the data is
10 presented.

11 So you need to kind of consistently use the
12 same units as to what you are going to present and how
13 that data is represented and how you interpret that
14 data.

15 Pat?

16 CO-CHAIR NELSON: Yes, and I will keep this
17 very brief because I'm not really an expert.

18 But, as Paul mentioned, there hasn't been a
19 lot of consideration for the ultimate reuse of the land.
20 You really need to plug in the ultimate use to perform a

1 risk analyses that would be valid for the island.

2 If the Navy is concerned about current and
3 interim uses, risk analyses should be done for those as
4 well.

5 And particularly of concern is the residential
6 area with these levels of contaminants that are there.

7 Similarly, the eco risk assessment, we need to
8 establish the receptors and pathways. There hasn't been
9 a lot of discussion about the analytical methodology to
10 perform that.

11 Our conclusions are that the RI does not
12 achieve the objectives that are outlined in the IR
13 report, which is to determine the horizontal and
14 vertical extent of contaminants on Treasure Island,
15 which includes Yerba Buena and Treasure Island.

16 And with the exception of Site 3, the RI sites
17 are neither well characterized nor ready to be
18 considered in the feasibility study process
19 recommendations.

20 MR. HEHN: In looking at all this data, we

1 don't want to be only critical. We want to try to make
2 some constructive criticisms as well to make
3 recommendations as to what we think is going to be
4 necessary in our estimation to make the product better,
5 and to move it towards the process where these sites can
6 go to feasibility and reuse for the City and County of
7 San Francisco in a safe manner.

8 Essentially, we recommend that all existing
9 data be reviewed to determine essentially what is valid,
10 what can be used to evaluate these sites, and,
11 essentially, what needs to be discarded. The
12 immunoassay falls into that category, as far as, in our
13 view, what should be discarded as probably not enough
14 validity to the data.

15 We need to determine where the data gaps are
16 by looking at the sites, like we looked at Site 12 where
17 the holes are, and what needs to be done, where is more
18 characterization needed, what needs to be done to arrive
19 at a valid assessment.

20 We need to focus the results of that rework,

1 and additional assessment needs to be done to take care
2 of the problems that we have identified to looking at
3 what the future reuses are going to be.

4 We really need to get together with the City
5 and County of San Francisco, but also we need to keep in
6 mind that what is a risk assessment value now may not be
7 what the future is.

8 So we really need to look at and have the long
9 view.

10 We need to focus way out into the future of
11 these sites. It's the critical thing to do, because we
12 need to know where it's going to be going and evaluate
13 the things to the point where, if somebody decides to
14 build a building there, or take out a building, or
15 whatever, and if you adequately characterized that site,
16 you know what's there and what's going to happen. And
17 even if you haven't cleaned it up, you know it's there,
18 and so you could be aware of it and it's not a surprise.

19 This rework needs to be done interactively.
20 It really needs to be a closely interactive process

1 between the Navy and the regulators and the RAB,
2 hopefully.

3 We really need to make sure that the data is
4 not hidden until the final report is generated.

5 I think, personally, a lot of this stuff could
6 have been resolved much earlier on if we had a chance to
7 review some of this data.

8 Prevent fatal flaws, the immunoassay. We
9 didn't talk about it. We didn't get any data from it.
10 We didn't see anything as to what the results were or
11 how many false positives there were. We couldn't say:
12 Hey, wait, stop. Let's look at this stuff. Maybe we
13 are taking the wrong approach here. Maybe we need to
14 reevaluate after the first two or three sites to correct
15 the situation early on.

16 It could have been more cost effective. You
17 don't have to start all over again or go back and maybe
18 you only have to redo a couple of sites.

19 We recommend that the final or draft final
20 report not be submitted until this supplemental work is

1 completed, until everybody has reviewed it and had
2 agreement and said: Yes, this is the way it should go.

3 It needs to be reviewed by the parties that
4 have stakeholders in this, including the regulators and
5 including the City and County of San Francisco, and the
6 stakeholders like the Yacht Club.

7 We need to include in that review before it
8 goes to draft final the results of the groundwater
9 modeling and the additional assessment that has been
10 carried out in 7 and 12 so that that can be incorporated
11 into the process and not just done as an addendum so
12 that you put that picture together.

13 If it's done as an addendum, it forces the
14 reader or us as the RAB members to review that and put
15 that data together in our own minds and in our own way
16 and come up with some conclusions ourselves.

17 It should be helpful to the reader rather than
18 instructive to the reader.

19 And, finally, if I could get it out of here,
20 this part I feel very, very strongly about, the

1 completion of a successful RI investigation report is
2 really a critical step to the transition of this base.

3 It needs to be done as well and as completely
4 as we can possibly make it, so that when we get to these
5 future reuses, we don't have to worry about what we will
6 find, what's going to come out of it, and no matter what
7 the city decides what they will do with it, they know
8 what that data is going to be, what they will find, even
9 if it needs to be remediated, or if it hasn't been
10 remediated at that point.

11 And the real key is just to work
12 interactively, to get agreement with all parties so that
13 there is no problem at the end that I think we are
14 seeing now.

15 We are seeing a lot of people concerned about
16 this report and the results that we have gotten, and we
17 would like to make it better. And I, for one, would be
18 happy to work with the Navy, the regulators to help that
19 process out.

20 This has incorporated an enormous amount of

1 time on my part to do this, but I think it's very, very
2 valuable. We have been doing this now for three years,
3 and we are coming to the conclusion of where we need to
4 be, and this is a real critical step.

5 MR. VAN WYE: I would like to thank Pat and
6 Paul very much for what I think was an excellent report,
7 an awful lot of hard work, and the other people who
8 worked with them along with that.

9 I am somewhat reminded of the question that
10 was posed by a Secret Service agent about 132 years ago
11 to the effect of: Other than that, Mrs. Lincoln, how
12 did you enjoy the play?

13 Anyway, we will take a brief break, and I
14 emphasize "brief," because we are running quite late. I
15 would like to take a break for about five to seven
16 minutes, and then I will holler and make noises and get
17 everybody back here, hopefully.

18 In the meantime, if you have any written
19 comments or questions, why don't you put them down and
20 pass them over to me. We will have an opportunity for a

1 few questions and answers, and then we will move on into
2 other areas.

3 So, please, five to seven minutes of break,
4 okay?

5 (Short break.)

6 MR. VAN WYE: All present. We have recessed
7 and are again present. Nothing transpired while we were
8 off -- no, I'm sorry.

9 We have gotten four cards here. If anybody
10 else has some cards, please pass them around.

11 I'm going to allow Brad to be the odd man out
12 on this one here. He will have some comments and
13 questions in just a few minutes.

14 Let me indicate that the comments that we do
15 have, I'm going to read them into the record, and then I
16 will pass the cards on to either Pat and to Jim for such
17 use as they may want to do with them.

18 The first question is: When did the Navy
19 become aware of the high error rate associated with the
20 immunoassay test?

1 The second card and comment -- and I will say
2 that this one comes from me -- is that, my feeling is
3 that the tidal and groundwater levels -- and this comes,
4 again, Pat noted that I'm a sailor, and I am acutely
5 aware of the influence of the tides and the effect on
6 humankind -- the tidal and groundwater levels are
7 extremely important data for all future development or
8 uses of Treasure Island. The accuracy and completeness
9 of this data is extremely important.

10 And by this, I mean, the City and County of
11 San Francisco is going to expect real people with real
12 money to make real investments here. They will not and
13 cannot make real investments of money entrusted to them
14 based on suspect data. And so this work is going to
15 have to be done at some point, and it might as well be
16 done right the first time.

17 The next comment is on Site 21: The IR fails
18 to consider the pier -- I guess that's Pier 1 -- as a
19 source of contamination. The reuse does not include the
20 dock -- again, that's relating to Pier 1 -- groundwater

1 model does not address the fate and transport to the
2 bay, and deviant reports might be caused by outside
3 contractor but not clarified in the document.

4 Further comments on Site 11: The highest
5 concentration of metal is found in the deepest soils
6 caused by fill or earthquake not carefully
7 characterized. Harbor seal haul out ignored. I'm not
8 sure what you mean by that.

9 MS. SMITH: The harbor seal haul out is
10 ignored in the characterization of Site 11, which, I
11 believe, is where the harbor seal haul out is.

12 MS. TOBIAS: It's over by 29, over on the
13 Coast Guard property.

14 MR. VAN WYE: The aquatic receptor is ignored,
15 extremely . . .

16 MS. SMITH: It's an extremely dirty site.

17 MR. VAN WYE: Dirty site.

18 And the implication is to walk away without
19 remediation.

20 All right. I will pass those on.

1 And now Brad Wong, I believe, has some
2 questions or comments that he would like to ask.

3 MR. WONG: My first one is, what is the
4 purpose of this right here, is it for questions, open
5 discussion, or just questions and/or comments to read
6 into the minutes?

7 And if they are questions only to read into
8 the minutes, when do we expect a response to these?

9 MR. VAN WYE: Let's give it a try. It's
10 comment and question time.

11 And anybody, starting with you Brad, if you
12 have some comments or questions to probably address them
13 to Pat or to Paul, and then we will take what we have
14 here, and then I will go back and have to ask Pat and
15 Paul to close up with some thoughts as to where we go
16 from here.

17 MR. WONG: Okay.

18 MR. VAN WYE: And I would like to keep it
19 brief. We are running way late.

20 MR. WONG: My first question just had to do

1 with the purple spots on the overlays there, which were
2 the sampling.

3 Those were just the samplings done for that
4 site, right, not for the whole base?

5 CO-CHAIR NELSON: That's right. Just for
6 that.

7 MR. WONG: And the high school fell south of
8 Site 12?

9 CO-CHAIR NELSON: The elementary school fell
10 south of it.

11 MR. WONG: So we wouldn't expect to see any
12 spots around there in that display.

13 Out of fairness, we wouldn't expect to see the
14 spots around there because we weren't looking at that
15 site.

16 CO-CHAIR NELSON: That's right.

17 MR. WONG: All right. In the immunoassay, I
18 do have concerns about that, because at the time that
19 the detect immunoassay kits were found to be faulty and
20 switched over to, I believe, a Milliport, if I'm not

1 mistaken, we were promised that we would have similar
2 test results presented to us to see if, in fact, those
3 immunoassay kits worked. We have never seen that.

4 So, in fact, once the switch happened, we
5 never got to see if, in fact, the new kits did or did
6 not work, and I would like to point out for the record
7 that we questioned from the get-go the detect that these
8 immunoassay kits may not work, and, in fact, it was
9 proven to be true.

10 So I have very grave concerns as to whether or
11 not the Milliport kits work.

12 Furthermore, my recollection was that the
13 immunoassay kits and the geoprobes were going to be used
14 only as a preliminary screen and that the traditional
15 and more conventional laboratory tests would be done
16 down the road.

17 It appears from the IR that, de facto, the
18 immunoassay tests were the only things used for the
19 majority of the characterizing data, and I don't think
20 that was my understanding back then.

1 It seems to me a lot of the work plan and a
2 lot of the data collection for the report, the RI
3 report, was done well in advance since it's been going
4 on for a number of years to the final reuse plan being
5 submitted just last summer, so I'm wondering if, in
6 fact, the work plan and the RI had been substantially
7 altered to include what the actual reuse plan is.

8 It seems to me it's logical that the RI should
9 be done with the reuse plan, pretty much done so that
10 you can do the long range planning that Pat and Paul had
11 pointed out, what is the ultimate long range reuse, so
12 it's a little bit the cart before the horse, is what I
13 think we are seeing here.

14 And the last one is for Pat and Paul. Your
15 first recommendation says that the data should be
16 re-reviewed and then determine what's valid, you know,
17 what should be used and what should be discarded.

18 I was wondering if you had any thoughts on how
19 one determines what is valid and what should be used or
20 what should be discarded.

1 That's it.

2 MR. VAN WYE: Thank you very much for those
3 comments. They were very well taken.

4 As I pass this over finally to Pat and Paul
5 for very, hopefully, brief summary comments that they
6 may choose to make, let me indicate that, during the
7 recess, I spoke with several people here, and there was
8 a general expression of appreciation for a lot of
9 excellent effort and some very thought-provoking
10 comments that were made.

11 So Pat and Paul, if there is anything you
12 would like to say in response here in conclusion as to
13 where we go from here, the floor is yours.

14 MS. NELSON: Do you want to start?

15 MR. HEHN: I wish to respond to your question
16 and statements if I can, Brad.

17 Whether or not the RI work plan is done prior
18 to the reuse plan, I don't think is really the critical
19 issue.

20 I think what has to be done and what I see

1 very often in investigation work in my job is that it's
2 very difficult to get that long view. It's very
3 difficult to keep that focus on what's going to happen
4 in 10, 20, 30, 40 years out. It's much easier to see,
5 well, what we have now.

6 So whether or not you knew what the reuse plan
7 was, you need to think about that, sort of conceptualize
8 what these changes might be, and keep that focus to your
9 investigation to, just like what I said, well, this may
10 be paved now, but it may not be paved five years from
11 now. What if the building is gone? What if this is now
12 a wetlands area? What if it's a golf course? How will
13 that change your assessment and your investigation?

14 So, really, you need to keep that long view
15 whether or not you have that reuse plan.

16 On -- I'm sorry. I forgot your last question.

17 MR. WONG: Well, I would like just to clarify,
18 if I can, I would second what Harlan said.

19 I think, Pat and Paul, you did an outstanding
20 job, and I would like the minutes to reflect just how

1 grateful everybody is.

2 The other thing I would like, I'm a little
3 unclear, I'm not questioning your assumptions and what
4 you did, so I'm not clear.

5 I'm asking you questions, per se, as much as
6 I'm questioning either the Navy, the regulators or the
7 process as a whole. So I don't want you to feel like
8 I'm questioning what it was you presented because that's
9 not my intent at all.

10 My last question on the recommendations was,
11 you suggested to review the data and determine which is
12 valid and which should be used and which should be
13 discarded. I didn't know if you had some suggestions for
14 the Navy on how they might do that.

15 MR. HEHN: Well, I don't think it's the RAB's
16 role to try to get down to the nitty-gritty of how that
17 needs to be done.

18 I think what our role is is to say, well, from
19 a community standpoint, from my own personal standpoint
20 as a community member, I don't think it's an adequate

1 job to make it to the feasibility study and my comments
2 reflect that.

3 So I think in doing that kind of review, the
4 Navy and the regulators need to get together and say,
5 well, if this is the general concern, if this is the
6 general consensus, how can we make this better?

7 You need to look at that data, you know, if it
8 may be the false positives, false negatives, questions
9 about the immunoassay, how much can you really trust
10 that, what data do you keep, what data do you throw out?
11 Maybe you throw out all of it, I don't know. That's the
12 decision they have to make.

13 What I tried to point out was that there are
14 some real concerns on my part with this process and this
15 report, and in order to make it move to that feasibility
16 study, there needs to be some repair work done in making
17 this a viable report, a viable characterization so that
18 it can move forward. So I can feel comfortable with
19 what those decisions are later on.

20 Pat?

1 CO-CHAIR NELSON: Yes.

2 I really don't have a lot to add to what Paul
3 has said about reviewing the data, or making
4 recommendations as to what we should keep.

5 I think at some point this falls into the laps
6 of the regulators and the Navy, and I think I really had
7 two points.

8 This is democracy in action. We are a
9 community group. We are concerned about a piece of land
10 in our community. We care enough about it to spend the
11 time to develop these comments for the regulators and
12 the Navy and the City of San Francisco.

13 And to that end, we have, Paul and I prepared
14 this information and made specific recommendations. And
15 I would like the RAB to clarify for me, and maybe also
16 Paul, whether or not we submit those recommendations as
17 individuals or as the Restoration Advisory Board for the
18 consideration of the Navy.

19 MR. VAN WYE: Let me resume the role of
20 temporary chair on this.

1 First of all, we have four documents, I think,
2 there may be more -- if there are, somebody please pipe
3 up and correct me -- that need to be incorporated into
4 the record.

5 So at this point, there is a document of about
6 three pages. The first is: Review of Phase II RI
7 Report, Issues and Concerns. This is prepared by you
8 folks, and I think this goes with your slides. This is
9 the slide presentation. So that's the first item to be
10 included in the record.

11 There is a second document, which is five
12 pages in length, which is an outline, and that is the
13 RAB Technical Subcommittee Presentation by Paul and Pat,
14 and that also shall be included in the record.

15 There is a document, a memorandum that runs
16 some 17 pages. The Treasure Island Restoration Advisory
17 Board, notes to the RAB, from Paul as technical
18 subcommittee chair, "Comments on Document: DRAFT
19 'Remedial Investigation Report.'"

20 And, lastly, there is a memorandum, dated

1 January 17th, from Pat Nelson to Ernesto Galang and Jim
2 Sullivan, which transmits some of her comments that also
3 should be a part of the record.

4 Let me --

5 MR. WONG: There is another.

6 MS. MENDELOW: And I have one, too

7 (indicating).

8 MR. VAN WYE: All right. One at a time.

9 Dale Smith has some comments.

10 These are undated, but it's timely. So Dale's
11 comments will also be a part of the record.

12 MS. MENDELOW: I actually put the wrong date.
13 If you could change it to '97. I put '96 on there.

14 MR. VAN WYE: All right. Karen Mendelow's
15 comments shall also be included as part of the record.

16 And this is a draft from . . .

17 MS. SHIRLEY: Those are mine. I don't want
18 those included at this time.

19 MR. VAN WYE: She does not want them included.

20 MS. SHIRLEY: I'm going to mail it tomorrow,

1 once I finalize it.

2 MR. VAN WYE: There is a lot of material here
3 to be digested.

4 I would take, perhaps, a straw vote, a sense
5 of the RAB. You've heard the comments by Pat and Paul.

6 Are these comments that you can tentatively
7 concur with? And I would suggest that perhaps -- and I
8 hear nobody responding in the negative on that. Perhaps
9 it would be appropriate to have a brief discussion and
10 formal action of the RAB with regard to the matters that
11 were raised by Pat and Paul calendared for the next
12 meeting.

13 Do I hear any objection to that?

14 MS. SHIRLEY: Do you mean a response by the
15 Navy?

16 MR. VAN WYE: Well, certainly the Navy can
17 have any response.

18 But I think it's essentially an opportunity
19 for all of us to have digested what was presented here,
20 and to perhaps take an appropriate motion to either

1 support or support as modified or reject the comments
2 and the matters that were presented by Pat and Paul
3 today.

4 So without further adieu, I'm going to request
5 that the --

6 MS. MENDELOW: I have a comment on that,
7 actually.

8 I don't know if you could really do that
9 because people haven't reviewed the document.

10 MR. VAN WYE: That's why I'm saying do it a
11 month from now.

12 MS. SMITH: You haven't reviewed the big
13 document?

14 MS. MENDELOW: Some people haven't even looked
15 at the documents, and so for everybody to look or do an
16 approval of some people's minutes, or whatever, I mean,
17 we have our trust in them or whatever.

18 MR. VAN WYE: That's why it's a month from
19 now.

20 MS. MENDELOW: Well, I think the comments are

1 due tomorrow on this.

2 MS. SMITH: That's why they are going out.

3 MR. VAN WYE: Are they?

4 CO-CHAIR SULLIVAN: Well, the comments as
5 technical comments are due tomorrow.

6 MR. VAN WYE: Technical comments.

7 So I suggest that those technical comments be
8 forwarded as technical comments.

9 And then a month from now, at the February
10 meeting, the RAB as a body can either indicate an
11 endorsement of those comments or an endorsement with
12 modifications or rejection of those comments.

13 MS. SHIRLEY: Or craft our own set of
14 recommendations and have a discussion.

15 MR. VAN WYE: That's possible. They would be
16 late recommendations, but whatever.

17 Do we have a consensus that that's an
18 appropriate way to proceed?

19 MR. ALDRICH: That's new, right? I mean, if
20 we go back to the beginning of the RAB, it was intended

1 to be a collection of individual comments and not a
2 group comment.

3 So I'm just wondering, are we beginning to do
4 something new?

5 MR. VAN WYE: I think the RAB, ever since I
6 have been on it, the RAB has always felt free to take
7 recommendations as a body and take actions as a body. I
8 mean, we have taken a few votes here.

9 Henry?

10 MR. ONGERTH: You're a newer member on the
11 group.

12 Before you came on, what has just been stated
13 was the case, and it was driven home to us by Jim
14 earlier in the activities of the RAB.

15 And I would like to hear Jim's comments at
16 this point.

17 MR. VAN WYE: All right. One more question
18 from Tom.

19 MR. THOMPSON: Yes.

20 One way around this may be to draft a letter

1 of concurrence. Those who want to sign it can, and
2 those who don't, don't have to.

3 MS. SMITH: Excellent idea.

4 MR. VAN WYE: Karen?

5 MS. MENDELOW: I just wanted to say that, the
6 fact with people's comments, people can make their own
7 individual comments.

8 I think that they should be taken as valid as,
9 you know, the group as a whole, or whatever, because
10 this is the whole idea of the RAB.

11 And so, you know, these are just as important
12 as the RAB making a full recommendation, I think,
13 because each individual comment should have that level
14 of importance attached to it.

15 MR. VAN WYE: It's been my recollection that
16 over the 18 and a half months that I have been a member
17 here that we have taken a lot of votes and the RAB has
18 taken positions.

19 Now, maybe, Henry, it started out as everybody
20 makes their own individual comments, but it's evolved

1 into something more.

2 Now, we have the new regulation -- anyway,
3 Jim, certainly if you would like to comment on that?

4 CO-CHAIR SULLIVAN: Well, I will take the
5 political stand and take the center view.

6 I think we need to be respectful of individual
7 comments, and I think the reason that that was stressed
8 to the Navy, to us, to pass down to the RAB was that
9 there was concern that the majority in some cases might,
10 you know, suppress the minority comments, and we wanted
11 to make sure that everyone's comment, even if they may
12 be a minority number, was heard.

13 But what I sense, though, on the other hand,
14 what I sense that you might be trying to do, if I could
15 put another spin on it, is maybe giving people the
16 opportunity to look at the comments that were made by
17 others and to kind of buy into the comments and have an
18 opportunity, even though they weren't necessarily, you
19 know, able to help write the comments, but to agree with
20 them and add themselves to that list, so it may not

1 necessarily be every RAB member, but it might be a
2 number of RAB members.

3 MR. VAN WYE: Brad?

4 MR. WONG: Having served as co-chair for a
5 while, from early on, I think the RAB has fluctuated
6 between the two.

7 It's not set up through legislation to be a
8 deliberative body, but we kind of have taken liberty,
9 since there are broad guidelines, to act as a group but
10 certainly foster individual comments.

11 There is precedent for us doing something
12 jointly, having to do with the letter that was drafted
13 to DTSC to, you know, in disagreement with another
14 letter that was sent to them that seemed to speak on
15 behalf of the Board as a whole. We wanted to register
16 with DTSC that that, in fact, was the case.

17 What we did there is just what Tom
18 suggested -- which is a good idea -- which is draft a
19 letter of concurrence. Those who want to sign onto it,
20 great. Those that don't, that's fine, too.

1 And, then, that's not a deliberative type of
2 thing. It's just showing more support for those who
3 wish to do that, and that's what we did with that DTSC
4 letter.

5 MR. VAN WYE: Jim?

6 MR. ALDRICH: It may not be necessary or
7 advisable to have a group comment or statement or memo
8 on every document that's reviewed, but in a situation
9 like tonight, for example, where there is an issue that
10 we as a body may have agreement on, then I think it is
11 important to take the time to draft something that we
12 all or the majority or however many want to sign and put
13 forward, there is value in that, focusing on an issue
14 rather than a document.

15 MR. VAN WYE: I think that what we are talking
16 about is, in a way, the difference between doing it
17 either verbally as a deliberative resolution or
18 something in writing.

19 I think either way is worthy of consideration,
20 and you could express things in either way.

1 And just by, for instance, if you hypothesize
2 taking a vote, that in no way prohibits somebody from
3 having a minority position and somebody from being free
4 to submit or to propose a motion that says, "We think
5 that everything that's been done is just hunky-dory or
6 to in any other way express themselves.

7 But, you know, the process of a board, a body
8 that's governed by Robert's Rules of Order, we have
9 always felt free to make motions, and somebody would be
10 free at the next meeting to make a motion that says that
11 the RAB as a body endorses the comments of Paul and Pat
12 and everybody else or whatever, and that would be
13 subject to being voted on. It presumably could be
14 passed on to the powers that be.

15 So I think our process has always been
16 flexible enough to do it either way, and I think,
17 certainly, it should be calendared for discussion.

18 If anyone wants to propose and prepare a
19 letter for sign on, I think that that's certainly
20 appropriate also.

1 All right. I want to thank everybody for
2 their participation in this.

3 At this point, I notice that we are about 35
4 minutes behind schedule, so at this point, we are going
5 onto the BRAC Cleanup Plan Update Discussion, and I am
6 going to relinquish whatever little authority I have
7 left.

8 CO-CHAIR NELSON: I want to thank you very
9 much, Harlan, for taking on the role as moderator. You
10 have done a wonderful job.

11 CO-CHAIR SULLIVAN: Our next item, which I can
12 be fairly brief on, it was really just to generate any
13 additional commentary on the BRAC Cleanup Plan.

14 What I put together is just a very, very brief
15 highlight of the BRAC Cleanup Plan. I would like to
16 encourage comments on that.

17 While Ernie was overseas, unknownst to him, I
18 extended the comment period another week for the BRAC
19 Cleanup Plan. He just got back today.

20 We recognized that having that comment period

1 for both the BRAC Cleanup Plan and the Remedial
2 Investigation Report was pretty tough.

3 What I would like to draw your attention to in
4 this sheet is really what I thought were kind of the
5 major changes in the document. Actually, it turned out
6 to be a minority or not a very large portion of the
7 document.

8 Chapter 4, the Environmental Condition of
9 Property, that's what we used for the findings of
10 suitability to lease and transfer. We have new
11 definitions this year. Chapter 4 is a pretty short
12 chapter, but it covers the new definitions which, in
13 short, breaks out petroleum separate from CERCLA
14 contaminants, so I would like to draw your attention to
15 that.

16 And then Chapters 5 and 6, which are also
17 fairly brief. Chapter 5 is the schedule, and relating
18 back to Harlan's comments about the skeet range, Chapter
19 5 is where you can look at the calendar and see, where
20 does the offshore investigation and cleanup fit into the

1 scheme of things, and are the RAB members satisfied with
2 that proposed schedule or do you propose something
3 other? So I would like to draw your attention to that
4 schedule, which is only a couple of pages.

5 And then, lastly, Chapter 6, Technical Issues,
6 the official title that it appears we have to follow is
7 Technical and Other Issues To Be Resolved.

8 It's basically a chapter describing technical
9 issues, specifically, cleanup levels, TPH toxicity
10 testing, and our remedial action strategy, and, again,
11 that's fairly short, like a dozen pages or so.

12 And then in the appendices, we have included
13 elements of the reuse plan. And there is an executive
14 summary.

15 The chapters I haven't talked about, Chapters
16 2 and 3, basically, are a recap of the program. You
17 don't necessarily, if you don't have the time, need to
18 go into those. It's a lot of good background
19 information, if you need it.

20 But if you looked at Chapters 4, 5, and 6,

1 and, actually, in terms of the size of the document,
2 these three chapters is only this amount of material
3 (indicating). So if you just looked at those three
4 chapters, I think you would get the gist, the important
5 points of the program, specifically the schedule, and we
6 would like to ask your comment on whether, you know, the
7 community members are satisfied with this program as
8 laid out.

9 So the comment period on that is a week from
10 tomorrow, and we will take comments in any form, by
11 answering machine, by fax or by E-mail.

12 MR. HANSEN: Are you sure you want more
13 comments?

14 CO-CHAIR SULLIVAN: The BRAC Cleanup Plan is
15 really the guidance document for the entire program.
16 This is certainly an opportunity to, with a few
17 comments, really comment on the direction of the whole
18 program. This is the document that really steers the
19 whole program.

20 MS. SMITH: When does that get implemented? I

1 mean, is that going to happen starting in '98, or do you
2 have a lag time of like not until '99?

3 CO-CHAIR SULLIVAN: Well, the BRAC Cleanup
4 Plan is not like a work plan. I mean, the BRAC Cleanup
5 Plan is a summary document. It talks about the whole
6 program, the Remedial Investigation program, the USTs,
7 the lead-based paint, the asbestos, the findings of
8 suitability to lease and transfer. I mean, this
9 summarizes where the whole cleanup is going.

10 So comments made on this document really helps
11 to steer the entire program.

12 MS. SMITH: I understand that.

13 But when does that new direction drop into
14 place?

15 MR. WONG: Is it a rolling document?

16 CO-CHAIR SULLIVAN: Yes, it's really a rolling
17 document.

18 Some of this documents what we are already
19 doing. Some of it documents what we plan to do. It
20 will be officially issued in March of '97 when complete,

1 and then it begins another cycle until the next update.

2 MS. SMITH: Thank you.

3 MR. KAO: Jim, maybe you can just clarify: As
4 we are finalizing the RI comments, also we are
5 commenting on the BRAC Cleanup Plan. Should we factor
6 into our comments in the RI into the comments of the
7 BRAC Cleanup Plan, which drives the strategy of cleanup?

8 Or should we just leave these RI comments out
9 of the BRAC Cleanup Plan and leave it for the next year
10 revision, because we are getting very close to these
11 two, and, in a sense, there is some additional work that
12 may have to be incorporated into the BRAC Cleanup Plan.

13 I don't know how you merge these two while
14 they are both being finalized.

15 CO-CHAIR SULLIVAN: Yes, that's a good
16 question. The timing doesn't work out quite right
17 because we aren't going to resolve all the questions for
18 another couple of months, whereas the BRAC Cleanup Plan
19 goes to press in another month to six weeks.

20 MR. KAO: Maybe we can make a decision now and

1 then we all go by the same decision.

2 CO-CHAIR SULLIVAN: Well, given it's an
3 overall document, I would address any RI type comments
4 in a general, at least a general sense in the BRAC
5 Cleanup Plan comments.

6 MR. WONG: It seems to me, and I think that's
7 an excellent question and insight, but my feeling is
8 that what we are doing with the RI in terms of comments
9 and response and things like that isn't predicated on
10 what's in the BRAC Cleanup Plan.

11 The RI is part of the BRAC Cleanup Plan, but
12 once we start commenting on the validity of a document,
13 you're not going to capture how to comment and respond
14 to the validity of a document in the BRAC Cleanup Plan.

15 MS. SHIRLEY: Well, unless you're suggesting
16 the deadlines be pushed out for the feasibility study as
17 the result of the Remedial Investigation report
18 problems, that's where it comes together.

19 MS. SMITH: That's a good point.

20 CO-CHAIR SULLIVAN: Sharon?

1 MS. TOBIAS: I know that I'm not part of the
2 RAB, but I have a suggestion. I need to throw this out.

3 We know that the schedule you currently have
4 in chapter 5, based on the comments we're going to
5 receive from the agencies and from the RAB, the schedule
6 in there will probably be changed, and what the Navy can
7 do is reissue the schedules after everything has been
8 resolved.

9 That's my suggestion. Perhaps the comments
10 regarding the RI report not be included in the BRAC
11 Cleanup Plan at this time, because I think the BRAC
12 Cleanup Plan cutoff date was December '96, and now we
13 are in January, I think. I could be wrong.

14 CO-CHAIR SULLIVAN: Well, actually, that's a
15 good point. It represents the program reflective of 30
16 December '96.

17 MS. TOBIAS: Yes.

18 CO-CHAIR SULLIVAN: But I would say, I
19 wouldn't hesitate to make any maybe macro comments. The
20 BRAC Cleanup Plan is a macro type document, so I

1 wouldn't hold back on any comments, macro comments on
2 the RI, but this is also a good opportunity to make
3 comments on the other programs, too, and on where the
4 whole process is going.

5 Sharon's point was correct. There is nothing
6 to keep us from -- we are not slaves to only issuing
7 this once a year, and there is nothing to keep us, and
8 we have issued revised schedules.

9 MS. TOBIAS: Right.

10 CO-CHAIR SULLIVAN: All right. So we
11 certainly solicit your comments on the BRAC Cleanup
12 Plan.

13 Again, not to sound like a broken record, but,
14 I mean, this is one document that kind of helps steer
15 the entire program, especially now that we have a reuse
16 plan.

17 I think this document was a little difficult
18 to do the first couple of years when we didn't have a
19 reuse plan, but now that there is an end use, I think it
20 makes this document more meaningful.

1 CO-CHAIR NELSON: We are here under
2 organizational business.

3 And before we get into it, if you would like,
4 you can always fax your comments to me and I can get
5 them to Jim, or you could fax them to Jim independently.

6 I will just reiterate my fax number: It's
7 415-973-9021.

8 MR. ALDRICH: One more time?

9 CO-CHAIR NELSON: 415-973-9201.

10 We had two items under the organizational
11 business, and the first is membership.

12 I think the Navy was going to kind of tally
13 for us the results of a survey, how many people are
14 active and how many people aren't, and help us develop
15 recommendations to solicit more members.

16 CO-CHAIR SULLIVAN: Well, basically, as a
17 result of both resignations we have actually received,
18 and also answers to the note that we sent out with one
19 of the packages, we are probably down, it appears that
20 we are down to about 22 or so people who are active on a

1 regular or a semi-regular basis, and of those, and just
2 doing a quick head count here, we seem to end up with
3 about an average of, out of those 22 or so, about 12 to
4 14 people who attend every meeting, and, actually, it's
5 held pretty steady at about 12 to 14, even though
6 sometimes the individual faces change from meeting to
7 meeting.

8 So that really leads to the question of
9 whether or not there is enough community members to
10 undertake the effort that you want to undertake on this
11 project, and whether or not we need to increase the
12 number, and, if so, by approximately how many.

13 MS. SHIRLEY: Can we take this up at the
14 interim meeting as a community, you know, the community
15 interim meeting, because adding members also has the
16 downside in that there is a learning curve, and 12 or 14
17 people who do show up are, by and large, pretty high up
18 on that learning curve. I think we should discuss it
19 amongst ourselves, and, also, when it might be
20 appropriate. Like tonight would have been terrible.

1 CO-CHAIR NELSON: Right.

2 MR. VAN WYE: They would never come back.

3 CO-CHAIR SULLIVAN: Well, I would like to
4 throw out just to think about is that I think there is a
5 good window of opportunity coming up in the next three
6 to four months with the publication of the draft EIS,
7 and that could serve as -- I think that's going to
8 increase the level of public awareness --

9 MS. SHIRLEY: Marketing opportunity.

10 CO-CHAIR SULLIVAN: -- of the process, and I
11 think it could be a good marketing opportunity.

12 For example, I wouldn't recommend going out to
13 solicit new members and then the EIS comes out, draft
14 EIS comes out a month or two later, and suddenly there
15 is a bunch of other people who are interested who hadn't
16 heard about the process before.

17 So combining the two might serve very well,
18 and I think there might be a different group of people
19 who become more interested because of the draft EIS.

20 CO-CHAIR NELSON: So participation might even

1 be up on our own programs, but I think it's very
2 appropriate to bring this up at the interim meeting.

3 Are there any objections to doing so?

4 Jim, did you have a comment?

5 MR. ALDRICH: No, I don't have an objection,
6 actually, but I wanted to just say -- actually, let me
7 clarify something first.

8 The Citizens Reuse Committee is no longer
9 meeting, is that correct?

10 CO-CHAIR SULLIVAN: Correct.

11 MR. ALDRICH: All right. I believe it's
12 really important to have somebody here from the city at
13 each meeting, even if it's a substitute for Martha, or
14 whoever it is.

15 Tonight would have been a good time for that
16 person to be here, whoever it would be.

17 Usually, all the regulators and somebody from
18 the city are here, but I guess I would suggest that
19 wherever possible a substitute come if somebody can't
20 make it.

1 CO-CHAIR NELSON: That's a good suggestion.

2 Is that something you would take care of, Jim?

3 I guess the city has offices in Building 1, so you would
4 have an opportunity.

5 MR. ALDRICH: This is the City's only
6 opportunity to interact with us and hear any comments or
7 suggestions we make as a group.

8 Maybe the RAB, the community members should
9 make that request.

10 CO-CHAIR SULLIVAN: Actually, that was going
11 to be my suggestion.

12 I think it might be more appropriate for,
13 perhaps, the community members to take the opportunity
14 to talk with Martha and express your interest in having
15 them present.

16 CO-CHAIR NELSON: We can certainly do that.

17 Do you suppose it would be a good idea to call
18 Martha to start, or should we draft a letter for
19 people's consideration at the next meeting to follow up
20 on?

1 MR. VAN WYE: Well, Martha is usually here.

2 CO-CHAIR SULLIVAN: Yes. She just happens to
3 be out of town.

4 MR. ALDRICH: I'm not picking on Martha,
5 either.

6 I'm just saying I think it's critical to have
7 a representative from the city. A substitute would be
8 appropriate.

9 MR. HEHN: Well, a letter should go to whoever
10 appointed us. I forgot who appointed us. But we are
11 here by the appointment from the city, aren't we?

12 CO-CHAIR SULLIVAN: No, the Navy.

13 MR. WONG: I think that's something to empower
14 the community co-chair to do, just give her a jingle.

15 CO-CHAIR NELSON: I will invite her to tea.

16 The next item was meeting dates for 1997. I
17 think at the December meeting, I might have mentioned
18 that either the first and third Tuesday seems to be
19 working for people. We had slipped into that over the
20 holiday period over the end of last year.

1 Jim has graciously xeroxed the planner and
2 circled the third Tuesday for us. So we have a year's
3 worth of meeting dates.

4 CO-CHAIR SULLIVAN: From what I can see, it
5 appears that the third Tuesday advantages to miss all
6 the major holidays of the year, except one singular
7 event, and that's April 15th, so depending on whether or
8 not that's a consideration.

9 MS. SMITH: That's not a holiday. That's a
10 bad day.

11 CO-CHAIR SULLIVAN: So depending on whether or
12 not there will be any concern with having the April
13 meeting on April 15th, if there isn't, we can just set
14 the third Tuesday of the month for the remainder of
15 1997.

16 CO-CHAIR NELSON: Do I hear agreement?

17 MS. SHIRLEY: As far as April goes, we have
18 five Tuesdays to choose from.

19 MR. VAN WYE: Everybody get your taxes in.
20 Come on. Get an extension.

1 CO-CHAIR NELSON: That's the trick.

2 MR. VAN WYE: I move the schedule as proposed.

3 MR. WONG: Second.

4 CO-CHAIR NELSON: Second? Okay, seconded.

5 Thank you.

6 CO-CHAIR SULLIVAN: And then that would place
7 the, I don't know, we may have to come up with a new
8 name instead of the mid month community member meeting,
9 that would place it on the first Tuesday of the month.

10 MS. SMITH: It's the interim meeting.

11 CO-CHAIR NELSON: The interim meeting between
12 meetings.

13 CO-CHAIR SULLIVAN: I will strike the word
14 "mid month."

15 MR. WONG: The optional interim meeting.

16 MR. VAN WYE: The provisional optional
17 meeting.

18 CO-CHAIR SULLIVAN: All right. Just to follow
19 up, anything else on organizational?

20 CO-CHAIR NELSON: Well, I would just like to

1 thank Paul Hehn. He looked at that entire RI document.
2 You all gave me some credit, but Paul really took the
3 lion's share here, and I think he deserves at least a
4 round of applause.

5 (Applause.)

6 MR. HEHN: Thank you very much. I really
7 appreciate that.

8 But, also, Pat put in a lot of her time, and
9 we have a mutual admiration society, so thank you very
10 much to Pat as well. Thank you.

11 (Applause.)

12 CO-CHAIR SULLIVAN: Just to catch up with our
13 item on the BRAC Cleanup Team meeting that we held, we
14 held our meeting on the 8th of January. The minutes
15 aren't out yet but should be out soon.

16 We discussed several items. We discussed
17 preliminary results for additional characterization at
18 Sites 12 and 17 and went over that data.

19 We also went through Chapters 5 and 6 of the
20 BRAC Cleanup Plan to kind of do some of the same things

1 that I'm recommending that the community members look
2 at.

3 We discussed future FOSLs and other lease and
4 transfer issues, and we had a conference call with our
5 DTSC reuse rep in Sacramento concerning the Nimitz
6 House. We discussed the additional sampling work that
7 we were going to do there in order to complete the FOSL.

8 MS. SMITH: Excuse me, Jim. This is the?

9 CO-CHAIR SULLIVAN: This is the BRAC Cleanup
10 Team meeting that we held on the 8th of January.

11 The meeting minutes aren't out yet for that
12 meeting but should be out in another week or so.

13 MS. SMITH: Okay.

14 MR. KAO: Jim, just for the record, I think
15 this meeting really should be called RPM meeting rather
16 than BCT meeting.

17 CO-CHAIR SULLIVAN: That's a good point. We
18 tend to use it interchangeably.

19 MR. KAO: Right.

20 CO-CHAIR SULLIVAN: Chein points out the BRAC

1 Cleanup Team technically consists of DTSC, the Navy and
2 US-EPA, and not technically the Water Board.

3 But the remedial project managers consists of
4 all of those project managers from both the Navy and the
5 regulatory agencies and the city.

6 MS. SMITH: And so that is the group that met?

7 CO-CHAIR SULLIVAN: Well, we will, in our
8 discussion, we will clarify better when we talk about
9 the BCT or the RPM. I think we use it interchangeably
10 when that's really not correct.

11 MS. SMITH: But I'm just asking, which one of
12 those two groups were you describing?

13 CO-CHAIR SULLIVAN: Both.

14 I think probably we will call it the RPM
15 meeting.

16 MS. TOBIAS: I think they're called the RPM
17 BCT meeting, slash. If you have the minutes, you could
18 check.

19 MR. ALDRICH: It says, BCT slash RPM.

20 CO-CHAIR SULLIVAN: So, basically, it

1 represents all of the project managers and all of the
2 regulatory agencies involved, and, in some cases, they
3 are separate meetings but we have held combined
4 meetings.

5 MS. SHIRLEY: Well, I have a question about
6 that.

7 After that meeting, you showed a schedule for
8 the three missing pieces for the RI: The toxicity test,
9 the Site 12 and 17, and the groundwater modeling.

10 Are you going to give that schedule to the RAB
11 or did it change between then and now? I thought we
12 discussed passing that out at this meeting.

13 (Ms. Tobias passing out document.)

14 CO-CHAIR SULLIVAN: It probably would have
15 been with the minutes, but Sharon had copies here
16 tonight. So thanks for the reminder, Chris.

17 MS. SMITH: Actually, I have another question
18 on the last one.

19 Is it possible for the RAB to get the
20 innovative technologies list from the Regional Water

1 Quality Control Board that was discussed at the last BCT
2 meeting?

3 MS. KATHURIA: That was a misunderstanding.
4 The name of the document was clarified.

5 What was the document called?

6 MS. TOBIAS: The Field Analytical Techniques.
7 It was put out by CMECC. We can provide it.

8 MS. SHIRLEY: I have that, too.

9 MS. SMITH: How thick is it?

10 MS. TOBIAS: It's about 50 pages.

11 MS. SMITH: And it's all the innovative
12 technologies that might be used?

13 MS. TOBIAS: Field screening.

14 MS. SMITH: Okay.

15 CO-CHAIR SULLIVAN: Did you still want that?

16 MS. SMITH: No.

17 CO-CHAIR SULLIVAN: That was a specific
18 project put out by the California CMECC group just
19 addressing field screening techniques.

20 All right. The upcoming environmental report

1 review schedule.

2 The RI comment period ends tomorrow.

3 The BRAC Cleanup Plan ends a week from
4 tomorrow.

5 And we still don't have a schedule yet for the
6 Corrective Action Plan.

7 Sharon, is there any approximate update on
8 that as to when we might see the draft CAP?

9 MS. TOBIAS: We don't have a date for that
10 yet.

11 We are waiting for the toxicity results, so
12 when we get that, we can continue the preparation of the
13 CAP.

14 CO-CHAIR SULLIVAN: And if you have any unused
15 documents, we are happy to get them back to add to our
16 library, and people have done that. It comes in handy.

17 MR. WONG: A question: I'm loathe to bring it
18 up, but I have to because there's been a shift since
19 last month.

20 Last month, I think I got a little fussy and

1 got in hot water pushing the lead issue and the Nimitz
2 House and the fencing and all of that.

3 At the time, essentially, I think I recall
4 what was being said was that the original intention was
5 to have it be residential, but now it would be
6 nonresidential was kind of the solution. I think that
7 was conveyed to me. That would be a lease restriction.

8 And reading the BCT minutes here that I just
9 got, it says the Navy's intention to, you know, put
10 this -- and these are December 9th -- put this as a
11 residential property pending EPA toxicologists.

12 There has been a BCT meeting since then, and I
13 notice also here that it says one of the lease
14 restrictions will be to post signs that kids can't play
15 in the dirty areas.

16 And then tonight you're saying that, in fact,
17 it sounds like the FOSL is on hold pending some new
18 sampling analysis and stuff of just the areas that we
19 talked about.

20 So what's happening? Because it seemed like a

1 done deal the last meeting, and now it seems like it's
2 been put on hold and there has been a shift.

3 CO-CHAIR SULLIVAN: Well, yes. We ended up
4 taking another whole look at it.

5 We received the EPA comments and discussed
6 those, and the EPA had some concerns about the lead
7 levels as some other community members did also.

8 And then we were going to then just make it
9 nonresidential, all of it nonresidential, but even then
10 there was some concerns.

11 So we elected to move to complete the FOSL as
12 nonresidential, but do this additional work in
13 conjunction with that.

14 So we are probably taking maybe a slightly
15 conservative approach in calling it nonresidential for
16 now, because that's the immediate intent of the city to
17 use it for ceremonial and conference and nonresidential
18 use, but to go ahead and look a lot closer at the lead
19 issue, the lead issue in soil, take samples and remove
20 soil as necessary.

1 What we will probably do after we complete the
2 FOSL as nonresidential is then look to amend it for
3 residential, using the data from the original FOSL. So
4 the FOSL is kind of evolving.

5 We will stick with nonresidential, keep that
6 restriction on, but in conjunction with that FOSL, do a
7 lot more testing, and then once we have that data in,
8 look further down the road towards relaxing some of
9 those use restrictions.

10 MR. WONG: So the FOSL -- it's a legal
11 contract, right -- so the FOSL is being signed by
12 whomever as nonresidential. You will be doing this
13 additional work.

14 CO-CHAIR SULLIVAN: Once we complete, yes,
15 because the agreement with, at our last RPM meeting, the
16 agreement in order to complete the FOSL, even as
17 nonresidential, is that we would still do this
18 additional testing and soil removal.

19 MR. WONG: Pending the results of that, you
20 might renegotiate the FOSL as residential.

1 CO-CHAIR SULLIVAN: We will complete the FOSL.
2 We're going to complete the FOSL as nonresidential.

3 MR. WONG: Right.

4 CO-CHAIR SULLIVAN: But we are doing this work
5 in association with that, and so the data from this
6 additional lead work will be part of that nonresidential
7 FOSL.

8 And then we will look further down the road,
9 maybe we will start to look at it next month, even in
10 February, we'll start to look at what it might take to
11 amend that FOSL to be residential.

12 Maybe we will be able to do that with the data
13 that we have, maybe it will require us to do some
14 additional data, but initially we wanted to get the FOSL
15 done as nonresidential, but also address the concerns
16 that EPA had as well as the community members had about
17 the high lead levels in the soil, even in a
18 nonresidential scenario.

19 MR. WONG: All right. My last question -- I
20 know everybody wants to go -- so, in fact, there will be

1 two FOSLs around the Nimitz House, a nonresidential,
2 because my understanding is you do these things and sign
3 them, and they are agreements, and then you would have
4 to go back and execute another.

5 CO-CHAIR SULLIVAN: Well, I think you will see
6 this happen more, because I think what happens,
7 initially we do a FOSL because somebody wants to do
8 something for some purpose, and depending on how fast
9 they will do it, we may lay on a lot of use
10 restrictions.

11 But even with the movie studios, for example,
12 suppose at some future date, even under a lease, they
13 want to go and excavate the site and build some things,
14 we will have to readdress that FOSL, because right now
15 most of our FOSLs say, "no excavation," meaning just use
16 this building as is.

17 But we may see some evolvement of the FOSLs to
18 allow more less restrictive use of the facility even
19 prior to the finding of suitability to transfer.

20 MS. SHIRLEY: If the data supports that.

1 CO-CHAIR SULLIVAN: If the data supports that,
2 correct.

3 MR. HANSEN: Hasn't there been soils tests?

4 CO-CHAIR SULLIVAN: We are in the process at
5 Nimitz -- well, there was some additional soils testing
6 at Nimitz but it was fairly limited.

7 As a result of the comments, we are going out
8 and taking additional testing, and, probably, soil
9 removal.

10 MR. HANSEN: The reason I ask that is,
11 underneath the Golden Gate Bridge, the soils tests,
12 whatever it said, it was the reason for limiting access.

13 CO-CHAIR SULLIVAN: Right, and those are some
14 of the comments that we are trying to address by doing
15 additional testing.

16 MR. ONGERTH: Jim, who follows this long
17 range?

18 A piece of ground is turned over to use with
19 restrictions, and that's policed in the near future
20 probably quite effectively.

1 But what about 5 years, 10 years, 20 years
2 from now, what is your view on that?

3 CO-CHAIR SULLIVAN: Well, we hope, I mean, the
4 leasing we see as a transitional period, maybe only
5 lasting five years or so, probably well less than ten
6 years, and that would transition to a deed transfer.

7 The deed transfer might either have no
8 restrictions at all, or even the deed might have some
9 use restrictions.

10 MR. ONGERTH: Okay. So you have a deed with
11 some use restrictions.

12 Who polices that on into the future?

13 MS. SHIRLEY: Henry, I can address that a
14 little bit.

15 I have been to several conferences with mayors
16 and urban planners, and they basically don't know.

17 There is no money in the city budgets to do
18 it. This is a big area of discussion among urban
19 planners.

20 So it's a very good question, and it's

1 something that we should follow up on to make sure that
2 the city has a mechanism for that.

3 MR. ONGERTH: Thank you.

4 MR. VAN WYE: The answer is, there is no
5 effective policing, to be perfectly blunt. I hate to
6 point out the emperor isn't wearing any clothes, but
7 there is no effective way.

8 Once the Navy moves out, you know, does the
9 Navy have any particular care that the Nimitz House is
10 not turned into a bed and breakfast? I would rather
11 doubt it, and particularly once the Navy is gone.

12 It would probably fall within the
13 environmental laws and the zoning restrictions of the
14 City and County of San Francisco as the ultimate holder.

15 It falls on some of my comments to Brad at the
16 other meeting, you know, let's not waste our time
17 spinning our wheels on issues that we don't really have
18 much to say about.

19 MS. SHIRLEY: Well, that's why we want cleanup
20 that doesn't involve use restrictions, so then we don't

1 have to address the issue at all. It's already taken
2 care of.

3 MR. ONGERTH: The ultimate is to strive for
4 cleanup that requires no ultimate policing of a
5 restriction, restrictive use.

6 MS. SHIRLEY: That's right.

7 CO-CHAIR SULLIVAN: That would be the ideal
8 thing.

9 MR. ONGERTH: That's the logic.

10 MR. VAN WYE: Well, then, that means that
11 everything has to be cleaned up for any potential use,
12 and that's impractical. It's not going to happen.

13 MS. SHIRLEY: You have to weigh the cost
14 benefits of it.

15 MR. ONGERTH: Well, that's one of the few
16 times someone other than me has suggested that maybe
17 there is a limit to what we should try to do.

18 Thank you, Harlan.

19 MR. VAN WYE: Thank you, Henry.

20 CO-CHAIR SULLIVAN: All right. Agenda items

1 for the next meeting in February, we will have this
2 further discussion of the RI, and we will have to work
3 out at the interim meeting how to frame that kind of
4 discussion.

5 We also would like to resurrect the UST and
6 fuel line program and provide you with an update on that
7 as well as related petroleum issues on the Coast Guard
8 property.

9 CO-CHAIR NELSON: And we might want to add as
10 a subheading to the Remedial Investigation report, I had
11 heard that there was a question about regulatory
12 standards for assessment cleanup, and maybe the DTSC
13 representative can make a presentation or provide some
14 information, as well as Regional Water Quality Control
15 Board.

16 They will think about that.

17 MS. SMITH: That sweet Missouri accent.

18 CO-CHAIR NELSON: And we wanted to add the
19 skeet range as a follow-up in our March meeting.

20 And we had a couple of items already

1 identified for the interim meeting, including the action
2 item follow-up, and technical assistance grants and our
3 membership.

4 And it's not on the agenda, our -- oh, yes, it
5 is. The next mid month meeting is the 4th of February.
6 This last month, we had it in Berkeley, and the month
7 before, we had it in San Francisco.

8 Is there a preference for location for this
9 meeting?

10 MS. SHIRLEY: Let's do it in San Mateo.

11 CO-CHAIR NELSON: Chris will be hosting the
12 next mid month meeting.

13 MS. SHIRLEY: Just kidding.

14 MR. VAN WYE: How about the Gordon Biersch
15 Brew Pub down on the Embarcadero? You get a bigger
16 turnout.

17 CO-CHAIR SULLIVAN: Well, I guess unless there
18 is any feeling, east or west, I guess the default
19 location, we will be back in Building 1 in the second
20 floor conference room, the 4th of February.

1 So our next regular meeting will be the 18th
2 of February. I'm happy to say by that time the bridge
3 ramp will be opened. So in case you forgot where the
4 exit is, I will include a map just to reacquaint
5 everybody with the old exit.

6 MR. VAN WYE: When are they opening it?

7 CO-CHAIR SULLIVAN: It may open next week. We
8 don't have a specific date, but I think it will be
9 opened by the end of January.

10 With that, unless there are comments, thank
11 you very much for a very good meeting and participation
12 by all the members. Thank you.

13 (The meeting adjourned at 10:00 p.m.)

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