

**NAVAL AIR STATION (NAS) ALAMEDA RESTORATION ADVISORY BOARD  
MEETING SUMMARY**

Building 1, Suite #140, Community Conference Room  
Alameda Point  
Alameda, California

Tuesday, 7 March 2000

**ATTENDEES:**

See the attached list.

**MEETING SUMMARY**

**I. Acceptance of Minutes**

Mary Sutter, Community Co-chair, commenced the meeting at 6:34 p.m. She announced that Tony Dover has an excused absence. Michael Torrey announced that Robert Berges will not be present at next month's meeting; Mr. Berges confirmed. In response to Ms. Sutter's inquiry, Ken Kloc explained that the minutes are "accepted," rather than "approved." This process allows members to "accept" the minutes without having reviewed every word.

Ms. Sutter called for comments on the February minutes. Mary Rose Cassa, Department of Toxic Substances (DTSC), stated that on page 3, last paragraph, "Bruce Chang" should be changed to "Ruth Chang." Ms. Sutter asked RAB members to recall the accuracy of Saul Bloom's statement on page 10, third paragraph, second sentence: "Mr. Bloom stated that agreements have a built-in caveat in that if Congress refuses to allocate the funds, the agreement is abrogated and the Navy is not obligated to fund the cleanup." Brad Job, Regional Water Quality Control Board (RWQCB), stated that he recalls the above comment from Mr. Bloom. Mr. Torrey asked as to the use of the word "overage" on page 9, fifth paragraph: "He [Mr. Bloom] stated that the Presidio required another \$100 million dollars from the insurer to pay for overage costs for known contaminants." Michael McClelland, BRAC Environmental Coordinator (BEC) and Navy Co-chair, explained that the term refers to cost overruns. Mr. Berges moved to accept the minutes; all were in favor.

**II. Co-chair Announcements**

Ms. Sutter distributed comments from the Environmental Protection Agency (EPA) regarding the Draft Final Marsh Crust Feasibility Study (FS) and the Draft Finding of Suitability to Transfer (FOST). She also distributed comments and a letter from the Clearwater Revival

Company on the Draft Final Marsh Crust FS. The comments were returned to her at the close of the meeting. The firefighters resolution that was discussed at the last meeting was E-mailed to the Navy on 28 February; Ms. Sutter received a response from Tom Deluly, who thanked the RAB members for their interest and dedication. The resolution was forwarded to the Chief of Naval Operations, Division of Environmental Protection Safety and Occupational Health, for action. Mr. Deluly stated that Ms. Sutter will be contacted by the Environmental Restoration branch, which is responsible for the installation restoration (IR) cleanup and RAB issues. She stated that Mr. Deluly's response will be included in the minutes. Ms. Sutter asked if RAB members received a notice of the Final Environmental Impact Report (EIR); Mr. Torrey stated that he received a notice.

Mr. McClelland announced that the National Environmental Policy Act (NEPA) Record of Decision (ROD) was signed by Navy Secretary Cassidy on 29 February. This is one of the key steps toward property transfer to the City of Alameda. A remedial investigation (RI) FS addendum for Operable Unit 3 (OU-3) will be issued on 17 March; comments are due on 18 April. It will be finalized on or around 12 May, depending on the extent of the comments received. A human health risk assessment (HHRA) will be conducted for radiological on Site 1 (OU-3) on 24 March; it will be issued for public review. The latter two are needed to proceed with the Draft Final FS for OU-3. This document is scheduled for issuance on or before August. A notice was posted in the *Alameda Times Star* on 18 February regarding the time-critical Action Memorandum for removal action on the east housing. This decision document addresses the Marsh Crust for the east housing; comments are due on 20 March. Steve Edde, Environmental Liaison, confirmed that a copy of the notice was placed in both the NAS Alameda IR library at Alameda Point and the main Alameda Public Library. In response to Jo-Lynne Lee's inquiry, Ms. Cassa stated that the remedial project manager for OU-3 is Bill Kaktis. Mr. McClelland stated that Mr. Kaktis is the OU-3 RPM until the end of May.

Mr. McClelland introduced Dave McConnaughey and Steve Sorgen, Navy Environmental Health Center (NEHC). Mr. McConnaughey and Mr. Sorgen toured the base with Mr. Edde, Mr. McClelland, and representatives from the Agency for Toxic Substances and Disease Registry (ATSDR). Mr. McClelland introduced Scott Sudweeks, ATSDR. Mr. Sudweeks introduced the following ATSDR staff: LaFreta Dalton, Carole Hossom, and Gwen Eng.

### **III. ATSDR Public Health Assessment**

Mr. Sudweeks thanked the RAB for the opportunity to give his presentation. He explained that ATSDR was created under CERCLA in 1980, and is funded by Superfund. ATSDR is a federal public health agency based in Atlanta, Georgia. It has regional offices in each EPA region, as well as in Washington, D.C. ATSDR is located in the same area as the Center for Disease

Control (CDC); the two branches share administrative and technical resources. ATSDR focuses on chemical and nuclear health impacts whereas CDC focuses on biological public health threats. ATSDR's mission is to prevent exposure and risk to human health and diminished quality of life associated with exposure to hazardous substances from waste sites, unplanned releases, and other sources of pollution. ATSDR works with federal agencies, state agencies, and tribes to address community health concerns and public health impacts.

Mr. Sudweeks explained that ATSDR does not have enforcement authority; the agency's primary function is advisory. ATSDR can, however, recommend additional sampling or other public health actions in concert with regulatory agencies. ATSDR does not conduct sampling; instead, ATSDR uses the information produced by other agencies. ATSDR does not provide medical treatment or health care, but the agency will work with physicians to coordinate health care and to provide physician education regarding exposures and health effects to hazardous materials.

ATSDR's mandating statutes are primarily CERCLA/Superfund, RCRA, and SARA (Superfund Amendments and Reauthorization Act of 1986). ATSDR focuses on all sources of hazardous materials, even those that are not covered under CERCLA, such as petroleum hydrocarbons. ATSDR has four divisions. Mr. Sudweeks is a toxicologist within the Division of Health Assessment and Consultation. This division produces public health assessments and consultations. It also houses a community involvement branch, which Ms. Dalton represents. Public health consultations are relatively short-term, time-critical evaluations of exposure and health effects.

The Division of Health Education Promotion generates health needs assessments to determine the need for, and to provide, health education to the public. The Division of Health Studies is the epidemiology wing; it conducts most of the health and disease statistics reviews and maintains national exposure registries.

The Division of Toxicology is the research wing. This division publishes the toxicological profiles and establishes some of the screening values and minimal risk values, which are comparable to preliminary remediation goals (PRGs). It also conducts chemical research and is responsible for emergency response activities.

ATSDR relies on the Office of Regional Operations, which interfaces with the EPA and state agencies. This office also handles the local and short-term time-critical issues vital to ATSDR operations. A fundamental component of ATSDR operations is its cooperative agreements with over 21 states, which allow other entities to act as agents of ATSDR. The California agreement is administered through Reber Brown, California Department of Health Services.

A public health assessment identifies how people may be exposed to hazardous materials and the associated potential human health effects. The assessment also identifies data gaps, recommends actions to reduce human exposure and public health threats, and determines follow-up activities such as health studies and community health education. ATSDR collaborates with the EPA and state agencies in developing the recommended actions.

The three main elements of a public health assessment are environmental data, community health concerns, and health outcome data. ATSDR does not collect data and typically relies on other sources of environmental data. To address community health concerns, ATSDR gives presentations to RABs, other community forums, and health departments. ATSDR's public availability session is scheduled on the following night at Alameda High School, from 6:00 p.m. to 8:00 p.m. This session will provide an opportunity for community members to ask questions and to express their concerns to ATSDR. Mr. Sudweeks emphasized that if a community member is unable to attend this session, ATSDR can also be contacted by telephone or E-mail. The health outcome data involves community-specific disease statistics based on blood lead levels, birth and death records, cancer or birth defect registries, and national exposure registries.

Mr. Sudweeks stated that the two primary opportunities for community input are the public availability session and a 30-day formal comment period on the draft document, which is announced through a press release as well as through information that is provided to local libraries and information repositories. He encouraged attendees to contact himself or Ms. Eng for inclusion in the mailing list. Verbal or written comments will be accepted. ATSDR will try to work with comments that are given outside of the two aforementioned opportunities for community input.

Mr. Sudweeks enumerated the steps taken in developing a public health assessment: evaluate information on the physical, geographic and operational settings; identify community health concerns; determine the contaminants of concern; identify the exposure pathways to determine past, present and future human exposure as well as the adverse health effects; and develop conclusions and recommendations on the actions that can mitigate or prevent further exposures.

An important consideration is the distinction between a health assessment and a risk assessment. Risk assessments are conducted to support regulatory decision making and to identify risks to human and ecological health. A health assessment is limited to the likelihood of adverse health effects from exposure. It is more qualitative than a risk assessment in that it incorporates other information that are not typically included in a risk assessment, and addresses community health concerns as well as the mitigation of public health impacts from exposure to contamination. ATSDR does not generate quantitative numerical risk estimates such as cancer risk. Instead, the agency takes a weight-of-evidence approach wherein a wide range of information is incorporated, such as toxicological and scientific literature.

Mr. Sudweeks enumerated the factors involved when an individual is exposed to contaminants: a site-released contaminant; a transport pathway (waste site/landfill, leaching into the groundwater); a point of exposure (pump); route of exposure (ingestion); and contact for a sufficient duration. If any of the above components are broken, there is no exposure network and there are no adverse health effects.

ATSDR representatives toured the site for two days to identify data sources for evaluation and to find the human health exposure pathways. They will also speak with community members, regulatory agencies, and other entities as well. The objective is to identify the exposure (past, present and future) and any data gaps. Within 90 days of the site visit, ATSDR will generate a site summary document which will identify the likely exposure situations and ATSDR's objectives. This document lays the foundation for the draft public health assessment, which will be released in 2001.

Mr. Sudweeks encouraged attendees to contact him by telephone at (404) 639-6041; or by E-mail at [ssudweeks@cdc.gov](mailto:ssudweeks@cdc.gov). Additional information is also available at the ATSDR web site at [www.atsdr.cdc.gov](http://www.atsdr.cdc.gov) or by calling (888) 42-ATSDR.

In response to Ms. Lee's inquiry, Mr. Sudweeks explained that ATSDR considers both on- and off-site contamination. Because ATSDR is more concerned with the impact of the contaminants, as opposed to remedial cleanup, their work is not confined to site boundaries.

In response to Dan Zerga's inquiry, Mr. Sudweeks stated that Ms. Eng has communicated with community members Marty Martinson and Patrick Lynch. In 1990, ATSDR was requested to evaluate groundwater contamination in the North Village housing area located adjacent to the Supply Annex. ATSDR reviewed the data and issued a health consultation which noted that additional information is needed to make a determination. That contamination in the northeast corner will be one area of concern that will be evaluated in the public health assessment.

Mr. Sudweeks specified that the site summary document will detail the work done to date, as well as the foci of the public health assessment. The agency will then review the data more extensively, solicit and respond to community input, and make recommendations in conjunction with EPA and the State regarding actions that should be taken to mitigate public health impacts. Mr. Zerga inquired if the exposure pathways have been identified, and Mr. Sudweeks replied in the negative, stating that additional work needs to be done to determine the foci of the assessment.

Dianne Behm inquired why ATSDR became involved at this juncture, and Mr. Sudweeks replied that CERCLA mandates ATSDR involvement for sites that are listed in the National Priorities

List (NPL). Prior to the NPL listing, ATSDR provided consultation and input on contamination at the site. In essence, ATSDR can provide assistance as needed outside of the formal CERCLA-NPL requirement. Ms. Behm asked how much clout ATSDR has. Mr. Sudweeks replied that ATSDR provides independent scientific review of existing public health impacts to communities and regulators. He commended the thoroughness of EPA, the State, and the Navy, and added that additional work needs to be done which ATSDR can assist with. He acknowledged that although ATSDR does not have regulatory authority, the agency does have some authority in cases of imminent public health hazard.

Ms. Behm voiced her concern regarding the rush to transfer the property. She inquired as to health concerns that need to be addressed prior to transfer, with regard to the potential unavailability of funds for such concerns after the transfer. Mr. Sudweeks replied that ATSDR's primary concern is to ensure that the public health is protected by the decisions made regarding property transfer. The agency does not get involved in the transfer process per se. He added that ATSDR can work with the State and EPA to address issues of concern that are identified early on. She expressed her concern that gaps may result due to the fact that various separate entities are involved. Mr. Sudweeks replied that ATSDR can assist in this situation by providing a fresh perspective.

Mr. Berges asked if ATSDR has experienced pressure to rush or to slant the reports. Mr. Sudweeks replied that the agency has experienced pressure to rush the reports, but not to slant them. He explained that ATSDR is an independent entity that is created to provide advice. The agency is responsible to the community and has no stake in the cleanup. ATSDR uses the best available science in their evaluation and review.

Mr. Kloc asked if the site summary document will be issued in 90 days; Mr. Sudweeks replied in the affirmative. Mr. Kloc asked if the document will contain the potentially problematic issues at the site. Mr. Sudweeks replied that the document will contain the public health issues that are of concern to ATSDR. Ms. Hossom added that the site summary document will not provide any conclusions. Rather, it is intended to give an idea of the issues that ATSDR will investigate. Information will be acquired during the investigation period. In response to Mr. Kloc's inquiry, Mr. Sudweeks stated that the 30-day public comment period will begin from the date that the draft public health assessment is issued.

Mr. Kloc asked as to any opportunities for public input outside of the availability session that will be held on the following day. Mr. Sudweeks clarified that from the present until the end of the aforementioned comment period, ATSDR will accept comments from the community. He added that the final public health assessment does not necessarily close the case; if additional issues arise, ATSDR will continue to be involved. In response to Ms. Lee's request, Mr. Sudweeks will provide copies of the site summary document to the RAB. She asked as to the

extent of ATSDR's involvement. Ms. Hossom replied that ATSDR identifies areas of concern and makes conclusions according to data available to date. ATSDR will continue to be involved if unforeseen changes require the amendment of their initial conclusions. An addendum will then be added to the public health assessment.

Ms. Lee asked as to ATSDR's involvement with respect to future exposures. Mr. Sudweeks replied that the agency considers future land use and how it may impact exposures. He emphasized that the agency's public health assessment is different from the risk assessment. A community member, Matthai Kuruvila, a U.C. Berkeley journalism student, inquired if the public health assessment must be done prior to transfer; and Mr. Sudweeks replied in the negative. In response to the community member's inquiry, Mr. Sudweeks added that ATSDR cannot predict all of the possible pathways that may be found in the future. However, the agency can remain involved and amend its conclusions as new information becomes available.

Ms. Sutter inquired if ATSDR uses a model as a basis for the public health assessment. Mr. Sudweeks replied that the public health assessment is very similar to the risk assessment, but with different outputs. The former focuses on the likelihood of adverse health effects and their causes; the exposure pathways and the associated contaminants; and screening data (based on cancer risk, reference doses and PRGs) to determine the issues that should undergo further review.

Ms. Sutter asked if the same data is used for both the public health and the risk assessments. Mr. Sudweeks replied that he has not yet seen the data collected at the site, adding that his agency also considers data collected outside of the RI. Ms. Hossom added that although ATSDR does use numbers, the agency uses a weight-of-evidence approach that allows for the consideration of other types of information, such as investigations on community exposure.

Ms. Sutter asked how ATSDR accounts for hazards that may not show up until 10 or 20 years in the future, when people may have left the site. Ms. Hossom replied that the Division of Health Studies conducts investigations on people who have been exposed. The division posts advertisements in newspapers and on television to find such people in order to facilitate the investigation. The division also works with the individuals' physicians with regard to the possible health impacts of the exposure.

Ms. Sutter inquired if ATSDR has followed the long-term effectiveness of land use restrictions, such as those that are attached to a deed. Mr. Sudweeks replied in the negative. Ms. Hossom added that ATSDR has relied on information provided by various groups on the efficacy of land use controls.

Mr. Kloc noted that the Alameda Point Superfund site is next to the FISC Annex, which is a state CERCLA site. He asked if cumulative impacts will be considered. Mr. Sudweeks replied that although the agency considers the contamination from the Annex, the agency does not plan to get involved with the Annex, because it is a state site. Ms. Hossom added that as ATSDR considers the total population, the agency looks at other sources of contaminants other than those located at the naval air station. The potential for exposure determines the inclusion of additional locations for investigation.

Mr. Job asked how ATSDR determines the acceptable risk range absent a quantitative risk assessment. Mr. Sudweeks replied that ATSDR relies on toxicological literature and other sources of information to determine the likelihood of adverse health effects, rather than relying on theoretical probabilistic cancer risks.

In response to Kevin Reilly's inquiry, Mr. Sudweeks explained that copies of the site summary document will be provided to local agencies, libraries, information repositories, and individuals who sign the mailing list. The issuance of the site summary document will be publicly announced. In response to Anna-Marie Cook's inquiry, Mr. Sudweeks stated that he can find out if the preliminary document can be posted on a web site.

In response to Ms. Behm's inquiry, Mr. Sudweeks explained that ATSDR is involved in both federal and non-federal sites. Ms. Behm recalled that at one point, the Navy utilized a method called tiered screening while the public sector used different criteria, which resulted in differences in the findings. She asked if such differences in data exist between the public health and risk assessments. Mr. Sudweeks replied that ATSDR relies on data collected from various sources, such as IR and the environmental baseline survey (EBS). He added that he is unfamiliar with the data used in tiered screening. He noted that the first step is to define the exposure pathways, and to consider the data available for that pathway.

Doug deHaan asked if ATSDR has the resources required to review all of the information available within the projected time line, given that it is an open-ended process. Mr. Sudweeks replied that the agency has the resources required to do so. He noted that the agency will only consider the data needed to define the pathways that are identified during the site visit and the public availability session. New information will be incorporated as it becomes available.

Mr. deHaan commented that ATSDR is attempting to take on a monumental task in a relatively short period of time, noting that the community and agencies have struggled for a long period of time to achieve its goals. Mr. Sudweeks clarified that ATSDR's involvement is limited and narrow in scope. ATSDR will neither be involved, nor impede, the regulatory process. Mr. deHaan explained that his comment pertained to the fact that various entities have been involved in this prolonged exercise. He is concerned about the thoroughness of ATSDR's investigation

given the relatively short time line. Mr. Sudweeks replied that ATSDR will consider the entire site to determine the pathways, noting that this will be a thorough, and not cursory, investigation. The pending document will indicate how the pathways are determined. He added that ATSDR will solicit community input in the development of the document.

Ms. Sutter asked how ATSDR takes into account cleanup levels that have yet to be decided upon. Mr. Sudweeks replied that if remediation action will break up the exposure pathway, then ATSDR decides that there is no public health hazard. ATSDR will either issue its findings or await further data, depending on the amount of information available. Ms. Hossom added that ATSDR uses information available to date, rather than basing its decisions on pending action.

In response to Ms. Lee's inquiry, Mr. Sudweeks stated that ATSDR representatives may return to give another presentation when the pending document is released; there may also be another site visit. He encouraged attendees to contact the agency for further assistance.

#### **IV. Technical Assistance Grant (TAG) Update**

Ms. Sutter noted that according to Jean Nader, the NICHE project has decided to withdraw its proposal for the grant. Ms. Sutter stated that the RAB and NICHE will share information as it becomes available.

#### **V. Project Teams, Round the Table**

##### **OU-1**

There is no report on this topic.

##### **OU-2**

Ms. Sutter noted that there is no lead person for this focus group. Ms. Cassa stated that the regulators had a teleconference regarding data presentation. The consolidation of all of the relevant data in a single map was problematic. There have discussions about breaking up OU-2 into smaller and more manageable units. Ms. Cook added that regulators are awaiting Navy input. Ms. Cassa added that the regulators are also trying to work out the schedule for the FFA Site Management Plan, which further complicates the discussions. She added that there was a flurry of activity which began to subside toward the end of February. Ms. Cook stated that the OU-3 schedule is set up, OU-1 is nearing completion, and the Site 25 and OU-2 schedules will follow. Some data gaps at OU-2 need to be filled which impacts the generation of the maps. Mr. Kloc asked if the FFA will be published. Ms. Cook replied that the NAS Alameda FFA will be submitted to the Navy after the Navy signs off on the Concord Naval Weapons Station FFA.

Since the Concord FFA has been in process for almost one year, it is more practicable to complete that and use it as a boilerplate, rather than creating another FFA for NAS Alameda. Mr. Kloc asked if it was possible to change some of the language regarding the RAB given that the FFA is still being negotiated. He noted that in the FFA, the actual community members are not consulted as to when the RAB meets, and how often. Ms. Cassa encouraged him to E-mail his request to Ms. Cook, who confirmed that there is time to change the language.

### **OU-3**

Ms. Sutter stated that she just received the Unexploded Ordnance Site Investigation Final Summary Report dated 22 October 1999. Ms. Cassa confirmed that it was mailed about two or three weeks ago.

### **Ecology Focus/OU-4/Sediments**

Ms. Sutter noted that this focus group was to be renamed as above. Mr. Leach agreed to be the point of contact.

### **Petroleum CAP**

Ms. Sutter noted that this focus group was to be renamed from USTs to Petroleum CAP, and that Mr. Palsak is to be removed from the list, as he is no longer part of the RAB. Ms. Sutter inquired if Ms. Lee was interested in joining the group. Mr. Kloc added that according to Ken O'Donoghue, there is no report on this topic.

### **Site 25/Estuary Park/Community Outreach**

Mr. Kloc stated that he will call a meeting in the upcoming month.

### **Radiological**

There is no report on this topic. Mr. McClelland stated that he will replace George Kikugawa as the RPM. In response to Ms. Cassa's inquiry, Mr. McClelland stated that a RI FS and human health risk assessment at Site 1 (OU-3) will be issued on 17 and 24 March; a 30-day comment period will follow.

### **Administration**

Ms. Lee stated that Ms. Behm will review the base closure plan. Ms. Lee commented that the BRAC Cleanup Plan (BCP) was very informative. A site tour will be held around April, which will include an orientation for new members. Ms. Sutter will join the focus group.

### **EBS**

Ms. Lee stated that according to Anne Klimek, RPM, Warren Yip will present the document. Mr. Yip will hold a series of meetings with DTSC and EPA in March, after which he will meet

with the RAB and perhaps give a presentation. Ms. Cassa commented that the next RAB meeting will be a good time for the presentation. In response to Ms. Lee's inquiry, Ms. Cassa stated that she wrote one series of letters, and one consolidated letter, addressing the requested closure of 135 RCRA sites. She will follow up with the RAB. Mr. Edde stated that the final parcel reclassification has been mailed out. Ms. Lee stated that she will contact Mr. Yip regarding a meeting with the focus group, and also about giving a presentation to the RAB. She will follow up with Ms. Sutter by 21 March. Ms. Cassa stated that Mr. Yip is out of town.

### **EIS**

There is no report on this topic. Ms. Sutter recalled that she had removed herself from this group. Mr. McClelland stated that the ROD has been signed. Ms. Cassa stated that theoretically, the transfer documentation group is the FOST group. Mr. McClelland explained that the environmental impacts must be considered in any action that the Navy or any federal agency takes. A negative declaration refers to no impacts. In this case, where there was significant action, an environmental impact statement (EIS) was done in which the Navy considered the impacts of the planned redevelopment. The ROD signifies that there are no unmitigable impacts, which means that there is no problem with transfer to the City. It allows the Navy to begin the FOST or Finding of Suitability for Early Transfer (FOSET). In response to Ms. Cassa's inquiry, Mr. Edde confirmed that the NEPA ROD includes the Annex. Ms. Sutter stated that this focus group is no longer active.

### **Marsh Crust**

Mr. Leach stated that the City passed the ordinance that provides for restrictions on excavation. He noted that the City is the most likely violator, over which there are no deed restrictions. For example, the Department of Electricity and Communications has communicated with the City's committee regarding undergrounding all of the cables throughout the City. This is the most likely violator for repairing the sewers and storm drains. It appears that although there is a monitoring agreement between the City and DTSC, the ordinance does not provide for automatic delivery of permit applications to DTSC for review. At best, DTSC would only know, after the fact, if there was an application for excavation. At present, it appears that the only safeguard is the consciousness and willingness of the Department of Public Works to impose restrictions. He noted that if there is no knowledge of the problem, it does not exist. Mr. Leach noted that besides drinking water, the two other pathways for water contamination are wells and heat pumps. Mr. Leach commented that the controls are very loose, and that this must be brought to the Navy's attention.

Mr. McClelland stated that the transfer involves a covenant between DTSC and the City with regard to the enforcement of institutional controls (ICs). The federal government will maintain an interest in the transfer of the property so that EPA and the Navy can return to enforce the ICs if necessary. He stated that DTSC is responsible for day-to-day enforcement of ICs. Mr. Leach

reiterated that the ordinance leaves enforcement up to the Director of Public Works. Mr. McClelland clarified that he was referring to the transfer documents between the Navy and the City of Alameda. He emphasized that the EPA and the Navy will have the right to enforce ICs and deed restrictions. Mr. Leach asked how the EPA and the Navy would determine that enforcement was necessary. Mr. McClelland replied that this has not been worked out yet.

Mr. Leach stated that the City does not have to take out a permit to respond to an emergency excavation. The ordinance requires a health and safety plan which should theoretically be reviewed by DTSC on an individual basis before any excavation takes place. The ordinance assumes that the material is contaminated and must be treated as such unless tests prove otherwise. He noted that the tests are very expensive, and that an average excavation for a trench requires about \$25,000 dollars. He commented that people will deal with this permit requirement with impunity, as they will feel that it is unreasonable.

Mr. Job commented that the above cost estimate is too high, noting that he does not necessarily disagree with Mr. Leach's concern about the pathway. He clarified that although RWQCB is not authorized to look at the soil as it relates to a human health risk, the Board has used the IC approach for groundwater. He commented that funding for ongoing maintenance is problematic without Navy involvement.

Mr. Kloc voiced his support for Mr. Leach's position, adding that ARC Ecology submitted comments last month pertaining to problems encountered with defining a huge area with inadequate sampling. The end result is that the major cost of sampling will be transferred to homeowners and small business owners in the future, while it is still undetermined if particular parcels are contaminated. He opined that the ordinance and the implementation of ICs over the entire crust is draconian, while the contaminated areas are inadequately protected because there is no mechanism by which the agencies can provide oversight to enforce the ICs.

Ms. Cassa commented that the regulatory clout belongs to the decision document which has not yet been written. This ROD will propose an IC as a remedy. She noted that the ordinance preceded the final decision of any remedy. It is necessary to go through the FS and to evaluate the nine criteria for the appropriate remedy. The draft final FS has been issued; it proposes the IC as a remedy and establishes the criteria for the covenant. The covenant provides for DTSC's annual review of excavations. She emphasized that the provisions for oversight will not be included in the ordinance because the ordinance is a city, not a state, document. Mr. Leach stated that DTSC should also approve the permit. He inquired as to who will monitor the City's activities. He commented that the City and the Navy seem to be rushing the transfer.

Ms. Lee inquired if the City agencies are not required to comply with the permitting process as specified in the ordinance. Mr. Leach replied in the affirmative. He added that this issue has

been brought to the RAB's attention within the current year, when the City was excavating in areas where no others dare to tread. He noted that even the State was spraying the site with materials that DTSC prohibits.

Mr. Kloc suggested that he and Mr. Leach prepare a resolution to be submitted to the Navy and to the regulators. Mr. Berges commented that a RAB resolution would substantiate future concerns that are raised at City Council meetings. Kurt Peterson commented that the City issued the ordinance prior to taking possession of the property. He voiced support for the resolution.

Mr. Job stated that he has made recommendations which were later found to be impracticable given that no one has approached the City about acceptance of, and compliance with, the suggestions. He noted that although the ordinance may need to be amended and that its timing may not be precise, it is an appropriate action to take. Mr. Leach voiced his agreement, adding that the ordinance does need to be amended. He noted that there are ways to get around the expense to the individual, such as the implementation of acceptable health and safety and excavation plans. Ms. Sutter stated that the resolution will be discussed at the next meeting.

## **VI. BCT Activities**

Mr. Job stated that the Board will exercise joint and several liability as well. The EBS reclassification was also discussed. Parsons, a well-respected firm, presented the results of the petroleum hydrocarbon fate and transport modeling study at Area 37 and Site 7. Mr. Job's comments are pending. The BCT met with Tetra Tech EM, Inc. (TtEMI) regarding some of the bigger sites in the petroleum CAP. This resulted in a plan for putting together the individual CAPs for each of the sites. The areas considered reflect total petroleum concentrations in excess of 1,000 parts per million (ppm).

## **VII. Community and RAB Comment Period**

Mr. Torrey announced his new cellular telephone number: (510) 390-7734. Patrick Lynch stated that in mid-February, the Navy issued a document entitled "Time-Critical Removal Action for East Housing" to address the Marsh Crust. He noted that this document involves no action other than the implementation of the city ordinance that, in effect, silences two of the nine evaluation criteria, which are state acceptance and community acceptance. He finds the remedy to be unacceptable, as there has never been an investigation of the Marsh Crust. Because of this, it is premature to come to any conclusions about the public health impact of the contamination. He stated that the Marsh Crust does not span 700 acres; he looks forward to seeing an investigation sometime in the future.

Mr. Kloc asked why the action was defined as "time-critical." Mr. McClelland replied that the property transfers of the east housing (FOST) and the Alameda Annex (FOSET) were scheduled for the end of March. Actions that are considered to be "time-critical" are not necessarily indicative of an environmental or exposure hazard. In response to Ms. Behm's inquiry, Mr. McClelland replied that the Navy and the City worked out the schedule for the transfer. Ms. Sutter asked if the final FS will be done. Mr. McClelland replied that the ROD will be applied to the rest of the base; this is the decision document for the transfer of east housing.

In response to Ms. Behm's inquiry, Mr. McClelland explained that CERCLA requires the Navy to be liable for any undiscovered contamination found on the site. Ms. Cook commented that EPA is not involved, and that CERCLA provides periodic reviews of the effectiveness of the remedy. If the remedy is found to be ineffective, the Navy must revisit the site and rectify the problem. In response to Ms. Behm's inquiry, Ms. Cook replied that she is unsure of where the funding will originate to fulfill this statutory requirement. Mr. Job stated that the Board will exercise joint and several liability as well.

Ms. Sutter adjourned the meeting at 8:28 p.m.

***The next Restoration Advisory Board Meeting will be held at 6:30 p.m. on Tuesday, 4 April in Building 1, 1st floor, Suite #140, Community Conference Room, Alameda Point.***

**ATTACHMENT – LIST OF ATTENDEES**

**RESTORATION ADVISORY BOARD  
MEETING SUMMARY**

**THE ABOVE IDENTIFIED ATTACHMENT IS NOT  
AVAILABLE.**

**EXTENSIVE RESEARCH WAS PERFORMED BY  
SOUTHWEST DIVISION TO LOCATE THIS  
ATTACHMENT. THIS PAGE HAS BEEN INSERTED  
AS A PLACEHOLDER AND WILL BE REPLACED  
SHOULD THE MISSING ITEM BE LOCATED.**

**QUESTIONS MAY BE DIRECTED TO:**

**DIANE C. SILVA  
RECORDS MANAGEMENT SPECIALIST  
SOUTHWEST  
NAVAL FACILITIES ENGINEERING COMMAND  
1220 PACIFIC HIGHWAY  
SAN DIEGO, CA 92132**

**TELEPHONE: (619) 532-3676**