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10/23/03 - 02295

October 23, 2003

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03-VAF-0492

Mr. Christopher Penny
Installation Restoration Section
US Naval Facilities Engineering Command
Atlantic Division, Code EV23
6506 Hampton Blvd
Norfolk, VA23508-1276

Subject: November 2003 Meeting of the Technical Review Committee (TRC) for Environmental Restoration of the former NASD property on western Vieques

Dear Mr. Penny,

On behalf of the Atlantic Division, Naval Facilities Engineering Command, and Christopher Penny, I would like to invite you to the next TRC meeting on Tuesday, November 18, 2003, from 4:30 p.m. to 8:00 p.m.

The meeting will be held at the US Fish & Wildlife's Edificio de Educación, at Carretera 200, Kilómetro 0.4 (on the main road into Isabel Segunda, about 2 minutes past supermarket Morales and across the road from Chu Garcia ferreteria).

The proposed agenda for the meeting will include:

- Review of the status of action items from the June 2003 TRC meeting
- Community concerns - TRC activity report
- Update on the Status of the investigation for SWMU 4
- Navy efforts related to UXO safety awareness
- Update on NFA public hearing schedule
- Update on the Site Management Plan

If you have suggestions for additional agenda items, please let me know.

Please see included a copy of the minutes from the June 18, 2003 meeting and a Status Report for August - September 2003.

Mr. Christopher Penny
Page 2
October 23, 2003

As always, if you have any questions, comments or suggestions about environmental restoration activities, please call Chris Penny at 757-322-4815, or write to him at Atlantic Division, Code EV23, 1510 Gilbert Street, Norfolk, VA 23511-2699, or email him at PennyCT@efdlant.navfac.navy.mil.

For questions about TRC business, or if you can't reach Chris, please feel free to call me at 703-471-6405 extension 4538, send a fax at 703-796-6152, or email at vfarris@ch2m.com.

Sincerely,



Ginny Farris
CH2M HILL
Community Involvement Planner

WDC\TRC Invitation Letters_Nov03mtg.doc

cc: **TRC members**—Pablo Connelly (Municipality of Vieques Co-Chair), Colleen McNamara (Community Co-Chair), Christopher Penny (Navy Co-Chair), Arcinio Corcino, Luis Dávila, Michael Díaz, Ricardo Jordán, Stacie Notine, Jorge Fernández Porto and Lirio Marquez D'Acunti, Myrna Pagán, Madeline Rivera (NSRR), Oscar Díaz (USFWS-Vieques National Wildlife Refuge), Felix López (USFWS), Robert Wing (EPA Region 2), Yarissa Martínez (Puerto Rico Environmental Quality Board), Juan Fernández (Special Commissioner for Vieques)

Invited Guests— Mayor Dámaso Serrano (Municipality of Vieques), Esteban Mujica Cotto (EQB), Manuel Rivera (DNER), Radamés Tirado (Subcommissioner for Vieques), Rafael Cruz (Office of Commissioner for Vieques), Fernando Silva (Puerto Rico Conservation Trust), Aimée Houghton (CPEO), Carlos Ramos and Mike Sivak and Andy Crossland (EPA Region 2), Daniel Rodríguez and Brenda Reyes (EPA Caribbean Office), E. Donald Elliott, Sharon Grasso, Ted Henry, Barbara Hyland (VCHT), Fabián Martínez, Dr. Ivonne Santiago (University of Puerto Rico)

Atlantic Division, Naval Facilities Engineering Command

Bimonthly Status Report: August-September, 2003

Former Navy Property, Western Vieques, Puerto Rico

This report provides the Technical Review Committee (TRC) with a status of on-going work at the Solid Waste Management Units and Areas of Concern (SWMUs and AOCs) on the former Naval Ammunition Support Detachment (NASD) property in western Vieques. The following is a summary of the activities completed during August and September 2003, and the activities planned for completion for the next few months:

CURRENT ACTIVITIES

SWMU 4

The scrap metal cleared during the Phase III investigations was transported via private barge to the Defense Reutilization Management Office (DRMO) at Roosevelt Roads on August 11th.

The results from Phase III are being integrated into the database and maps are being prepared showing the extent of UXO items. Additionally, a UXO RI/FS is being developed.

Draft Final No Further Action (NFA) Report for Nine Sites

The Draft Final NFA Report was submitted to EPA, EQB, DOI, and the TRC on May 30. EQB is expected to plan and execute a public hearing for this document.

A document summarizing the results of the NFA Report has been prepared in English and Spanish for EQB review. ~~This~~ document will be provided to the TRC and will be available at the public hearing.

Remedial Investigation (RI) for SWMU 6, SWMU 7, AOC H, and AOC J

The work plan was finalized in July. The field work was conducted from August 11th through October 3rd.

Remedial Investigation for AOC E

The draft RI report for AOC E is being prepared and is planned for regulatory review by the end of October. Upon EPA/EQB review, a draft final will be released for TRC and public review later in the year.

Public Information

EPA conducted a risk assessment training class on October 5th to inform the public about the risk assessment process used in the NFA report.

¹ The monthly reports have been changed to bimonthly reports to better reflect the current pace of ongoing and planned activities taking place in western Vieques.

The Navy is developing a quarterly newsletter to better inform the public on the environmental field activities and other important items of the clean-up effort. This newsletter is expected to be widely distributed among the community of Vieques.

CERCLA Technical Committee (CTC)

A CTC meeting was held in San Juan, Puerto Rico on August 28 and 29, 2003. Representatives from LANTDIV, EPA, EQB, DOI, Municipality of Vieques, Special Commissioner for Vieques, University of Puerto Rico, Management Edge, and CH2M HILL participated in the meeting. EPA Region 2 representatives were not able to attend due to lack of funding and did not send a representative from their San Juan office.

Discussion items included:

- Status of projects, schedules, next meeting dates
- Site Management Plan and schedules
- Status of the No Further Action Report and Proposed Plan
- Draft Remedial Investigation Work Plan for SWMU 6, SWMU 7, AOC H, and AOC J, and how comments were incorporated
- Update on AOC E
- Update of SWMU 4 UXO Investigation
- Overview of activities for Eastern Vieques
- Initiation of the partnering process

PLANNED ACTIVITIES

- EQB will conduct a public hearing for the No Further Action Report. The public hearing is tentatively scheduled for November.
- The next TRC meeting will be scheduled for mid-November 2003.
- Although correspondence has been exchanged with the TRC Community Co-Chair, no monthly reports or comments from the TAPP consultant have been received as of today.

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

Minutes of Meeting No. 6- June 1st, 2003

I. Opening/Introductions

Chris Penny opened the meeting thanking the attendees for their participation, DOI for hosting this meeting, and the Vieques Conservation and Historic Trust for their hospitality during the meeting held at the pavilion.

He asked the participants to introduce themselves. Colleen expressed that Ricardo Jordán and Pablo Dávila asked to be excused from participating in this meeting.

Chris stated that having TRC meetings only on weekends is logistically very difficult, and asked the participants to consider having alternative meetings on weekend and non weekend days. A member of the community reminded us that the meetings were scheduled on the weekends because during the weekdays the meetings tend to run too late. Different suggestions were expressed by the participants but no decisions were made on this subject.

Chris commented on a new meeting arrangement (round table), and introduced Susana Struve as the facilitator for this meeting.

11. Plans for a public hearing on the NFA report (Eugene Scott, Environmental Quality Board)

Before starting with the agenda items, Vijaya presented a quick review of the number of NFA documents distributed among the TRC members. She stated that this report had been reviewed according to the comments received and the responses have been incorporated.

Eugene gave a brief presentation on the activities EQB plan to have in regards to the public hearing on the NFA report. He started by saying that there are 3 types of hearing: judicial, legislative and administrative. The EQB regulation 3672 drafted in 1998 states the process for the administrative hearing.

He stated that the public hearing process for NFA will start with the publication of a public notice is to let people know about the meeting and where to obtain information, this information will be announced on radio and newspapers 30 days before the public hearing date.

There could be two public hearings, one in Vieques and another in San Juan. The presentations at the hearings are 30-40 minutes long; the public can ask for more information. All documents presented on the NFA report should be available to the public.

The examining official's report preparation, which includes responses to comments, but it is not final will take 30-40 days before it goes to review by the Governing Board. The Governing Board is formed by 3 members and includes the president of EQB.

Mr. Scott stated that after the Governing Board had reviewed the document it could then go to a ROD. He also explained that the first step is for the Navy to present the document within the 30 minutes allotted; the presentations need to be in Spanish following standard EQB process for a ROD.

CH2MHILL stated that the NFA document is not a ROD, Chris suggested that a Proposed Remedial Action Plan (PRAP) be developed to support the ROD. The PRAP is a 9 step process needed to move forward with the NFA. The PRAP could be released at the same time as the NFA in a public notice.

EQB will be checking to determine if an extra 30 days can be allotted to develop this PRAP.

A member of the community asked what happens if there is no agreement between the governing board and the Navy, and how are the public comments addressed. Chris replied that the comments will be addressed based on their technical merit, they should have strong technical support to be considered for a response. If the Navy does not agree with the comments, they will enter into a dispute resolution process.

Eugene stated that he can get a copy of the regulations for the public hearing and distributed them among the TRC members. When this copy is received, it will be added to the minutes as Attachment 1.

Vijaya walked the participants through the process of the NFA report which is based on background and acceptable risks (see attached flow chart - Attachment 2). She stated that comments were received from EPA, EQB and DOI. She explained that several copies have been sent out, and an addendum to the report has also been provided. An electronic copy of the report is available if properly requested.

111. Community concerns, including any issues that should be discussed by the CTC members at the CTC meeting (Colleen McNamara, TRC Community Co-Chair)

A member of the community asked about the groundwater tidal influence issue, she stated that this was never resolved. CH2MHILL indicated that this data was being collected during the RI/FS phase for the current RI/FS and further evaluated.

Colleen presented a list of requests from the community, these included:

- A list of all documents related to the West Side.

CH2MHILL presented Colleen with 12 CDs containing primary documents. The list of documents on the CDs, is included on attachment 3.

It was expressed that maintaining the documents at the library is difficult. In most cases, they are not available because the documents are retrieved from the library, and there is no record of who has them. The library does not have a consistent method of signing documents out.

Chris stated that the library is the only designated public repository that by law, the Navy is required to maintain, although the Navy is not responsible for maintaining the records at the library.

Alternative repositories were proposed (Women's Alliance - Casa Alianza, Puerto Amerisol). Susana will check the existing repositories and make a list of the existing documents.

Stacy Notine asked for an explanation on the Versar Study and its contents, and expressed concerns on the way EPA has changed its policies. Susana suggested that Stacy meets separately with the Navy and EPA to talk about the Versar Study.

A member of the community objected to allowing only one member of the TRC to meet with the Navy and regulators. This is a group, she added.

After asking the participants if they felt as strongly as Stacy on this issue, Susana asked the participants to keep the meeting on the agenda items.

It was noted that some of the bibliographic references listed on the primary list of documents are not readily available to the public. The community asked that all references made in the reports be provided.

The Navy indicated that providing references is not a requirement, nevertheless, CH2MHILL agreed to provide information on how to obtain bibliographic references included in the reports. EQB supported this request.

Chris stated that overall this is a documents management issue.

- Monthly status report send on a timely basis. CH2MHILL agreed that we will ~~try~~ to comply.
- Spanish interpreter for TRC meetings.

Colleen expressed that the language is a big issue for the community. If the meetings are held in Spanish there will be more community members interested in attending, reaching more sectors of the community, and getting better representatives of the people of Vieques.

Several members agreed that having simultaneous translations is a priority. DOI added that having the meetings in Spanish will help enhance the credibility and trust of the TRC among the community of Vieques.

Susana stated that we are in the process of finding an interpreter with accurate technical and language skills, she expressed that it has not been an easy task. A community member suggested ATABEX (a language company based in Puerto Rico).

Chris agreed to have the next formal meeting in Spanish with the aid of consecutive translation services. Susana will follow up with finding the appropriate company for this activity.

- Based on the crab report released by DOI and the high level of contaminants presented in this report, the community asked for a biological study of the area to better determine the extent of the contamination.

CH2MHILL stated that the ecological evaluation is a 9 step process. During steps 1 and 2 samples of surface water and sediment are taken and compared to ecological screening criteria, subsequent steps can help evaluate the extent of contaminants. If the surface water and sediment analysis demonstrate that the site is a source of contamination, and the initial steps of the ecological assessment show there is an unacceptable ecological risk, then a biota sampling program will be conducted.

Several discussions started on this issue. DOI disagrees with Navy's approach, they would like to see biota sampling earlier in the process to approach the bio-accumulation factor, and not only consider the risk assessment process. DOI expressed concerns related to the health of the biota and would like an explanation on the different levels of DDT found at SWMU 6 compared to the levels of these contaminants on SMWU 4.

EPA commented that the health risk assessment is a different process from the ecological evaluation.

CH2MHILL asked if a different process to evaluate the biota needs to start? Chris Penny stated that this issue will be put before the CTC, and commented on the funding constraints for a new research project.

- Colleen asked for a reply to an e-mail sent to Chris and Carlos Ramos related to public participation for East Vieques.

Carlos expressed that comments to the Work Plan released in August 2002 addressed issues such as the involvement of the current TRC membership on the East Side, or the formation of a RAB. Carlos stated that interviews will be developed to determine the best approach.

There is not an established date for these interviews, but EPA will ask for TRC participation. EPA will distribute a public notice, and could hire a consultant/advisor on community outreach programs in Spanish. Funding of \$20,000 has been allocated to this activity; the consultant could help review documents and help distribute information to the public.

- Colleen stated that some documents are not available to the public: Red and Blue Beach reports, PRA, and EBS.

Chris explained that the PRA and EBS are currently under internal review process; the Red and Blue Beach report is not final yet.

- Colleen asked if a TRC representative could attend the CTC meeting?

Chris stated that the CTC is a technical meeting and it is not open to the public.

- Colleen asked for a change in a meeting venue. The TRC is proposing the Light House to be considered for the next meeting.

Chris will visit the Light house and consider the request.

IV. Discussion of previously unresolved comments and issues. (John Tomik, CH2MHILL)

Complying with an action item from the last TRC meeting, John Tomik captured questions and outstanding comments from the community. He presented the participants with copies of the questions/comments and answers to each.

It was resolved that the TRC will review these materials and will get back with comments. CH2MHILL asked the community to have only one set of comments from the TRC. Although, Colleen expressed that having only one set of comments will be difficult, the TRC agreed to check the comments to avoid duplication and present them under categories.

V. Brief progress report on the environmental restoration program for western Vieques (Chris Penny, TRC Navy Co-Chair)

Chris gave a brief overview on the environmental process for western Vieques, stated that SMMU 4 is going through an expanded Phase III; the site characterization report will be completed in the fall. The next TRC meeting could be scheduled around this time period.

A member asked if this upcoming meeting will be translated in Spanish? The answer was yes.

Chris asked the community to comply with a Navy request and provide monthly reports of their activities. Colleen answered that the TRC will do their best to comply with this request.

VI. Awareness of UXO safety risks on eastern Vieques (Susana Struve, CH2M HILL)

Susana Struve commented on the UXO awareness activities the Navy is currently working on, and expressed how important these activities are for the public safety. She expressed that following the distribution of the fact sheet, the Navy is working on a UXO awareness video, and asked the participants to comment on different alternatives for distributing this message.

The participants commented on the need of more signs and listed a number of places where the signs can be posted, at the entrance near the USFWS kiosk. The language of the signs were discussed, and the Navy agreed to produce more accurate signs. Susana will work with DOI to produce these and follow up with the video.

VII. Land use planning for Vieques National Wildlife Refuge (Oscar Diaz, USFWS)

Oscar provided the participants with a summary of the land use plan for Vieques National Wildlife Refuge.

VIII. Meeting wrap-up

Other issues raised:

- A member of the community asked if the Site Management Plan has been updated? CH2MHILL responded that it will be updated in July.
- A member asked for a schedule for the health risk assessment training. Carlos Ramos responded that EPA does not have a set date for this workshop, but it will be developed.
- Training on other specific topics might need coordination with University of Mayaguez.
- There will be public meetings on Vieques
- DOI stated that a Management Plan for the west is needed. The land use plan is ongoing and will follow NEPA process. The east and west sides of Vieques will be combined as the Vieques National Wildlife Refuge.

Attachment 1

Action Items

- **Plans for a public hearing on the NFA report (Eugene Scott, Environmental Quality Board)**

EQB will check if an extra 30 days can be allotted to develop this the PRA plan.

Eugene stated that he can get a copy of the rules for the public hearing and distributed among the TRC members

Susana asked Eugene for a summary of **his** presentation which will be added as an attachment to these minutes.

- **Community concerns, including any issues that should be discussed by the CTC members at the CTC meeting**

Susana will check the existing repositories and make a list of the existing documents.

The community asked for information on how to obtain bibliographic references included in the reports. EQB supported this request. CH2MHILL agreed to provide this.

Susana will follow up with finding the appropriate company for to follow up with simultaneous translations.

CH2MHILL asked if a different process to evaluate the biota needs to start? Chris Penny stated that ~~this~~ issue will be put before the CTC.

Chris will visit the Light house and consider the request.

Colleen answered that the TRC will do their best to produce and distribute TRC monthly reports.

- **Awareness of UXO safety risks on eastern Vieques**

Susana will work with DOI to produce these and follow up with the video.

Attachment 2
TRC Meeting Attendance

TRC Members Present:

Michael Diaz (Community)
Oscar Diaz (U.S. Fish and Wildlife Service)
Colleen McNamara (Community)
Stacie Notine (Community)
Christopher T. Penny (Atlantic Division, US Naval Facilities Engineering Command)
Eugene Scott (Puerto Rico Environmental Quality Board)
Jorge Fernández Porto
Lirio Marquez
Yarissa Martinez (Puerto Rico Environmental Quality Board)
Myrna Pagán

TRC Members Absent:

José Arroyo (Community - *resigned*)
Pablo Connelly (Community)
Arcinio Corsino (Community)
Pablo Davila (Community)
Ricardo Jordán (Community)

TRC Guests and Support Staff Present:

Marty Clasen (CH2M HILL)
Andy Crossland (US Environmental Protection Agency, Region 2)
Rafael Cruz Pérez (Consultant to the Special Commissioner)
Félix López (USFWS)
Daniel Rodriguez (EPA Caribbean Office)
Vijaya Mylavarapu (CH2M HILL)
Carlos Ramos (US Environmental Protection Agency, Region 2)
Ivonne Santiago (University of Puerto Rico, Mayaguez Campus)
Michael Sivak (US Environmental Protection Agency, Region 2)
Susana Struve (CH2M HILL)
John Tomik (CH2M HILL)