

CERCLA Technical Review Team Meeting
for Environmental Restoration Activities
at the Former U.S. Naval Ammunition Support Detachment, Vieques Island, PR

Minutes of Meeting No. 5– August 17, 2002

I. Opening/Introductions

Chris Penny started the meeting at approximately 10:20 am. Chris gave a brief introduction and asked all attendees to introduce themselves. Three members of the public (not Vieques residents) attended this meeting as TRC guests, along with two EPA staff who had not attended before.

Chris Penny commented on the new format of having the TRC meeting on Saturday instead of a weeknight. He also mentioned that the agenda has one new item – the community members have a 30-minute time slot to speak at the beginning.

Rumors

Chris Penny said the Navy heard a rumor that metal from SWMU 4 was being disposed of in the Vieques landfill. He said the scrap metal has all been taken to Roosevelt Roads for recycling.

Stacie Notine (TRC community member) said that she had called Madeline Rivera (Roosevelt Roads), because she was hearing lots of rumors about SWMU 4 and that community members are scared. Madeline had assured her that has been no disposal of explosive items from SWMU 4 on the island. Chris Penny pointed out that a public notice had been circulated, to inform the public about what we are doing there. Stacie felt there should be more ongoing communication, so TRC members can better answer the community's questions. Stacie requested an inventory of what has been found at SWMU 4 and expressed concern that ordnance items are being stockpiled on site.

Chris responded that the ordnance items have been demilled, which means they have been destroyed onsite (by either detonating an explosive to destroy the items or cutting the metal), so that they can be certified as "explosive-free" before being moved offsite. We are still compiling a list of ordnance/explosives (OE) items found, which will be presented in the OE Investigation Report.

Stacie asked when the Navy will report on what was found at SWMU 4. Chris Penny said the investigation is ongoing and the report will be developed after the field work is completed. Over 4,000 metal items have been detected in the ground, of which 705 items (19%) were military OE-related. Over 90% of the OE items were detected within the upper 6" of the soil and the other 10% within one foot from the surface. To date, 35 acres have been investigated at SWMU 4.

Colleen MacNamara (TRC community member) asked what the depth of clearance is at SWMU 4. Chris Penny said the clearance depth is one foot. However, the machine we use "sees" down to four feet below the surface. The few items we've found deeper than one foot were not OE-related.

Eugene Scott (EQB) asked when data would be available from SWMU 4. Chris Penny said the data is being analyzed from the first 20 acres investigated. A second phase was conducted to investigate an additional 15 acres to identify additional pits and map the kick-out distance.

Stacie Notine asked if anything unusual was found. Only those five items found on Green Beach that we saw in a slide [*at a previous TRC meeting*]?

Ginny Farris (CH2M HILL) said that slide showed five "blank" bullets, which were the only items found in the completed survey of Green Beach last year. The concern there was possible past training [*not former open burn/open detonation (OB/OD), like on SWMU 4*]. No live ordnance items were found

on Green Beach. SWMU 4 is located south of Green Beach. Chris added that SWMU 4 does include some additional beach areas.

Michael Díaz (TRC community member) asked if any investigation has occurred in the water at SWMU 4. Chris Penny said that no underwater work has been conducted yet, but a reconnaissance underwater survey will be conducted at a later date.

Stacie Notine asked what would happen if bombs were found on the beautiful reefs. Would they destroy the reefs? Michael Díaz asked how deep in the water are you expecting to find kick-outs and what kind of machine will be used? Chris Penny said the reconnaissance survey would have to be conducted before answering these questions. Without data, we can't predict what the right technical approach will be.

Pablo Connelly (Municipality of Vieques) asked if the Navy had a report of what was found and what are the action levels for cleanup. Chris Penny said that clean-up has not begun yet, we're still in the preliminary stage, so no preliminary remediation goals (PRGs) have developed yet.

II. Community Concerns and Comments

Colleen McNamara asked for overheads from the meetings and monthly activity reports of everything being done, preferably in writing, so the community can know when activity is being conducted on site. The community needs to know what people are doing when they are on site. The TRC cannot respond to community requests about the environmental work unless they know who, what, where, and when activities are taking place. Colleen also requested more dialogue, not just presentations. Members feel that the TRC is only a public participation box to be checked off, and is not truly involved in the process.

Michael Díaz expressed concern that, on the February 20, 2002 site visit, he mentioned to CH2M HILL that he had previously witnessed a septic tank load that was rejected by the Vieques WWTP, because it contained petroleum contaminated waste and was pumped back into a septic tank at NASD. He wants to know what the waste was from and how it impacts the site. He is concerned that there is insufficient groundwater monitoring in the area and that oil and grease in the septic waste could be in the soil and groundwater.

Marty Clasen (CH2M HILL) responded that the septic tank Michael mentioned is one of the areas of concern (AOC F) and this area has been investigated with five monitoring wells. Marty Clasen will check into the PREQB reports on septic tanks at NASD.

Chris Penny added that septic tanks are usually handled under the PREQB's Underground Injection Control (UIC) division and are not typically handled under Superfund (EPA CERCLA investigations). However, to expedite the cleanup of NASD, the septic tank sites were transferred from UIC to CERCLA. A 1995 PREQB report has data on the NASD UIC sites.

Vijaya Mylavarapu (CH2M HILL) said that AOC F had four soil borings and five groundwater monitoring wells around the former septic tank near the officers club. Michael Díaz felt that there is not enough groundwater data. Vijaya said she will look at the data for AOC F.

Michael Díaz said he would like to see the EQB report on UIC. Stacie Notine said the subcontractor who returned the septic load was Mason Technologies.

Eugene Scott recommended a conference call be set up to discuss this issue after the EQB report is identified.

Stacie Notine wants to know what has been found at the IR sites. She is also concerned that the Navy challenges what she is asking and has not responded to her questions. For example, she is concerned that the area near the former operations area (AOC R and AOC J) that is proposed for no further

action was alleged to have been used for the assembly of bombs and the burial of Tomahawk missiles in the 1960's during the Cuban missile crisis.

Chris Penny said the TRC must put their concerns in writing for this kind of issue. The Deed [transferring land to the Municipality of Vieques] has specific requirements for notifying the Navy about new sites. John Tomik (CH2M HILL) will provide the TRC with the language from the Deed. The Navy must be notified, in writing, within 90 days from the time that the site has been identified, with specific information about the site. *(See Attachment 1, Action Items and Follow-up Information, for specific wording from the deed.)*

Stacie is concerned about AOC A, the so-called spring or cattle trough, and that the Navy ignored the aquifer in this area. John Tomik said the Navy is not presently investigating the aquifer in that area. Vijaya Mylavarapu said she would look into Stacie's concerns about AOC A.

Ricardo Jordán was concerned about the truck with drums at SWMU 15. He said the truck was parked later at magazine 420.

Colleen MacNamara asked if the UXO report could be different than the requested monthly status report. Chris Penny agreed to provide a monthly status report and asked who the recipients would be, Stacie and Colleen?

Chris stated that TRC meetings will not necessarily be regularly scheduled meetings, but will be held at key milestones of the projects, or approximately semiannually. We've been meeting about four times a year so far. He said the general concerns about meeting more frequently are the cost of travel for the meetings and schedule. Significant milestones would be when there are draft work plans, reports to review, Proposed Remedial Action Plans (PRAPs), or remediation updates.

Chris Penny said that he believes slides from CERCLA Technical Committee (CTC) and TRC meetings should not be handed out. TRC meeting minutes are distributed. Colleen MacNamara asked why slides will not be handed out. Chris Penny said the slides can be taken out of context and unintended use of them could have legal implication. He is concerned about that because a class action lawsuit is ongoing against the Navy. We can defend our completed reports, but slides are summarized information that can change as the investigation and review goes on.

Colleen requested that at least the charts, maps and graphics presented at the TRC meetings be attached to TRC meeting minutes. These are needed when reviewing TRC minutes. Chris agreed to include these with future minutes. *(See Attachment 1, Action Items and Follow-up Information.)*

III. Background Study

Vijaya Mylavarapu summarized the history and resolution of comments on the Background Study.

Key points:

- The "Background" concept is defined in the CERCLA process. When sampling finds chemicals that are present everywhere, we compare to see if levels on a site are different from levels in areas not impacted by Navy activities at that site. This is reviewed at every step of the process.
- A Background Study Work Plan was submitted to EPA in the fall of 2000 and Navy met with EPA on November 9, 2000, to address comments and get their approval of background sample locations and methodologies. Marian Olsen attended as the EPA risk assessor. Andy Crossland/EPA Hydrogeologist also reviewed the work plan. EQB was not available to participate at that time.

- Background samples were collected, a Draft Report was submitted in July 2001. Comments were submitted by the TAPP consultant, EQB, Special Commissioner, and EPA.
- A Background Subcommittee was developed to resolve the background study issues from the May 2002 CTC meeting. Trust needs to be built between all parties and respect needs to be maintained.
- 20+ people including several TRC members attended a site visit in July 2002 to review sample locations, following the selection of a prioritized list of locations to visit. The TAPP consultant did not provide a prioritized list of locations to visit, so the TRC deferred to EQB's recommendations.
- Comments from all parties were discussed by Background Subcommittee in a conference call and addressed in a technical memorandum. Revisions to the draft report were presented to the CTC. Based on comments from CTC and the TRC community members, the following report changes were made:
 - Groundwater samples collected from metal cased wells were deleted from background evaluations
 - Additional surface water, sediment and ground water background samples will be collected on a site-specific basis for the sites that will be investigated under an RI
 - Based on the site visit, EQB, the Special Commissioner's representative and EPA agreed to all soil sample locations, except one soil sample containing elevated lead concentrations. This location was deleted from the background evaluations.
 - 95% upper confidence level (UCL) data will be added to the report and the upper tolerance level (UTC) data will be revised; where UCL or UTL exceed the maximum value, the maximum concentration will be used.
 - The surface water sample data from Kiani Lagoon will be deleted from background evaluations.
 - Responses to EPA comments will be incorporated into the report. An appendix will be added to the Background Report that will include a complete set of all comments and responses to comments.

The report will be updated and is scheduled to be submitted in September 2002.

Yarissa Martínez/EQB Perspective on Background Study

Yarissa Martínez summarized the details behind EQB's acceptance of the background study.

Key points:

- She started working on this project in February 2002. EPA approved the work plan for the Background Study. EQB had received the sampling plan but did not comment on time.
- EPA has recently finished a Background Policy. EQB does not have its own policy on background samples.
- EQB's technical consultant questioned some of the background sample locations. Following the site visit and conference calls, the CTC's technical subcommittee on the background study agreed that several samples should be discarded because:

- Sample QA-SS05 was 12 yards from the road and contains twice the lead content of others.
 - Surface water samples at Laguna Playa Grande were uncertain and lack relevant documentation.
 - Sample taken from iron lined wells revealed high levels of iron. For statistical purposes data should be considered within the same type of wells (PVC with PVC wells)
- As recommended by the Commissioner’s technical consultant (Rafael Cruz Perez), the term “natural background” will not be used.
 - The two samples taken near SWMU #6 were not used for analysis
 - Yarissa Martínez has photos of each background location visited in the site tour and she will provide those for the report.

Comments and questions:

Carlos Ramos (EPA Administrator’s Office) clarified that EPA does not “approve” documents for NASD, because it’s not a Superfund site and EPA is not the lead agency for this project. EPA provides an advisory role and will provide “concurrence” to reports. However, EPA’s review process is the same.

Chris Penny added that, at the time of the work plan review (November 2000), EQB was undergoing a change in government and did not attend the meeting. EQB does not have their own guidance on background sampling and follows EPA’s guidance. Juan Fernández (Special Commissioner for Vieques), stated that at the time of the work plan, EQB had no authority, but now they do.

Bob Wing (EPA CERCLA branch) stated that any further discussions on background should be deferred until risk assessments are completed at each of the sites, since background is considered only if risk levels are exceeded. The regulators are in agreement and if the community still has concerns, it can be addressed later.

Eugene Scott stated that the background levels established were conservative when compared to other values.

Stacie Notine asked if data from the east side of Vieques was used in the report. Vijaya Mylavarapu and John Tomik (CH2M HILL) said that data from the east side was not used for the NASD Background report.

Michael Sivak asked if sample QS-SS05 was a statistical outlier. Vijaya replied that, according to EPA’s Dr. Sing, yes it was.

Bob Wing asked how organics are associated with background. Vijaya said pesticides are anthropogenic (manmade). He asked if any anthropogenic samples were collected for NASD. Vijaya said, no, only samples for metals.

Rafael Cruz (the Commissioner’s technical consultant) said that the groundwater elevation maps could be off because the GPS coordinates can be off by 30 meters. Vijaya replied that we will check with the surveyors.

(EPA) asked if we use the groundwater background data, will we separate the iron-cased wells from the PVC-cased wells? Vijaya said some of the background wells are PVC and she will look at the difference in iron concentrations.

Jorge Fernández (TRC guest) asked why surface water samples were eliminated. Vijaya said because of excessive turbidity.

Colleen McNamara asked if additional surface water samples would be collected. Bob Wing said additional surface water and sediment samples will be collected, and there are no other unresolved issues with the background study. He said first a risk assessment will be conducted, the risk will be assessed, and then clean up levels will be looked at later.

Stacie asked about Kiani lagoon and the wetland areas around it. She doesn't believe that any samples in Kiani wetlands or Playa Grande should be used for background. Bob Wing said we will go forward with the RI/FS for SWMU 6 and evaluate the risk, then go back and do additional background sampling for that area if necessary.

Jorge Fernández asked if a regulatory agency needed to approve the Work Plan? Chris Penny stated that formal approval of Background Report, Work Plans or RI/FS Reports are not required. EQB does need to provide signature approval for Records of Decision (RODs) and No Further Action Documents, before the Navy can complete actions and release the sites to the Municipality. However, as a practical matter, if the regulators didn't buy into the Work Plan and then disagreed with the findings of the investigation, then at the decision document stage where their approval is needed, we might have to go back and do more work. That's why the regulators are consulted in the early stages.

Eugene Scott said EQB was ok with the background levels in the report.

IV. Risk Assessment Process - Michael Sivak/EPA

Key Points:

- The process looks at exposure pathways (how people can come into contact with chemicals), toxicity, comparison to risk-based screening criteria, and frequency of detection.
- There are various sources of health risk data used. The primary source is IRIS.
- For non-carcinogens, a Hazard Index (HI) of less than 1 is considered a safe dose. For carcinogens, an increased risk of 1 in 10,000 to 1 in 1,000,000 is considered safe.
- New EPA guidance requires that background levels cannot be used to screen out potential contaminants of concern that exceed screening criteria. Enough samples must be taken for statistical validity (a robust sample set).
- Risk assessment will need to look at ground water as a potential source of potable [*drinking*] water use, if Puerto Rico designates it as a drinking water source.

Questions and Comments:

Colleen McNamara asked for a copy of EPA's slides explaining risk assessment and Michael Sivak agreed to provide them.

Jorge Fernández (TRC guest) asked what if certain metals are not in the soil screening guidance? Michael Sivak said that the Soil Screening Guide is only a screening tool. EPA uses the Region IX Preliminary Remediation Goals (PRGs) which is comprehensive than the Region III Risk-Based Concentration (RBC) table. He will give out the website address for Region IX PRGs.

Jorge Fernández asked if the EPA looks at long-term exposure to low-level doses. Michael Sivak responded that they look at long-term vs short-term in the exposure scenarios. They don't just look at one scenario. The toxicity data includes long-term exposure, which they try to get from human studies if possible [*i.e., instead of animal studies*].

Vijaya said statistics use a high exposure. Jorge Fernández said ATSDR did not look at long term exposure and cancer may occur after long term exposure. Michael Sivak said that ATSDR's process is different; EPA's is more quantitative.

Juan Fernández asked if EPA would use background data from outside of Vieques. Andy Crossland (EPA) said you would need to find the exact same geologic conditions that were not impacted. You need to use a good analog and it gets trickier if you go farther away. Michael Sivak said only if the risk assessment showed an unacceptable risk, would the background be an issue. Background does not come into risk assessment process at all, only in risk management decisions.

Juan Fernández (Vieques Commissioner) said that the concern with background is because many people believe the entire island is contaminated. Vijaya and Michael Sivak (EPA) said that looking at surface soil versus subsurface soil data, the levels are similar, which shows that the surface soil is not affected by an outside source.

Michael Díaz said the Vieques cancer rate is 57% higher than the main island of Puerto Rico and, if the risk assessment does not find that, the Navy is not looking at the right sites or the right chemicals. Andy Crossland said the Navy is only investigating these 17 sites at NASD. After looking at the specific chemicals found at those sites, if there are higher levels of cancer, they are due to something else.

Vijaya Mylavarapu explained that the ATSDR studies human health effects (epidemiological study) and our study is not designed to show cancer rates in humans, only levels of contaminants in soil and groundwater. We don't have the authority for the kind of health study ATSDR does. If island-wide contamination was involved, the levels found in surface soils would be higher than subsurface soils and there is no such difference.

Aimée Houghton said that in a remedial action, there is a list of Contaminants of Potential Concern (COPCs) and asked if EPA takes into consideration other information (like ATSDR studies)? Michael Sivak said that EPA's process is predictive (what is likely to happen if we take no action at a site), while ATSDR's is retrospective (looking at what's already happened). EPA would take ATSDR's observations about exposure patterns into account for future exposure scenarios.

Pablo Connelly (Municipality) said there are high levels of mercury in blood and hair samples from all over the island. It goes back to long-term exposure through fish and groundwater. Ted Henry (TAPP consultant) added that, the point is that these elevated levels cause people to question the idea that any site on the island can be considered background.

Michael Sivak stated that, if the risk assessment shows all the sites on NASD have mercury levels below acceptable risk, then the background data doesn't apply anyway. We only have authority to look evaluate potential risks at those particular sites, not whether other possible sources exist.

Carlos Ramos said that the risk assessment item is not closed yet and we need to look at the data. The Department of Health is compiling a cancer registry to validate the cancer rates on Vieques, not sure when it will be done. We all care about these health issues, but it's too early in the process to settle anything now.

Chris Penny observed that a lot of these concerns are coming from things outside of our process.

Jorge Fernández said that what we find the western side (NASD) would not be expected to account for the cancer rate on the whole island. Stacie Notine said at least 1,000 acres are contaminated on Vieques and the concern is about dusts carried by the wind.

Michael Díaz and Stacie Notine asked if risk assessment takes into account accumulated effects of all the sites. Michael Sivak answered yes, they look at what happens if people move from one site to another.

Pablo Connelly stated that we need a whole separate meeting on this topic. Chris Penny requested that Carlos Ramos ask ATSDR or Puerto Rico Department of Health to attend a future TRC meeting to address these questions that we can't address. Stacie Notine said they would prefer to hear from Puerto Rico Department of Health and Carlos requested that EQB arrange that.

V. Resolution Of Comments on the Phase II PA/SI - John Tomik

Key points:

- Over 120 comments were received on report: 72 by TAPP consultant, 25 by EQB, 23 by EPA
- No specific comments in writing were received from community members
- Editorial comments will be addressed in the report, including clarifications for sampling rationale and sampling methodology, explanation of QA/QC data, presentation of more history of the individual sites.
- Remedial Investigations will be conducted to collect additional soil and ground water samples at SWMUs 6, 7 and AOCs H, J.
- A No Further Action (NFA) Report will address the comments on the ten proposed NFA sites.
- Any new sites identified by the community need to be addressed in writing to the Navy in accordance with the Deed.

Colleen McNamara said she has given only verbal comments on the PA/SI during the site tours. She assumed all verbal comments were being written down and addressed and was never told that they would not be. Michael Díaz added that the TRC thought they'd been doing their job by collecting information for the Navy.

John Tomik requested that comments from TRC be in writing, so we can know if they come from individuals or the whole group, and if it's based on hearsay or a report or someone's direct knowledge (someone they themselves saw). Chris Penny said we'll have to backtrack and collect these informal comments if we can. We need to have the formal process for TRC members to comment so their comments aren't overlooked.

John Tomik said comments on sampling and analysis will be addressed in the RI/FS Work Plan, if it's related to future sampling, as well as in the Final PA/SI report. Ted Henry asked if TRC community members will have opportunity to review RI/FS Work Plans? (Yes.)

John Tomik stated that the notification process for new sites is described in the Site Management Plan. The TRC should notify the Municipality of new sites and where they are (if they can), or notify DOI if it's on DOI land. It could be as simple as a letter. The Municipality or DOI should then send a letter to the Navy. A notarized affidavit is not required. Chris Penny said that specific language will be attached to the meeting minutes. *(See Attachment 1, Action Items and Follow-up Information, for specific wording from the deed.)*

Colleen asked if the process requires or allows the Navy to investigate new sites? Juan Fernández said that the Navy is required to do it. Chris Penny stated that there must be some evidence to document a new site, however. The Navy can't respond to contamination or waste disposal that happens after the land was transferred, but if it's a pre-existing site, the Navy is required by law to go back and investigate it.

Aimée Houghton said that the Navy has annual funding requests that are submitted to Congress. If a new site is found in April, they may not have funding that year and the Federal process is slow. They face a decision: delay working on something else to investigate a new site, or wait for the funding next year. It's a fiscal reality- timing is based on funding.

Ted Henry and Colleen McNamara asked if the community could get responses to comments before the reports and/or work plans are done. Stacie Notine said that Navy is going to no further action on one of the sites she is concerned about. John said that the community will have a chance to comment on the No Further Action report(s), too.

Ted and Colleen said that the community always feels several steps behind, because the regulators are there when comments are discussed, but the community doesn't get to see responses until the CTC is finished and moving forward. It would be a courtesy to provide draft final responses so they can give feedback before reports are finalized. (*See Attachment 1, Action Items and Follow-up Information.*)

Chris Penny said that would be two steps back for the CTC and that NASD is moving quickly. But as a courtesy, the Navy will give the best effort to get the comments to the TRC three weeks before the final document is released. No sites are being closed out by the PA/SI reports, though. There will be more chances to comment during the RI/FS or No Further Action process.

TRC members requested that they attend all future CTC meetings. Chris Penny explained that the TRC was set up as the way to exchange information between the Navy and the community.

Carlos Ramos asked who is on the CTC? The CTC is composed of EPA and EQB and DOI (regulatory agencies), the Special Commissioner for Vieques (representing the Governor), and the Navy (responsible for cleanup). It's a business meeting, to resolve regulatory comments and make sure the technical/scientific approach is sound.

Pablo Connelly stated that the Municipality should be on the CTC as a stakeholder (land owner). Ted Henry asked if the MOV is on the CTC? Chris Penny said yes, and added that the Municipality representative attended the May CTC meeting and also was invited to the July CTC meeting, but was not able to attend. Eugene Scott noted that the Municipality is not a regulatory agency [*which DOI is, as well as being a new landowner*], but EQB has no objection if they participate on the CTC.

Colleen feels that the TRC are stakeholders, too, and asked if the TAPP consultant is on the CTC. Chris stated that two TRC members and their TAPP consultant were invited as guests to the May 2002 CTC meeting, because it was the first meeting with EQB present. The meeting was very disruptive and very little was accomplished. The CTC is a business meeting and it cannot continue that way.

Ted Henry said it was not clear that they were there in an observer role only and expected a round-table discussion that included them. Is the community being excluded from future CTC meetings because of his behavior at the May meeting? Vijaya said that it wasn't as simple as Ted and the facilitator disagreeing, but also that discussions went all over the place and only two agenda items were gotten through. Colleen McNamara said she did not realize that the TRC attendance at the CTC meeting was an experiment and they were being "graded".

Stacie Notine said at the end of the May CTC meeting, the TAPP consultant was put on the Background Subcommittee, which seemed to work well. Chris Penny explained that was done to resolve an impasse on that specific issue. He said the CTC will always be the same, but if they come to another impasse, another subcommittee would be set up.

Ted Henry said that the community is involved on some technical committees at other facilities. Aimée Houghton said that the May meeting was a bad process and everyone got frustrated, but we moved on to have a successful subcommittee teleconference. We need to put the May meeting behind us now. There's been a lot of talk about loss of trust on all sides, but without information people have to make assumptions. The TRC only gets snapshots of the activities. There could be value in having some kind of community involvement in the CTC, it could build a higher level of trust.

Luis Dávila (TRC community member) asked, what help can the TAPP consultant be to the community if he is not at the CTC meetings? Chris Penny said the TAPP consultant's scope of work did not include attending CTC meetings. Colleen McNamara explained that, at the time the TRC drew up his scope, they didn't know about the CTC.

Eugene Scott stated that EQB recommends that the TAPP consultant should attend CTC meetings on behalf of the community, because his role is to comment on the technical approach and the community can get information through him. This should be discussed and the CTC should decide. Chris said he respects the community's concern to be involved and deferred the decision on allowing TRC representation at CTC meetings until a later date. (*See Attachment 1, Action Items and Follow-up Information.*)

VI. Environmental Restoration Status Update- Marty Clasen/CH2MHILL

Key Points:

- Pilot test for AOC E was completed on August 14, 2002. At the end of the test, only a sheen of petroleum product remained on the groundwater at the wells.
- Draft RI/FS Report for AOC E will be distributed at the end of December.
- Work Plans will be developed for RI/FS investigations at SWMUs 6,7 and AOCs H,J.
- Draft Work Plans will be submitted to EPA and EQB for review and comment prior to submitting to the community.
- Each of the RI investigations will include the collection of additional soil and groundwater samples.
- A Draft No Further Action (NFA) Decision Document for 10 sites is being prepared and will be submitted first to EPA and EQB for review and comment.
- Last phase of SWMU 4 investigation was completed at the end of June.
- A total of 35 acres have been investigated at SWMU 4, additional investigations are anticipated at SWMU 4 later this year.

Ted asked if RI/FS will be completed for all five sites. (yes)

Chris stated that the pilot test could be the final remedy, based on the results that are currently being evaluated. Eugene Scott asked if EQB will get a report on the pilot test. Marty said yes, it would be part of the RI/FS report. The feasibility study (FS) will look at the pilot test data analysis to see if it's an acceptable remedy for this site.

Pablo Connelly asked for an explanation of the pilot test. Chris explained that it was done to test the removal technology. Pablo asked how large an area, how much oil? Marty said that when we first drilled the monitoring well, there was no oil, but two years later there was 3 inches on top of the water. It came from the soil, right under the tank. Pablo asked if there could be more oil in the well 2-3 years from now? Marty said that one of the options in the FS could be to keep monitoring for a time to look for that, or it might be more effective just to remove all the soil.

Jorge Fernández asked if the pilot test wasn't a kind of cleanup? Chris Penny answered that we're still in the investigation phase and a ROD is required before the final cleanup decision is made, but in the investigation you can be innovative and remove some of the waste oil, to gain the benefit of testing a new process.

Bob Wing indicated more time may be needed between the RI/FS and ROD. The schedule might be too compressed for public comments.

Marty noted that there were lots of questions earlier about SWMU 4 that he would like to get back to. If we find an OE item, we detonate it using commercial explosives (the Work Plan describes how). Afterward, if it still looks like an ordnance item, we cut it up. There are strict DOD procedures that must be followed in doing this and the Work Plan must be approved by the Explosives Safety Board. The scrap metal must be inspected and certified explosives-free before it's taken to Roosevelt Roads.

Ted Henry asked if any rounds have been found that are safe to move? Marty said that if an item is unsafe to move, we detonate it in place. If there are explosives but it is safe to move, it is detonated in the pit. If there are no explosives, it can be cut up and removed. Ted asked if anything had been moved to the eastern side? No, only to Roosevelt Roads.

Pablo Connelly asked, how can the community get involved with OE disposal if the Navy is doing it all on their own? What is the process?

Chris states the process follows EPA's CERCLA process and there will be public comment before a final cleanup decision is made. We are in the investigation phase now, not the cleanup phase. However, once we dig something up we can't just leave it there, so the investigation does include a partial cleanup of a limited number of OE items. After we know what's there, we will discuss alternatives for the cleanup and consider both cost and risk in selecting the best option.

Colleen and Ted Henry said that there are different alternatives for disposal of OE and that the community is not being consulted. Understand this is the investigation stage, but will there be any discussion about whether OB/OD is the best way to dispose of it? Marty said that at the remedy selection stage, there will be public comments on the disposal alternatives. There is no way we could pick it all up now, there are 1,000 anomalies in some of the grids and we're only supposed to dig up and inspect 100 items per grid during the investigation. Our contract with the Navy does not allow us to do OE cleanup. Chris added that there will be a separate contract for the full cleanup of the area.

Aimée Houghton asked if EPA is looking at putting this under the CERCLA process? Bob Wing said this investigation is following the CERCLA process. This is not a Removal Action under CERCLA, but an investigation with removal of some OE items as investigation-derived waste, which happens at all types of sites, not just OE.

Marty added that we still haven't found the full extent of the OE items, we need to keep looking. The brush cutter is working well. We've been working with Oscar Díaz (DOI) to save trees and the brush cutter is removing invasive vegetation, so that now the native vegetation is beginning to grow back.

Stacie Notine asked if you can date the burn pits from what you've found? Marty answered that of 4,000 items recovered, 750 were OE-related, 80% of which were 20-mm high explosive rounds, mostly from World War II, and some other small items and flares.

Another issue Marty wanted to discuss is theft. The fence gets cut and we're worried about the security of the commercial explosives on the site, had to hire a security guard. Stacie asked where the fence was cut? At the gate, the shortcut to the beach, and along the beach.

Stacie said there'd been a lot of stealing and that Felix Lopez (DOI) had told her it might help if the TRC wrote to ask for more money for security. Can the Navy help DOI with that? Chris answered that this issue is already being elevated and we'll get back to you on that.

VII. Other Business

Colleen MacNamara asked if she could tape record the TRC meetings? Ginny Farris said that in her experience at other meetings, this does not work very well. Ted Henry said tape recorders are used at some RABs and it may help. Chris Penny is not comfortable with it, but Colleen MacNamara said she wants to pursue the idea of tape recording the meetings.

Membership and attendance: The DNER representative (Manuel Rivera) could not attend this meeting. Ricardo Jordán reported that José Arroyo has said he wants to resign from the TRC. Sharon Grasso resigned before, so that leaves two community positions open for the TRC to nominate replacements. Pablo Connelly said that he will be the Municipality representative. Fabián Martínez has resigned as Municipality representative, but he might still attend meetings as a guest.

The TRC hasn't elected a Community Co-Chair yet. Michael Díaz thought the Co-Chair position for TRC was to be rotated. The TRC members will get back to Chris Penny about this later.

Colleen McNamara is reviewing the draft charter and will send out the TRC's comments.

Juan Fernández asked about copies of documents for Rafael Cruz. (?)

The minutes from the last TRC meeting were mailed to the TRC after the SWMU 4 Public Notice was mailed.

Chris Penny said the next TRC meeting will be at the next milestone, approximately 3 months.

Attachment 1

Action Items and Follow-up Information

Process for notifying the Navy about new sites (John Tomik, CH2M HILL)

The specific wording from the deed is as follows:

- The Navy will promptly undertake any response action, remedial action or corrective action found to be necessary after the date of the transfer of the property to MOV in connection with any release or threatened release of a hazardous substance, pollutant or contaminant, or petroleum products or their derivatives caused by Department of Defense activities. The MOV in interest of seeking such a response action shall:
 - Notify the Navy in writing within 90 days of learning of any previously identified condition at the property that the Navy has identified as uncontaminated that suggests a response action, a remedial action or a corrective action is necessary.
 - Furnish the Navy copies of the pertinent papers MOV has received regarding the response action
 - Provide the Navy reasonable access to the records and personnel that are associated with the response action
 - Provide the Navy reasonable access to the parcel of the suspected contaminated site or on adjoining property for purposes of performing a response action

Community Co-Chair and Membership (TRC Community Members)

Information from email message dated September 22, 2002, from Colleen McNamara to Christopher Penny and Ginny Farris (CH2M HILL):

The community members met September 15th, 2002. Mike Díaz, Ricardo Jordán, Stacie Notine and Colleen McNamara attended. Jorge Fernández and Lirio Márquez were invited as guests. Luis Dávila could not attend but sent a proxy vote on the three issues up for vote. The first two issues up for vote were the official induction of Jorge Fernández and Lirio Márquez as TRC community members. All present voted in favor for both individuals. The last issue up for vote was to elect Colleen McNamara as Community Co-Chair. All present voted in favor. Luis Dávila's proxy votes were in favor of all three issues up for vote.

Monthly reports, TRC meeting slides and minutes, CTC meetings (Christopher Penny)

Based on the TRC meeting and a follow-up telephone discussion with Colleen McNamara (the newly elected TRC Community Co-Chair) on October 12th, 2002, the following procedures are proposed to increase the level of communications between the community and the Navy:

- The Navy will provide the TRC Co-Chairs with a monthly progress report outlining the activities that were completed during the last month and the activities that will be performed during the next month for the Navy's former property on the west end of Vieques.
- Copies of draft TRC Meeting Minutes and the presentation slides will be provided to the TRC Co-Chairs within 30 days after the meeting. The Co-Chairs will provide comments/corrections to

the draft TRC minutes within 30 days after receiving them. The minutes then will be finalized and mailed to all TRC members and invited guests and posted on the website.

- The TRC Co-Chairs will provide the Navy with a monthly progress report outlining the activities that they have completed during the month regarding the Navy's former property at the west end of Vieques.
- The TRC's TAPP consultant will attend the first one or two hours of future CERCLA Technical Team (CTC) meetings with the regulators, to present any concerns the community may have regarding any ongoing projects at Navy's former property at the west end of Vieques.
- Draft reports will be submitted to the regulators (EPA, EQB, DOI) for review and their comments will be addressed prior to submittal of the reports to the TRC and MOV for comment. Two copies of the Draft Final and Final reports will be provided to the TRC. One copy of these reports will be provided to the MOV. Draft Final reports will include regulatory comments and Navy responses. Final reports will include regulatory and TRC comments and Navy responses.
- When reports are finalized, or when Draft Final documents are released for a formal public comment period, another two copies will be placed in the document repository and an electronic copy will be posted on the website.

Other Action Items for Tracking

- Comments on draft TRC charter (TRC community members)

Status: TRC community members provided their suggested revisions to Chris Penny on September 30, 2002. Chris Penny to discuss further with Colleen McNamara.

Follow-up on PREQB reports about septic tanks at NASD, re: question from Michael Díaz about petroleum-contaminated waste pumped back into a septic tank at NASD by Mason Technologies subcontractor (AOC F) (Marty Clasen)

Status:

- Follow-up on question from Michael Díaz about groundwater data (AOC F) (Vijaya Mylavarapu)

Status:

- Michael Díaz would like to see the 1995 PREQB report on NASD UIC sites (Marty Clasen?)

Status:

- Colleen McNamara asked for a copy of EPA's slides explaining risk assessment (Michael Sivak, EPA)

Status:

- Arrange for Puerto Rico Department of Health to address the TRC at a future meeting, on the topic of health risk issues and the cancer registry (EQB - Yarissa Martínez or Eugene Scott)

Status:

- Follow-up information about request for Navy to help DOI with security to cut down on theft (Chris Penny)

Status:

Attachment 2

TRC Meeting Attendance

Preparer's note for Draft minutes: Either some people did not sign in, or I am missing a sign-sheet(s). Can everyone please review the attendance list and add anyone else that was there?

TRC Members Present:

Pablo Connelly (Municipality of Vieques)
Luis Dávila (Community)
Michael Díaz (Community)
Oscar Díaz (U.S. Fish and Wildlife Service)
Juan R. Fernández (Special Commissioner for Vieques and Culebra)
Ricardo Jordán (Community)
Yarissa Martínez (Puerto Rico Environmental Quality Board)
Colleen McNamara (Community)
Stacie Notine (Community)
Christopher T. Penny (Atlantic Division, US Naval Facilities Engineering Command)
Madeline Rivera (US Naval Station Roosevelt Roads, Environmental Department)
Eugene Scott (Puerto Rico Environmental Quality Board)
Robert Wing (US Environmental Protection Agency, Region 2)

TRC Members Absent:

José Arroyo (Community - *resigned*)
Arcinio Corsino (Community)
Felix López (U.S. Fish and Wildlife Service)

TRC Guests and Support Staff Present:

Marty Clasen (CH2M HILL)
Andy Crossland (US Environmental Protection Agency, Region 2)
Rafael Cruz Perez (Consultant to the Special Commissioner)
Ginny Farris (CH2M HILL)
Theodore J. Henry (TAPP consultant)
Aimée Houghton (Center for Public Environmental Oversight)
Jorge Fernández Porto
Lirio Marquez
Vijaya Mylavarapu (CH2M HILL)
Carlos Ramos (US Environmental Protection Agency, Region 2)
Michael Sivak (US Environmental Protection Agency, Region 2)
Susana Struve (CH2M HILL)
John Tomik (CH2M HILL)