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MINUTES FROM RESTORATION ADVISORY BOARD MEETING DATED 10 SEPTEMBER  
2002 CNC CHARLESTON SC (PUBLIC DOCUMENT)  
9/10/2002  
RESTORATION ADVISORY BOARD

CHARLESTON NAVAL COMPLEX  
RESTORATION ADVISORY BOARD MEETING  
September 10, 2002, 5:30 p.m.  
The Olde North Charleston Meeting Place  
1077 East Montague Avenue  
North Charleston, SC

**RAB MEMBERS**

Oliver Addison	Community member
Bobby Dearhart	Community member
Tony Hunt	Navy Co-Chair
Lou Mintz	Community member
Arthur Pinckney	Community member
Dann Spariosu	EPA
Jerry Stamps	DHEC
Bob Veronee	

**VISITORS**

Gil Rennhack	SC DHEC
Paul Bergstrand	SC DHEC
Stacey French	SC DHEC
Rob Harrell	SouthDiv
Jeff Meyers	SouthDiv
Dean Williamson	CH2M-Jones
Gary Foster	CH2M-Jones
Dawn Johnson	Amerada Hess
Steve Freeman	Amerada Hess
Lawson Anderson	TetraTech
Allan Jenkins	TetraTech
Keith Johns	EnSafe

**Introduction and Administrative Remarks**

Tony Hunt opened the meeting with the RAB members and the visitors introducing themselves. There were no comments on the minutes of the July RAB meeting. Minutes from all meetings since January 1997 are now on the web site ([www.efdsouth.navy.mil/environmental/rab/chas](http://www.efdsouth.navy.mil/environmental/rab/chas)). Mr. Hunt noted that Wannetta Mallette-Pratt and Don Harbert called and could not attend the meeting this evening. Visitors were informed to feel free to ask questions during or after the meeting.

## **Subcommittee Reports**

There was not a community relations subcommittee meeting this month.

### **Redevelopment Authority (RDA) Report**

Lou Mintz advised that the machinery and equipment installed in the buildings were conveyed to the RDA last week. The RDA is in the process of inventorying and evaluating the equipment and will convey the equipment to the lessees. With the RDA conveying ownership of the equipment to the lessees, that will allow the lessees to maintain, update, dispose or exchange the equipment, enhancing the operations in the industrial area.

The RDA is still listening to North Charleston and the State Ports Authority on the division of the Navy yard. Nothing has been done yet to divide the Navy yard between these entities, contrary to the newspapers. It could possibly take up to nine months before any decisions are made in this regard.

Most of the tenants have five-year leases and are happy. One of the prospective lessees has sued for \$13 million because they did not receive a lease.

### **Environmental Cleanup Progress Report**

#### **Hess Update**

Steve Freeman, special project foreman with Amerada Hess refineries, presented an update on their cleanup efforts. He began by explaining that the source of contamination was near the railroad loading area where they stored and loaded benzene and toluene onto the trains. The dirt and associated piping has been dug up and taken away.

In 1996, contaminants were detected on the Charleston Naval base adjacent to the north gate. These contaminants are light non-aqueous phase liquids (LNAPLs), which are lighter than water and therefore "float" at the top of the aquifer. Seventeen wells and two piezometers were installed. In 1998, Hess started a plan of total fluids remediation. Then Hess backed off and went to a passive system using hydrocarbon-only pumps with very low withdrawal rates.

In 1998, they started working with EFR, vacuuming each well for 45 minutes. With this system they observed vacuum as far as fifty feet away. In order to prevent movement of Navy contamination toward the Hess property, they started using recovery from hydrocarbon pumps.

Hess applied wind turbines. This is low impact and geared to recover hydrocarbons. However, withdrawal rates indicated that the turbines were not making an impact. As the groundwater levels increased or decreased with rainfall, Hess would see increases and decreases in recovery. The free-phase hydrocarbons are pretty much contained and have not moved. The wind turbine compressor has four cylinders and mounted with a fan blade.

Recently Hess has replaced the hydrocarbon pumps with total fluid pumps. They'll soon be recovering about 200 gallons of water a day with 5 percent hydrocarbons.

There were five wells on Virginia Avenue that Hess temporarily abandoned because of roadwork. The last few sampling events came from a geoprobe and temporary wells. The general direction of the flow of contaminants has not changed.

On the Naval property, Hess found the source and has started doing EFR. Hess has recovered approximately 5,000 barrels of water and 225 gallons of hydrocarbons. The plume is stationary but the thickness seems to fluctuate.

Hess has installed a shop air compressor on the wind turbine that keeps the electric compressor from running very much. This seems to be working out all right.

All fluids Hess recovers are pumped into a recovery tank. When the tank is full, they call a vacuum truck and have the total fluids disposed of and are not reclaiming anything at this time.

The hydrocarbon distribution maps of February, April and July 2002 show that the distribution of contaminants is not changing much. The free-phase hydrocarbons are slowly squeaking out of the soil and are centered at the old railroad loading station.

Wells 19 and 20 had hydrocarbons and now show none. Fluctuation of the water table hasn't changed the recovery rate so Hess feels pretty confident that particular area is cleaned up.

Mr. Freeman said that the July and August data show meta- and para-xylene in the northern part of the plume and toluene in the southern part of the plume. He noted that although Hess never stored gasoline at the facility, MTBE is in the groundwater gasoline releases.

The ethylbenzene map from February show levels that go above the risk-based screening levels, and Hess is keeping it in a contained area. The toluene map shows the contaminants are concentrated where the soil was dug out.

Amerada Hess is going to continue working with DHEC and meet their requirements and quickly remediate the site. Hess is doing quarterly flood level monitoring. They will refingerprint product to make sure there aren't any new sources. Hess has continued to do trichlorethylene and dichloroethylene testing, and a little dichloroethylene has been detected to the east of Hess.

Hess wells are probably 13 feet deep, and the water depth is four feet. The contaminants on Hess property are LNAPL, "floaters" at the surface of the water table. Cleanup should be completed in four years. Everything under Virginia Avenue is clean and the wells will continue to be monitored. There was a survey done of the safety of residents using the groundwater. One resident used the ground water for agricultural purposes, and the contaminants did not migrate west towards him but in a southerly direction. Most personal wells are fairly deep.

Mr. Hunt thanked Mr. Freeman and Hess for coming to the meeting and sharing their information.

## Early Transfer

Mr. Hunt then introduced Jeff Meyers, an environmental engineer at Southern Division Naval Facilities Engineering Command. Mr. Meyers deals with the early transfer issue nationwide for Navy installations. Mr. Meyers explained to the group that a contractor, TetraTech, is preparing documentation and working with the Project Team to try to meet the requirements of the law. The Charleston Naval base cleanup is governed by RCRA and is not a Superfund site.

Prior to the 1997 National Defense Authorization Act (NDAA), CERCLA required that the government clean up property prior to transfer. The 1997 NDAA gave the government the authority to transfer contaminated federal property before completion of required response action. This is known as "Early Transfer." A section was added to the law to reflect this decision: CERCLA 120(h)3(C), which states requirements for early transfer.

The mechanism used for early transfer is known as "covenant deferral." A covenant is just a statement or promise. In this case, the covenant states:

All action necessary has been taken to protect human health and the environment with respect to any such substance remaining on the property before the date of transfer.

Under early transfer, the Navy defers the covenant, transfers the property, completes cleanup and then puts the covenant in the deed as required. The Navy works with the Project Team and the Governor to get approval for this.

The benefits of early transfer are:

- The RDA will receive property sooner,
- Owning is better than leasing in terms of receiving financing.
- The Navy will not be involved in leasing and therefore be out of tenants' hair.
- Easier for RDA to manage the property since they would own large parcels rather than bits and pieces.
- Navy caretaker costs are eliminated.
- BRAC statute required that the Navy dispose of the property, so if everything is equal, sooner is better than later.

Mr. Meyers showed a map of areas that are prospective parcels of land for early transfer.

The new statutory requirement, contained in CERCLA 120(h)3(C), says that the property must be suitable for its intended use during the covenant deferral period (while cleanup activities are being completed). The use has to be protective of human health and environment during this period. The statute further specifies a 30-day public notice and comment period and notes that transfer cannot substantially delay cleanup.

Mr. Meyers explained that the deed must provide for land use controls and how they will be implemented. It must state there will be no disruption of cleanup investigation or oversight activity, and must state that cleanup will take place in accordance with the cleanup schedule

approved by the regulatory agency. Also, the deed will actually state the cleanup has to continue along the path that DHEC and EPA are comfortable with. By statute, cleanup will not suffer because of early transfer.

Requirements of CERCLA 120(h)3 are evaluated in a Finding of Suitability for Early Transfer (FOSET). The Navy uses Department of Defense guidance and EPA's guidance to write FOSET. Mr. Meyers explained that the approval for early transfer for this site comes from the Governor of South Carolina.

Section 330 of the 1997 National Defense Authorization Act indemnifies the future owner from the Navy's contamination. If it's the Navy's fault for not completely cleaning up the site, it's still the Navy's responsibility.

Land use controls are a big part of this process. Charleston Naval Base has groundwater use restrictions and zoning restrictions that prevent residences from being built on the site and restrictions that prevent digging in the landfill area. The FOSET will not cover issues such as lead-based paint and asbestos. These will be covered in a subsequent Finding of Suitability to Transfer (FOST).

Mr. Meyers summed up this part of his presentation by noting that the cleanup will continue whether the Navy owns the property or if there's early transfer. Early transfers have been completed in Tennessee and California. Early transfer projects are under way in Kentucky, Massachusetts and Minnesota.

Mr. Meyers' presentation covered several topics in more detail:

The covenant deferral period is the time between when the property is transferred and when they write a covenant after completing cleanup of the site. The covenant ensures that DHEC and EPA will have an assurance the Navy will continue on the cleanup path.

There has to be a mechanism for land use controls that the State and EPA agree on, whether that's part of a permit or a management plan. Land use controls need to have an enforcement requirement and notification requirement. Once the parcel is cleaned up, the land use controls can be terminated or modified. There are emergency procedures in land use controls such as provisions for emergency repairs to utility lines where there's a dig restriction. Further, he noted, the land use controls have to be transferable to future property owners.

Mr. Meyer said that the Navy will be responsible for cleaning up their contamination, but the property owner will have to agree not to use the groundwater or build a house. The Navy is currently responsible that the land use controls are maintained. The Navy is looking into whether that responsibility can be transferred to another entity through Brownfields agreements to give the other entity an incentive to accept those types of responsibilities.

Another condition of land use controls is the reporting that has to be done. That reporting rests with the Navy, but they're exploring options to be able to enter into agreements to transfer that

responsibility. The Navy expects a lot of sites to have early transfer completed with the next eight months.

The people who decide the Navy has met the statutory requirements for early transfer are the project team, EPA and DHEC. The EPA originally did not like early transfer but so far the military services have stayed where there's a RCRA permit or Superfund.

### **Administrative Remarks**

Mr. Hunt told the assemblage that the Navy's administrative record has moved from the main library downtown on Calhoun Street to the Caretaker Site Office on the base. It contains all the documents used in making decisions. The information repository is maintained at the main library downtown and consists of any documents for public comment.

### **Agenda for Next Meeting**

There will be a brief status on the progress of the FOSET and EBS and the schedule of that implementation. The next meeting is scheduled for November 12, 2002.

Meeting adjourned.

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Donald Harbert  
Community Co-Chair

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Tony Hunt,  
Navy Co-Chair