

**Technical Review Committee (TRC) Meeting  
for Environmental Restoration Activities  
at the Former U.S. Naval Ammunition Support Detachment (NASD),  
Vieques Island, PR**

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**Minutes of Meeting No. 8– January 21, 2004**

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## **I. Opening and Introductions**

Susana Struve (CH2M HILL) opened the meeting at 5:15 PM. Those present at the meeting introduced themselves (see Attachment 1).

Several TRC members noted that there were problems with the mail delivering the RAB meeting invitation letters sent on January 6<sup>th</sup>. The emailed version helped spread the word, either directly or via another TRC member, but there was confusion about the time. Pablo Connelly (Municipality of Vieques Co-Chair) said that, since the cover letter was addressed to Colleen McNamara (Community Co-Chair) and copied to everyone else, the copy sent to his office was misdirected. In future, mail should go to his home address so he will get it more quickly. Susana suggested sending letters registered mail with additional copies sent through e-mail as a backup. Chris Penny (Navy Co-Chair) said that we should set up a correspondence file in the library.

Stacie Notine asked why the many community members who came to the meeting in November were not invited to this TRC meeting and added that she had notified them herself. Susana Struve (CH2M HILL) replied that the purpose of this focused TRC meeting is to involve the current members in planning for wider outreach, by converting the TRC into a Restoration Advisory Board (RAB) with more community members. Ginny Farris (CH2M HILL) added that a public workshop about RAB membership will be held and all those who signed in at the November meeting will be invited to that meeting.

## **II. Comments and Questions on Materials Received**

The January 6<sup>th</sup> letter included a TRC status report for November-December-January, since there was little activity in December, revised final minutes of the June 2003 TRC meeting, and draft minutes of the TRC/community meeting in November 2003. Susana Struve asked that any comments on the November minutes be sent to her soon, so the minutes can be translated and mailed out to all who signed in. A copy of the TAPP regulation was also included, since that process was a topic of discussion at the last meeting. She asked if there were any questions or comments about these materials. None were brought up.

Chris Penny asked for an update of TRC community activities since the last meeting. Stacie Notine said that the TRC community members haven't met in a long time and emails aren't being shared among members. Pablo Connelly clarified that there was a meeting at a member's house around Christmas and two workshops after that. The NFA workshop was last week. The community has been dealing with CERCLA on the west side, RCRA on the east side, and the proposed NPL listing.

Chris Penny said that he has repeatedly requested feedback from TRC community members about their activities and usually doesn't get any. He would appreciate getting this, to help clarify issues between TRC meetings.

### **III. Transition to a Restoration Advisory Board**

#### ***Timeframe and Process***

Ginny Farris (CH2M HILL) led a discussion of the RAB development process. The public RAB workshop will be in late February or early March, to explain what a RAB is and how to participate. There will be a public notice of the meeting placed in local newspapers. A timeframe for the next steps in establishing the RAB will be presented at the workshop.

The RAB workshop will be part of a CERCLA Process workshop led by Ivonne Santiago from the University of Puerto Rico-Mayagüez. At the request of the University Chancellor, she has been attending meetings of the CERCLA Technical Committee. Ginny Farris handed out copies of a draft presentation for the RAB workshop and asked for suggestions or comments from TRC members. The workshop will be held in Spanish. Ginny mentioned that the first RAB meeting would be scheduled at least three months after the workshop.

It is expected that future RAB meetings may need to be mostly in Spanish, too, depending on the membership. Stacie Notine asked what is so hard about simultaneous translation. Brenda Reyes (EPA) responded that she arranged it for an EPA public meeting and it was extremely difficult, as well as expensive, just to arrange for getting the equipment over to Vieques. She indicated that the simultaneous translation effort cost about \$6,000 per meeting. Felix mentioned that the RAB meeting minutes need to be in Spanish also.

People interested in joining the RAB will fill out a written application. There will be a period of about two weeks after the workshop for people to send in applications. (Copies of sample applications were passed around – see Attachment 2.) RAB members should not have a conflict of interest, such as working for a company that would benefit directly from cleanup decisions.

An independent community-based selection panel will review the applications and recommend a slate of RAB members for Navy (LANTDIV) approval. The panel's job is to review the applications against membership criteria, to ensure that the full range of interests within the community is fully represented (so the RAB is not dominated by one interest group). The only reason for not approving the recommended slate would be lack of diversity. After recommending RAB members, the selection panel will be disbanded.

It was suggested that potential members of the selection panel should be invited to the workshop, to learn more about RABs, before asking them to commit to serving on the panel.

The RAB will function much like the TRC has, but with spaces for additional community members and meetings are always open to the public. (A comparison of TRC and RAB was handed out – see Attachment 3.) RAB meetings could be advertised in local newspapers. Depending on the number of guests, they might participate in discussions along with RAB members or just be asked to observe (if very many), but there should always be a time set aside at the end of the meeting for non-members to ask questions and offer comments.

## **Membership**

Ideas for membership criteria and/or interest groups to be represented on the RAB were discussed:

- Religious communities
- Fishermen
- Small business owners (restaurants, motels) – Commerce Association
- Health community
- Environmental groups – Vieques Conservation and Historical Trust, Biobay Conservancy, Puerto Rico Conservation Trust
- Educators
- Women’s group – Alianza de Mujeres
- Residents born on Vieques
- Residents (year-round) who moved to Vieques from somewhere else (e.g., north America or the main island)
- Farmers
- Youth groups in the after-high school age (basketball, baseball, judo, 4-H, equestrian)
- Equestrians (people who own and show horses)
- Allow a limited percentage of main island residents who have long-standing, close ties to Vieques (such as Jorge Fernández Porto and Lirio Márquez, current TRC members)

Stacie Notine asked whether residents of Culebra would be eligible for the RAB, if the NPL listing of Vieques and Culebra as one “site” is approved. Chris Penny responded that, as long as the cleanup of Culebra is being done by the Army Corps of Engineers and Vieques by the Navy, each with somewhat different procedures, the RAB(s) will not be combined.

There should be no more than 20-25 RAB members in total, because otherwise the group is too large to work well. The standard number is 20, but from experience with other RABs, we can expect some people to lose interest and stop participating. One of the Co-Chairs could facilitate the meetings.

Government members, appointed by their agencies, would include:

- Municipality of Vieques
- Navy (LANTDIV only, since Naval Station Roosevelt Roads is closing)
- Department of Interior-US Fish & Wildlife Boquerón Field Office
- Vieques National Wildlife Refuge-US Fish & Wildlife
- Puerto Rico Environmental Quality Board
- US Environmental Protection Agency
- Special Commissioner for Vieques and Culebra
- Puerto Rico Department of Natural Resources

That’s a total of 8 government members, leaving 12 to 17 positions available for community members. There are currently 8 active TRC community members, who would be given preference for membership but it would not be guaranteed.

### **Selection Panel**

Ginny Farris asked for suggestions of people to consider for the community-based selection panel. The panel should be not too big, about five people. People who are on the selection panel cannot be on the RAB. If any current TRC members are willing to be on the selection panel instead of the RAB, it would be a great help, since they know the community and also understand what RAB members can be expected to do.

Suggestions were:

- Municipality of Vieques: Mayor
- Priest: Padre Nelson López; Pastor: Monel Pastor
- School principal or teacher: Julian García (helped with students in the UXO awareness video)
- Medical community: hospital administrator Hector Flores or Tonín Rivera (long-time resident and retired epidemiologist)
- Business Association: Osvaldo González (Vieques Air Link), Arnaldo Torres
- Fire Chief – David Pereira
- Agriculture Extension – Rubén Reyes
- An individual, not government: Carlos Ventura (Fishermen's Association), Dra. Desairi Mackenzie

## **IV. Other Issues and Questions**

### **Communications**

There was continued discussion of difficulties in communicating and coordinating among TRC (RAB) members. Stacie Notine asked if the Navy is supposed to provide administrative support for the RAB. Ginny explained that this means the types of things we are already doing, mailing out letters and meeting invitations, setting up and hosting meetings, preparing status reports, etc. Stacie said that not everyone has email. A guest present at the meeting pointed out that a new, free, Internet access service has been set up in Esperanza, located at the Jane Stern Library (next to the postal boxes); through this service people can get a free Yahoo or other Internet mailbox.

For future community involvement activities, it was suggested to use the "megaphone service" since it has proven to be a good mechanism to spread information in Vieques, as well as using the local media to publish upcoming events and promote public participation.

### **Technical Assistance for Public Participation (TAPP)**

Jeff Harlow (LANTDIV) briefed the group on the status of procuring another TAPP contract. A scope of work has been developed, based on the reports expected to be out for TRC/RAB/public review in the next year or so. It will go to the Contracting Officer soon, who will get the paperwork ready to solicit bids. Jeff will meet with the Contracting Officer in February.

A Request for Proposals will be sent to potential technical assistance providers, including the previous TAPP consultant. Advertising in *Commerce Business Daily* (CBD) could be used, although it is not required for this small type of contract (not to exceed \$25,000 per year).

Stacie asked how the TAPP contract was allowed to expire without notifying the TRC and why the previous contract can't be extended. Chris Penny reminded the group that the TAPP contract was limited to one year from the beginning, and it was already extended once for six months, because some of the reports for review in the scope of work had been delayed. It can't be extended again and there is no justification for sole-source procurement. That was done last time, only because the TRC urgently needed help to review existing documents and Ted Henry was already involved in doing so, on a volunteer basis.

Jeff Harlow said that the short-list of possible 4-5 providers could be provided to the TRC community members for their comments before the selection is made. He will have to check to make sure there is no procurement rule against it. By law, confidential business information cannot be revealed, but their qualifications and experience should be okay to share with the TRC. If the TRC has any other suggestions for providers to get the RFP, now is the time.

TRC members suggested some selection criteria for the TAPP provider:

- Technical expertise and a track record for working with the community
- Fully bilingual
- Familiar with CERCLA process
- Location should be a consideration, because of transportation costs

#### **Upcoming Projects**

Jeff Harlow displayed a list of reports, from the draft TAPP Scope of Work, that are expected to come out for TRC/RAB review during the approximate period of the next TAPP contract. These dates are projected dates and are subject to change:

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|--|----------|
| • Remedial Investigation/Feasibility Study (RI/FS) for AOC E | 4/15/04  |
| • Proposed Remedial Action Plan (PRAP) for AOC E             | 8/12/04  |
| • Record of Decision (ROD) for AOC E                         | 11/10/04 |
| • Ordnance/explosives RI report for SWMU 4                   | 6/27/04  |
| • Ordnance/explosives Removal Action plan for SWMU 4         | 8/1/04   |
| • (Environmental) Work Plan for SWMU 4                       | 3/6/04   |
| • (Environmental) RI/FS for SWMU 4                           | 2/1/05   |
| • RI/FS for SWMUs 6 and 7, AOCs J and H                      | 5/27/04  |
| • PRAP for SWMUs 6 and 7, AOCs J and H                       | 12/8/04  |
| • Work Plan for AOCs I and R                                 | 4/13/04  |
| • RI/FS for AOCs I and R                                     | 12/6/05  |

#### **IV. Action Items**

- Pablo Connelly will send addresses of the suggested selection panel members to Susana Struve (in the next week)
- Jeff Harlow will ask the Contracting Officer how much the TRC members can participate in solicitation and selection of a TAPP provider (in the next 2 weeks)

- TRC members will suggest any additional TAPP providers to send the RFP to (in the next 3 weeks?)
- TRC members will provide any comments on the draft RAB workshop slides (as soon as possible)

## **Attachment 1 TRC Meeting Attendance**

### **TRC Members Present:**

Pablo Connelly (Municipality Co-Chair)  
Michael Díaz (Community)  
Oscar Díaz (USFWS, Vieques National Wildlife Refuge)  
Jorge Fernández Porto (Community)  
Félix López (USFWS)  
Lírio Marquez (Community)  
Yarissa Martínez (Puerto Rico Environmental Quality Board)  
Stacie Notine (Community)  
Christopher T. Penny (Navy Co-Chair)

### **TRC Members Absent:**

Arcinio Corsino (Community)  
Luis Dávila (Community)  
Dr. Juan Fernández (Special Commissioner for Vieques and Culebra)  
Ricardo Jordán (Community)  
Colleen McNamara (Community Co-Chair)  
Myrna Pagán (Community)  
Madeline Rivera (US Naval Station Roosevelt Roads)  
Robert Wing (US EPA, Region 2)

### **Community Guests Present:**

Radamés Tirado Guevara (Subcommissioner for Vieques and Culebra)  
Judy Leach (Community)

### **Support Staff Present:**

Marty Clasen (CH2M HILL)  
Rafael Cruz Pérez (Consultant to the Special Commissioner)  
Ginny Farris (CH2M HILL)  
Jeffrey Harlow (LANTDIV)  
James Ohland (USFWS)  
Brenda Reyes (EPA Caribbean Office)  
Daniel Rodríguez (EPA Caribbean Office)  
Susan Silander (USFWS)  
Susana Struve (CH2M HILL)  
John Tomik (CH2M HILL)

**Attachment 3**  
**Comparison of TRC and RAB**

Technical Review Committee (TRC)	Restoration Advisory Board (RAB)
Advisory, not a decision-making body.	Advisory, not a decision-making body. Not expected to make consensus recommendations as a group.
Required by SARA section 211 [10 USC §2705(c)]	Designed to expand public participation in environmental restoration (began under BRAC, where DoD was closing installations, to accelerate cleanup and transfer/reuse of property)
<p>“Whenever possible and practical” installations with IR programs should establish a TRC</p> <p>Purpose is to “review and comment on [technical aspects of] restoration actions and proposed actions with respect to releases [of hazardous substances] at Navy installations”</p>	<p>Navy policy is to convert TRCs to RABs at installations with ER,N-funded programs, regardless of the cleanup authority (CERCLA or RCRA)</p> <p>Opportunity for stakeholders “to participate in timely review of documents and present various points of view for consideration.”</p>
	<p>RAB requires sufficient and sustained community interest in the environmental restoration program</p> <p>RAB members are expected to actively share information with the community</p> <p>RAB may only address issues associated with environmental restoration activities under the DERP</p>
<p>At least 1 representative from each of:</p> <ul style="list-style-type: none"> <li>• Navy</li> <li>• EPA</li> <li>• State and local authorities</li> <li>• Local community</li> </ul> <p>✓ <i>Vieques TRC has 9 community members</i></p>	<p>Members represent:</p> <ul style="list-style-type: none"> <li>• Navy</li> <li>• EPA</li> <li>• Federal and state natural resources trustees</li> <li>• State and local officials</li> <li>• Affected community (more members than a TRC)</li> </ul> <p>The RAB should be no larger than 20 individuals, should have enough members to adequately reflect the diversity of community interests about environmental restoration.</p>
<p>Navy Chair only</p> <p>✓ <i>Vieques TRC already has Community and Municipality Co-Chairs</i></p>	<p>RAB is equally co-chaired by a Navy representative and a community member who is selected by community members</p>
<p>All members are appointed by Navy or their agency</p> <p>✓ <i>Vieques TRC has 9 community members</i></p> <p>✓ <i>Five community members were appointed by LANTDIV, then five more were selected by those community members (including 3 replacements over time)</i></p>	<p>Open, formal application process for community members:</p> <ul style="list-style-type: none"> <li>• Advertise opportunity to for RAB membership</li> <li>• RAB public information meeting (can be at TRC meeting if notice given)</li> <li>• Written application (background, why are they interested, what can they offer the group, no conflict of interest)</li> </ul>



Technical Review Committee (TRC)	Restoration Advisory Board (RAB)
	<ul style="list-style-type: none"> <li>– Conflict examples: works for Navy or IR contractor; business would benefit financially from cleanup decisions; involved in litigation against Navy</li> <li>• Independent community-based selection panel recommends members to Navy; goal is to see community’s diverse interests are represented               <ul style="list-style-type: none"> <li>– Establish selection process and criteria (example: live within 25 miles of facility)</li> <li>– Current TRC members may be given preference but not guaranteed membership</li> </ul> </li> <li>• Navy Installation Commander (or equivalent) accepts or rejects membership list, only on basis of insufficient diversity</li> </ul>
TRC meetings need not be open to the public ✓ <i>Vieques TRC has always been open to non-members, by invitation</i>	RAB meetings must be open to the public; no member of public will be denied access, unless there is cause for concern for the safety of those involved with the RAB; often advertised in local newspaper (but not required)
Minutes not required but usually kept on file	Minutes must be made available to the public
Formal charter is not required	<p>Must develop and formally document its operating procedures:</p> <ul style="list-style-type: none"> <li>– goals, size, attendance, approving minutes, meeting frequency, selecting/ replacing members and co-chairs, resolving disputes, responding to public comments on issues addressed by RAB, public participation in RAB activities</li> </ul> <p>There are formal procedures in DERP guidance for dissolving a RAB when it is no longer needed or it is not fulfilling its intended purpose.</p>

Sources: *Management Guidance for the Defense Environmental Restoration Program (DERP)*, September 2001;  
 OPNAVINST 5090.1B, CH-2, Chapter 15, section 5.7; 10 USC 2705(c) and (d); *Restoration Advisory Board Implementation Guidelines*, September 1994.

Acronyms:

- BRAC Base Realignment and Closure
- CERCLA Comprehensive Environmental Response, Compensation and Liability Act
- DERP Defense Environmental Restoration Program
- ER,N Environmental Restoration, Navy
- IR Installation Restoration
- RCRA Resource Conservation and Recovery Act
- SARA Superfund Amendments and Reauthorization Act

