

MEETING MINUTES AND ACTION ITEMS

Restoration Advisory Board (RAB) for the Environmental Restoration of Western Vieques

Meeting Number 3 - February 16, 2005

I CALL TO ORDER AND WELCOMING REMARKS

The meeting began at 5:40 PM, at the Parqucito de Montesanto in Isabel Segunda.

Susana Struve (CH2M HILL) welcomed RAB members, visiting agency representatives, and the public. She thanked Pablo Connelly (Municipality of Vieques [MOV]), Danny Rodríguez (U.S. Environmental Protection Agency [EPA]), and U.S. Fish & Wildlife Service (USFWS) for their support with setting up the meeting room and simultaneous translation equipment.

Two interpreters were present, as they had been at previous RAB meetings, but this was the first RAB meeting using the new simultaneous translation equipment that the Navy has purchased.

Jorge Fernández Porto (community RAB member) asked why so many agency representatives are involved in the Vieques remediation process. Each person introduced him or herself and explained their involvement in the process.

This RAB meeting is the first one to be attended by guests from the National Oceanographic and Atmospheric Administration (NOAA), which has responsibility for the protection of marine mammals and other ocean resources.

See Attachment 1 for attendees list. A Spanish translation of these minutes can be found as Attachment 2.

II APPROVAL OF MINUTES FROM PREVIOUS MEETING

The minutes from the previous RAB meeting (November 2004) were accepted without changes.

III ONGOING BUSINESS

III.a Action Items Review

Action items were briefly reviewed. The following table is a summary of the "open" action items carried forward from previous meeting(s) plus the action items added during this meeting. Action items closed after the February RAB meeting are included. Closed action items from previous meetings have been moved to Attachment 3.

Description	Responsible Party	Status
Meet with Alquimia (new TAPP consultant) to go over their questions and define the community's priorities.	RAB members	Open - Ongoing
Submit monthly reports describing the ongoing field and proposed activities	Navy and CH2MHILL	Open - Ongoing on a monthly basis
Provide simultaneous translation equipment for RAB meetings	Jeff Harlow-Navy	Closed- The equipment was purchased and used at the February 2005 meeting
Provide explanation of the rationale used for the selection of media sampling for the different sites. Some sites include the sampling of groundwater and others do not.	Jeff Harlow-Navy	Open - To be discussed at a future technical workshop
Explain the rationale used to perform risk assessment and the role this assessment will have on selecting the final remedial action.	Jeff Harlow-Navy	Open - To be discussed at a future technical workshop
Look for additional public information repositories in Vieques	Jeff Harlow-Navy	Closed - Moved to RAB charter item for discussion
Provide Spanish translation of Navy's proposed Charter revisions and comments.	Susana Struve-CH2M HILL	New - Closed - translation was provided by email and hardcopies mailed on 3/17/05
Discuss the charter in the next RAB meeting, or in a conference call between meetings.	All RAB members	New - Open

III.b RAB Charter

- Susana asked if the agenda item to discuss comments and finalize the RAB Charter can be postponed to the next RAB meeting. Members agreed to this, since there was not a quorum of RAB members present at this meeting.
- Jorge explained that the RAB community members met on January 13, 2005, to discuss their comments to the Charter and reached a consensus among members. These comments were submitted to the Navy. The Navy provided additional comments about two weeks ago.
- This item is still open for discussion to address the new proposed changes and incorporate the NPL related items, if applicable.
- A date for a conference call was proposed, but community members wanted to have the Spanish translation of the latest charter revisions before the call.

III.c Frequency of RAB Meetings

- A RAB member asked about the frequency of RAB meetings and wanted this issue to be resolved. (*Note from the last RAB meeting: The community would like to have meetings every two months. The Navy has committed to RAB meetings every three months. If additional meetings are needed to discuss complex issues, Navy is willing to consider that.*)
- Jeff Harlow (Navy Co-Chair) responded that we still have to discuss this issue. He explained that a simple monthly report with bullets highlighting events is a way to maintain communication between meetings.
- Susana Struve (CH2M HILL) provided few copies of the Navy's newsletter already mailed to RAB members and the public, highlighting that the newsletter is another way to maintain the information flow on the ongoing investigations.
- Community members wanted a clarification on the frequency of the monthly reports. (*Are they actually going to be monthly?*) Jeff stated that this reports will be submitted when a RAB meeting is not scheduled.

IV. NEW BUSINESS

IV.a Department Of Defense Proposed RAB Rule

- Susana passed around copies of the proposed rule for the operation of Restoration Advisory Boards. [*Note: the rule was published 28 January 2005, 70 Federal Register 4061.*]
- Daniel Rodríguez (EPA's RAB representative) explained that these proposed regulations are open for public comments until March 29, 2005.

IV.b National Priorities List (NPL)

- Daniel Rodríguez (EPA) announced that, as of February 11, the listing of Vieques on the National Priorities List (NPL) is official. The cleanup of east Vieques is being transitioned from Resource Conservation and Recovery Act (RCRA) procedures to Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) procedures. West Vieques remains under CERCLA procedures. Funds for cleanup still come from Navy, but EPA is now the leading regulatory agency.
- Yarissa Martínez (Puerto Rico Environmental Quality Board's [EQB's] RAB representative) explained that the NPL listing for Vieques does not delineate specific areas of study, but considers the whole extent of contamination.
- A RAB community member asked if the Municipality landfill is included in the NPL, because the Navy has deposited waste there in the past. Daniel Rodríguez (EPA) explained that it is not included now, but if evidence is discovered that the Navy caused hazardous materials to be put in the landfill, it could be added.
- Community members asked how the RAB is going to function once the East and West of Vieques are combined into one "facility" under the NPL. Jeff Harlow explained that this has not been decided yet. It could be one RAB for the whole

island of Vieques, or two separate RABs. Jeff Harlow and Christopher Penny might alternate as Navy Co-Chairs.

IV.c Agencies Involved in the Cleanup Process

- Community members asked about NOAA's involvement in the CERCLA cleanup process. David Holst (visitor representing NOAA) answered that they have been involved for the last two years, by reviewing and providing comments to EPA on Navy documents. NOAA has just received an appropriation from Congress to be more involved in the cleanup of Vieques.
- Nilda Medina (RAB community member) asked for NOAA to provide copies of their comments.
- RAB community members asked why the Puerto Rico Dept of Natural and Environmental Resources (DNER) is not part of the process, since coastal waters are included in the NPL and these fall under the responsibility of DNER. Yarissa Martínez (EQB) explained that the new Secretary of DNER has not designated a representative to the Vieques cleanup process.
- Community members proposed that the RAB write a letter to the Secretary of the DNER, requesting an official agency representative to the RAB. It was discussed that a letter signed by all RAB members should be sent to the Secretary of DNER with a copy to Governor Acevedo Vilá.
- Pablo Connelly (RAB community member), stated that the Mayor of Vieques has sent a letter to the Governor requesting DNER to attend the RAB meetings, another letter requesting to maintain the Office of the Special Commissioner for Vieques and Culebra, and another letter requesting the services of a subaquatic archeologist to advise the MOV and the community during the cleanup process.

IV.d Schedule and Status Update

Jeff Harlow (RAB Navy Co-Chair) presented the schedule of activities by site.

- Remedial Investigation for AOC E, I, R and SWMU 4: Agency review of work plans were delayed because work plans for East Vieques took priority, due to the RCRA Consent Order. Comments are now being resolved through a Subcommittee of the CERCLA Technical Committee (CTC). The goal to begin fieldwork is May 2005.
- Remedial Investigation for AOC H, J and SWMUs 6, 7: The regulatory agencies are preparing to submit comment on the Draft Remedial Investigation report.
- After the Final Remedial Investigation report, the Navy will prepare an Engineering Evaluation/Cost Analysis (EE/CA) for removal of the waste piles at AOC J and SWMUs 6 and 7. The goal for waste removal is late 2005.
- The Navy has requested MOV to allow them to use the municipal landfill for the disposal of non-hazardous solid waste (trash and debris) to be removed from these sites.

- RAB community members voiced their concern about using the only landfill in Vieques for this purpose. They recommended that the Navy evaluate this proposal, based on the economic-social impact for Vieques, in terms of landfill capacity and remaining useful life.
- Jeff added that the Navy will first characterize the type of waste and test the waste to determine waste characteristics for proper disposal. (Waste that is classified as hazardous cannot be and will not be sent to any municipal landfills.)
- East Vieques - Munitions and Explosives of Concern (MEC) Expanded Range Assessment/Site Inspection (Phase I): The field investigation to identify types and quantities of munitions at known MEC sites is ongoing from January through March 2005. The objective is to gather sufficient data to rank sites based on their explosive safety hazard and prioritize sites for future surface removal, additional data collection, or deferral until land use determinations are made.
- Any munitions found on beaches will be removed during the field investigation. Time-Critical Removal Actions for other surface munitions, based on the rankings from the investigation, will be done after the Range Assessment is finished.
- The first Time-Critical Removal Action is expected to begin in April 2005, with the western part of the Live Impact Area (about 200 acres).
- East Vieques - Phase I RCRA Facility Investigation (RFI) for multiple sites: These are the 12 sites being investigated under the RCRA Order. The agencies have submitted comments on the Draft RFI report and the Navy has submitted responses. Comments will be resolved in CTC Subcommittee meetings throughout 2005.
- East Vieques - Background Investigation: The current work plan for sampling will focus on inorganics (metals) in the soil at this time. The regulatory agencies have submitted comments on the Work Plan and clarified the Technical Memorandum. Comments are being resolved through CTC Subcommittee meetings in the first quarter of 2005. The goal is to begin fieldwork in May 2005.
 - Community members want the opportunity to comment on the background investigation results.

IV.e Other Topics

- RAB Community members asked for a site tour of East Vieques during the week of March 14, 2005. Danny Rodríguez said that EPA is available to organize the tour, in cooperation with Navy and USFWS.
- The new Public Web Site is: <http://public-lantops-ir.org/sites/public/vieques>. Documents available for review by the RAB will be posted on this site. (Prior documents, fact sheets, etc. are also available here.)
- Jorge Fernández Porto (RAB member) recognized the effort of the Navy in completing the new public website and in obtaining the simultaneous translation equipment.

V. CLOSING

V.a Next RAB Meetings

The date of the next (fourth) RAB meeting was changed to Wednesday, May 11, 2005. The date of the (fifth) RAB meeting in August also was changed, to Wednesday, August 10, 2005. More information will be distributed closer to those dates.

V.b Comments and Questions from the Public

None were presented. (For future meetings, if visitors from the public have questions or suggestions, these will be captured under this heading.)

VI ADJOURNMENT

The meeting was adjourned at 8:15 p.m.