

MINUTES OF TRC AND PUBLIC MEETING FEBRUARY 4, 1993

TO: NSB-NLON TRC Members

FROM: Barry Giroux and Paul Burgess
Atlantic Environmental Services, Inc. (Atlantic)

DATE: February 22, 1993

RE: Technical Review Committee and Public Meeting - February 4, 1993
Installation Restoration Study
Naval Submarine Base - New London
Groton, Connecticut
N62472-88-C1294

ATTENDEES:

The following people attended the meeting:

Thomas Wagner	(Town of Waterford)
Barry Giroux	(Atlantic)
Paul Burgess	(Atlantic)
Erik Ness	(Atlantic)
Dr. Charles Menzie	(Menzie-Cura & Associates)
Paul Jameson	(CTDEP)
Mark Leipert	(Northern Division Naval Facilities Engineering Command)
William Mansfield	(Subase NLON)
Suzanne Berkman	(Subase NLON)
LCDR Ruth Noonan	(Submarine Group Two)
Deborah Stockdale	(Northern Division Naval Facilities Engineering Command)
Robert Fromer	(LEAF)
William Haase	(Town of Ledyard)
Commander E.O. Barfield	(Subase NLON)
Deborah Jones	(Town of Groton)
Ronald Oschner	(Town of Ledyard)
Michael McGagh	(U.S. EPA Technical Assistance Grant Program Manager)
Kenneth Homick, Esq.	(Northern Division Naval Facilities Engineering Command)

CDR Barfield opened the meeting, welcomed all attendees, and introduced a new member of the TRC, Suzanne Berkman, who replaced Robert Jones. Suzanne is the head of the Environmental Department at the Subase.

REVIEW OF DECEMBER 2, 1992 TRC MEETING MINUTES

The Commander reviewed the minutes from the previous TRC meeting. The following is a list of points brought up by the Commander regarding old business:

- 1) He would like to have the minutes from the meetings prepared within 2 weeks of the meeting date.
- 2) The date and time for the next TRC meeting should be established prior to the end of each TRC meeting
- 3) Norman Richards wanted more information regarding EPA guidance; this information has been provided at the information repositories.
- 4) Discussion of the TRC charter is an agenda item for today's meeting.
- 5) Any further information regarding shellfish studies from Ledyard and Waterford is requested.
- 6) Questions regarding the need for offsite sampling to establish background levels were brought up at the last meeting. He explained that a map would be displayed regarding proposed offsite sampling locations developed in response to TRC comments.
- 7) During the last TRC, it was decided that daytime meetings were preferable; therefore this meeting was scheduled for 1:00 pm.
- 8) Questions were raised regarding the timing of the FFA. The status of the FFA is an agenda item for today's meeting.
- 9) A presentation addressing Mr. Fromer's question regarding the laws of the Superfund program is on the agenda for today's TRC meeting.
- 10) Information from Project Oceanology will be investigated as part of the Phase II Investigations.
- 11) At the last meeting, it was requested that the wells at residential homes located at 150 and 152 Military Highway be sampled and analyzed. Bill Mansfield indicated that the testing would take place next month.

**COMPREHENSIVE ENVIRONMENTAL RESPONSE, COMPENSATION, AND LIABILITY ACT (CERCLA)
SUPERFUND AMENDMENTS AND RE-AUTHORIZATION ACT (SARA)
DEFENSE ENVIRONMENTAL RESTORATION ACT (DERA)
A PRESENTATION OF LEGAL CONTEXT IN WHICH THE IR PROGRAM IS CONDUCTED**

CDR Barfield introduced Kenneth Homick Esq., with the Northern Division Naval Facilities Engineering Command, who gave a presentation concerning federal Superfund statutes as they

apply to the Navy Installation Restoration Program. The slides used for the presentation are included as Attachment 1 to these minutes.

Questions raised during the presentation:

Comment: Tom Wagner questioned whether state guidelines apply to site cleanup, or whether only state laws apply to cleanup.

Response: Paul Burgess replied that he thinks that Tom is referring to the CTDEP soil cleanup guidelines, which are not promulgated as regulation and Atlantic considered them not as ARARs but values to be considered (TBCs).

Comment: Robert Fromer discussed a chart which lists EPA promulgated water quality standards, some of which Connecticut has adopted. This chart is posted at the state offices in Hartford.

Kenneth Homick concluded his talk and CDR Barfield asked if there were any questions. There were no further questions.

THE ROLE OF THE TRC

CDR Barfield initiated the discussion regarding the role of TRC by opening with a quote from *Road to the ROD*. The *Road to the ROD*, which is included as Attachment 2 to these minutes, is a joint EPA/DOD document which describes the Superfund process at DOD facilities.

Comment: Robert Fromer questioned which statute mandates the TRC's authority.

Response: Ken Homick read the following paragraph out of SARA, which is codified in United States Code at 10 USC Section 2705(C):

Whenever possible and practical, the Secretary shall establish a Technical Review Committee to review and comment on the Department of Defense actions and proposed actions with respect to releases or threatened releases of hazardous substances at installations. Members of any such committee shall include at least one representative of the Secretary, the Administrator, and appropriate state and local authorities, and shall include a public representative of the community at large.

CDR Barfield presented in an overhead a quote from *Road to the ROD* regarding the role of the TRC and stated that this is what he would like to adopt as the role of the TRC (page 35) CDR Barfield explained that the *Road to the ROD* is an excellent publication and committed to getting some extra copies for the next TRC meeting.

Comment: Robert Fromer commented on the effectiveness of the TRC. Mr. Fromer feels that because there are no formal procedures regarding the conduct of meetings, the decisions are not made by majority of votes. He feels that some kind of procedure should be decided as to how

to conduct meetings.

Mr. Fromer also stated that he believes that there may be a conflict of interest having the meeting chaired by the Navy. He therefore questioned how the public views the credibility of the committee.

Comment: Tom Wagner responded by disagreeing with Mr. Fromer and explained that he feels that the TRC is only advisory.

Comment: Robert Fromer stated that the TRC committee is supposed to meet, coordinate, and communicate; therefore, if the TRC is an advisory body, then it should issue majority/minority opinions. Therefore, the TRC needs some structure to arrive at these opinions.

Comment: Paul Jameson added that he believes that the TRC is working well. He states that it is a good forum for the State to hear the Town's concerns.

Response: Suzanne Berkman stated that all of the concerns raised, whether they be majority or minority opinion concerns, are researched and addressed--not just concerns considered by the majority opinion.

Response: CDR Barfield suggested that there is no real need for rules of order, as they will not necessarily help the process.

Comment: Robert Fromer reiterated his position regarding the public perception of the committee.

Comment: Tom Wagner stated that he has been very happy with how his concerns, which were brought up at TRC meetings and submitted in writing, were addressed by the Navy. He stated that all of his concerns were looked into and responded to; although he may not have always liked the answer, he was given a response by the Navy.

Response: Suzanne Berkman suggested that written comments be submitted and the Navy will respond to all written comments; that is the reason for the TRC.

Comment: Bill Haase commented on his feelings regarding the TRC. He agreed with Tom Wagner. He suggested that having the rules that Mr. Fromer was presenting would not be beneficial. He feels that the TRC is a mechanism for input (i.e., setting the agenda for meetings). As this is currently being done, he feels the process is working.

CDR Barfield suggested that the meeting should continue and possibly come back to this issue, if necessary, later in the meeting.

Comment: Robert Fromer suggested that for TRCs in the future, he would like to see the committee set up without the Navy as the head chairperson.

TECHNICAL ASSISTANT GRANTS (TAGs)

CDR Barfield suggested that the meeting move on to other agendas: Next up was Mr. Mike McGagh from EPA Boston, program manager for the Technical Assistance Grants (TAGs).

Mr. McGagh explained how the TAG program works. He provided information regarding the TAG program, which is included as Attachment 3, and has supplied his phone number for any further questions: (617) 223-5534. During his presentation, he explained the four major steps in securing a TAG grant from the EPA. They are as follows:

- 1) Application for the grant.
- 2) The award of the grant.
- 3) The selection of an advisor.
- 4) Management of the grant.

Comment: Robert Fromer questioned whether a member of the TRC could be a member of a group that obtained a TAG.

Response: Mike McGagh responded that this was possible.

Comment: Paul Jameson questioned whether an organization with a TAG is required to have public meetings.

Response: Mike McGagh responded that it must be specified in their grant application.

Comment: Tom Wagner questioned whether the TAG program had ever been mentioned previously.

Response: LCDR Ruth Noonan responded that the TAG was suggested previously during interviews with citizens.

FEDERAL FACILITIES AGREEMENT (FFA) STATUS

CDR Barfield introduced Deborah Stockdale, who explained the status of the Federal Facilities Agreement (FFA).

Deborah Stockdale explained that there were presently several unresolved issues regarding the FFA, but it is hopeful that the issues will be resolved and the FFA should be signed within a couple of months.

The schedule of work that is proposed is as follows from the FFA:

Draft Phase II RI Work Plan	November 14, 1992
Phase II RI Field Work	August 4, 1993
Draft Phase II RI Report	August 15, 1994

Draft Phase II RI/FS Report
Draft Phase II RI Proposed Plan
Phase II RI ROD

September 25, 1995
May 28, 1996
December 2, 1996

Comment: Tom Wagner questioned what was holding up the FFA.

Response: Deborah Stockdale explained that she is not at liberty to disclose specifics regarding the FFA at this time.

Comment: Robert Fromer suggested that if TRC is to be effective, they should be able to see a copy of the FFA and comment.

Comment: Tom Wagner questioned what was the State's position on the Navy program, and what are the problems that the State is having with the FFA.

Response: Paul Jameson responded that the State entered the FFA negotiations with the intent to sign the FFA; however, they may not sign the agreement if they believe it is not in the best interest of the State. He went on to say that at NPL sites like the Subase, CTDEP can make comments, but the EPA has final say regarding remedy selection.

Comment: Tom Wagner questioned whether the State was in a "hands-off" role other than as a TRC member.

Response: Paul Jameson responded that it depends on the program; he stated that there are other CTDEP units involved with the Subase other than himself.

Comment: Tom Wagner stated that he is concerned with how the State is overseeing the process.

Comment: Tom Wagner explained that for the record he wanted to suggest that any unresolved issues regarding the FFA be disclosed to ensure the State has acted in the best interest of the towns.

Comment: Robert Fromer questioned how the TRC could advise on the FFA if it was not cognizant of the document and its contents.

Response: Suzanne Berkman responded that the TRC is for technical issues only and is not meant to be involved with the FFA.

Comment: Robert Fromer suggested that the FFA must have technical aspects that could be commented on, even in a broad sense. He also questioned what is the FFA supposed to say, according to the law.

Response: CDR Barfield stated that a model language FFA would be provided at the next TRC meeting.

A copy of NETC Newport Rhode Island's FFA is included as Attachment 4 to these minutes.

Comment: Robert Fromer expressed concern about what the law requires to be in the FFA.

Response: Bill Mansfield explained that the FFA agreement is being done on a memorandum of understanding between the agencies. There is no mandate to have a FFA.

Comment: Tom Wagner expressed concern that a lot of time had passed and still no agreement had been signed; he questioned who was having the biggest problem with the agreement.

Response: Deborah Stockdale responded that there is no particular party that is not cooperating; there are just a couple of more issues left to wrap up as most of the issues are now resolved.

BACKGROUND SOIL SAMPLING

CDR Barfield introduced Barry Giroux (Atlantic) to discuss the background soil sampling changes and rationale of the 95% confidence limit. At the last meeting several TRC members suggested that several sites off of the Base be chosen to represent background levels of inorganics in soils. Mr. Giroux explained that several samples are to be moved off-Base in response to TRC comments. An overhead was shown depicting the changes in sample locations. This figure is included as Attachment 5 to these minutes.

Comment: Bill Haase questioned why the samples were not additional samples instead of movement of samples. He was under the impression that the offsite samples would be in addition to the onsite samples being taken.

Response: Barry Giroux explained that the sample number will remain the same and some of the previously on-Base sample locations will now be located to off-Base.

Barry Giroux went on to explain the 95 percent confidence limit and how the number is derived. He explained that the values above this number would be used primarily to identify constituents for inclusion in the Risk Assessment.

Comment: Robert Fromer explained that he felt that Atlantic was making a premature assumption that the data regarding background inorganic levels would be normally distributed.

Response: Paul Burgess responded that Atlantic will examine the data and perform a proper statistical analysis of the data before deciding on the 95 percent confidence limit. He went on to explain that the data would be collected before the major field work would take place, and therefore Atlantic would be able to bring the data to the TRC and present the results of background soil analysis.

Response: Deborah Stockdale explained that the value that will be selected for the 95 percent confidence limit must also be approved by the EPA and the State, therefore adding additional safeguards to the selection process.

DISCUSSION OF TOWN OF WATERFORD DECEMBER 11, 1992 LETTER

CDR Barfield brought up the next item on the agenda which was the Town of Waterford December 11, 1992 letter.

Paul Burgess addressed the question concerning Thames River sampling. He stated that sampling will consist of samples taken from the upper sediment layer, and data from these samples will be used for the Risk Assessment. Atlantic will consider the previous samples, but understands that they were composited and won't be of significant use for the Risk Assessment.

Comment: Tom Wagner questioned whether Atlantic was planning on taking separate non-composited samples.

Response: Paul Burgess explained that the samples would be discreet samples from the upper sediment layer.

Comment: Tom Wagner suggested that Connecticut College and the Coast Guard may have data on the river that would be useful. Also, he believes that a professor from Southern Connecticut State University may have information on the river. He suggested that Atlantic call him if more information is required.

Response: Paul Burgess explained that Atlantic would look into what data exists on the river for the Risk Assessment.

Comment: Robert Fromer questioned whether the site across the river from the Subase had been named as a site on the NPL List, considering that dredge spoils had been dumped on the property.

Response: Bill Mansfield responded that the property was private property and was not directly related to a release that has migrated off-Base; therefore, it is not part of the Navy NPL site.

Comment: Tom Wagner explained that in his letter, he expressed concern about whether there is knowledge that pollution from the Base entered the river, and if the pollution was moved from the river to the subject property, then who was the generator? His major concern was that the material is unstable and subject to erosion and that the hazard classification of this material is unknown.

Comment: Robert Fromer suggested that this site should not be included as part of the present study; he feels it should be a separate action.

Comment: Tom Wagner explained that, in the last part of his letter, he was concerned that sampling was not going deep enough to address the need for future dredging which will go deeper into the sediments.

Response: Paul Burgess responded that presently Atlantic is only sampling near surface sediments as called for in the ecological Risk Assessment.

Subsequent to the TRC meeting the Navy prepared written responses to the Town of Waterford December 11, 1992 letter, which are provided as Attachment 6.

Comment: CDR Barfield asked when the next TRC meeting was scheduled.

Response: Bill Mansfield responded that the date was May 5, 1993.

CDR Barfield asked if there were any other agenda items for the next TRC.

Comment: Robert Fromer asked that Atlantic have a plan as to how they selected the fauna and flora that will be used for determining the aquatic waterlife impact.

Comment: Suzanne Berkman suggested that if the FFA is signed, then let's discuss it.

OPEN PUBLIC COMMENT PERIOD

At this point, the CDR Barfield dismissed the TRC members for a short break before opening the floor to the public. After a 15-minute break, CDR Barfield opened the floor to questions from the public.

Comment: Sue Pazullo questioned differences between remedial vs. removal action, and expressed concern that removal might not be an option to clean up the Base.

Response: Bill Mansfield explained that a removal action might be removing drums from an area, for example, where a remedial action could be a pump and treat system installed to remediate the ground water.

Response: Suzanne Berkman explained further that the remedial action is the ultimate goal of the project, where removal actions are steps along the way to the remedial action.

Comment: Sue Pazullo questioned whether removal of materials too contaminated to treat onsite was still being considered as an option.

Response: Bill Mansfield responded that removal is still an option being considered.

Comment: Sue Pazullo asked if she could get a copy of the Attorney's overheads which he used during his presentation.

Response: Commander Barfield suggested Atlantic supply the overheads in the minutes (see Attachment 1).

Comment: Sue Pazullo asked who were the representatives of the public at large on the TRC and how did they get on the TRC.

Response: Robert Fromer responded that he represents the public and he simply asked to be put on the panel.

Response: Paul Burgess responded that Ron Oshner from the Town of Ledyard and Dr. Chioffi are also members of the TRC representing the public.

Response: CDR Barfield suggested that Sue Pazullo be put on the TRC mailing list.

Comment: Sue Pazullo asked if she could get a list of TRC members' names and phone numbers.

Response: Robert Fromer suggested that Sue call the Base and talk to Mr. Mansfield who could put her in touch with whomever she needed to speak with.

Comment: Sue Pazullo asked for the minutes from the previous meeting.

Response: Bill Mansfield explained that the minutes are put in public depositories. He suggested that copies be made available at the next TRC meeting for the public.

Comment: Sue Pazullo explained that she was not clear on how the 95 percent confidence limit for background soils was being determined.

Response: Barry Giroux responded by offering to prepare a handout on how Atlantic gets the 95 percent confidence limit for the next TRC.

Response: Deborah Stockdale suggested Atlantic use the existing 4 points to prepare a presentation at the next TRC showing an actual set of data and how the 95 percent confidence limit would be chosen from that data.

Response: Barry Giroux explained that this could be done.

Comment: Sue Pazullo questioned whether re-testing on offsite wells included all of the wells.

Response: Bill Mansfield explained that the wells will be tested coming up this month and that the Navy intends to test the wells four more times. This data is hoped to supply enough evidence to determine that there is no boron contamination in the offsite residential ground water. He explained that the original 26 wells would be sampled for all of the CLP TAL metals and boron; additional wells added to the program will only be tested for boron.

Comment: Sue Pazullo questioned what lab would be used to analyze the samples.

Response: Paul Burgess replied that PACE Inc. would be doing the analysis of the water samples.

Comment: Sue Pazullo questioned whether this was the same lab which gave the erroneous readings previously (referring to NET Cambridge).

Response: Paul Burgess responded no, and explained that Atlantic would be using a different laboratory.

Comment: Sue Pazullo questioned what was the detection level of the lab's instrument for boron.

Response: Paul Burgess explained that the lab should be able to detect well below the action level; however, he was not sure as to what the exact instrument detection level was. (It has been determined that PACE can detect boron levels in water at 0.5 parts per million or greater with their instrument.)

Response: Commander Barfield explained that the EPA and the State were also going to perform split sampling to confirm results.

Comment: Paul Jameson questioned when the split sampling was to take place.

Response: Bill Mansfield explained that the sampling should be performed sometime this month.

Comment: Sue Pazullo questioned why the dredge disposal site in Waterford could not be included as a Step I site.

Response: Bill Mansfield explained that because the site is not on the Base, nor the result of migration off-base, the site must be treated separately.

CDR Barfield asked whether anyone else from the audience had any questions. There were no further questions asked of the panel.

AGENDA ITEMS FOR NEXT TRC MEETING

Suzanne Berkman listed the items that she had noted for discussion at the next TRC which included the following:

- 1) Atlantic would prepare a discussion of Risk Assessment regarding flora and fauna selection.
- 2) Discussion of the selection of the 95 percent confidence limit using existing 4 data points would take place.
- 3) The status of the FFA and a model language example would be brought to the next meeting.

At this time the meeting was adjourned.

The next TRC meeting has been scheduled for 1:00 pm, May 5, 1993, at the Shepherd of the Sea Chapel.

List of Attachments

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| Attachment 1 | Federal Superfund Statutes Presentation |
| Attachment 2 | Road to the ROD |
| Attachment 3 | TAG program information |
| Attachment 4 | NETC Newport Rhode Island FFA |
| Attachment 5 | Background Soil Sample Locations |
| Attachment 6 | Response to Town of Waterford December 11, 1992 letter |

**Navy Response to Town of Waterford Comments (December 11, 1992)
on the Draft Phase II Remedial Investigation Work Plan (November 1992)**

Technical Review Committee

We agree with the Town of Waterford's concern regarding the TRC and propose to hold TRC meetings on a quarterly basis. The next TRC meeting scheduled for February 4, 1993 will include the following agenda items:

- Role of the TRC
- Technical Assistance Grants
- Federal Facilities Agreement (FFA)

Thames River Testing

1. Review of previous studies:

Mr. Wagner is concerned that the work plan referring to sediment sampling done for the draft EIS in preparation for dredging related to the Seawolf submarine. The sediment samples were composited over depth for that study. The work plan for the Thames River stipulates the collection of grab samples of surficial sediment. Therefore, the results of this sampling will not be strictly comparable with the results of the draft EIS. The results of the sampling in the work plan will be more representative of exposure concentrations for benthic organisms and bottom-dwelling fish, and will be of more significance in decision making.

Mr. Wagner also pointed out that additional data on the Thames River is available from DEP. Readily available and accessible data on the Thames River was reviewed to prepare the work plan. As part of the planned literature review, additional Thames River data will be sought and reviewed.

2. Testing methodology and locations:

Mr. Wagner states that following previous dredging work on the Thames River, dredge spoils were deposited on land in Waterford presently owned by General Dynamics. He is concerned that contamination may have been present in those dredge spoils. He also notes that the outfall from the dredge disposal site is in the northwest corner of the area where sediment samples will be collected. He asks if sediment and water samples will be collected from the cove adjacent to the dredge disposal site.

Sediment sample locations were selected to represent conditions in the river near the Subase site and away from its influence. Sampling in the cove adjacent to this dredge disposal area is not planned at this time. This type of testing, off the Subase property, is not within the scope of the installation restoration program.

Mr. Wagner also states that the depth from which sediment samples are collected should represent future dredging of the river. Since future dredging of the channel is not a certainty and since contamination at depths below the surface are expected to be less than surface samples, evaluation of future dredging projects is not within the scope of work of the Risk Assessment that will not be conducted as part of this work plan. As stated above, the ecological assessment will measure concentrations in surficial sediments to provide realistic exposure concentrations for benthic organisms and bottom-dwelling fish.

**AGENDA
TECHNICAL REVIEW COMMITTEE
INSTALLATION RESTORATION PROGRAM
NAVAL SUBMARINE BASE NEW LONDON
FEBRUARY 4, 1993**

1. Review of Minutes for November 2, 1992, TRC Meeting
2. Comprehensive Environmental Response Compensation Liabilities Act (CERCLA)/ Superfund Amendments and Reauthorization Act (SARA)/ Defense Environmental Restoration Act (DERA) - A presentation of legal context in which the IR program is conducted - U.S. Navy Attorney.
3. Role of TRC - Open discussion.
4. Technical Assistance Grants (TAGs) - USEPA Region I presentation.
5. Federal Facilities Agreement (FFA) Status - USEPA/U.S. Navy.
6. Background Soil Sampling.
7. Discussion of Town of Waterford's December 11, 1992 letter.
8. New Business, Agenda items for next meeting.



Federal Facilities Agreement

SUBASE New London

Appendix IV: Deadlines and Schedules

RI/FS Work Plan	April 1989
Phase I RI Report	August 1991
Phase II RI Work Plan	November 14, 1992
Phase II RI Fieldwork	August 4, 1993
Phase II RI Report	August 15, 1994
Phase II RI/FS Report	September 25, 1995
Phase II Proposed Plan	May 28, 1996
ROD	December 2, 1996