

**MARE ISLAND NAVAL SHIPYARD
RESTORATION ADVISORY BOARD (RAB) MEETING MINUTES
Held February 24, 2000**

Welcome and Introductions:

The February 2000 meeting of the Restoration Advisory Board (RAB) was called to order at 7:04 p.m. by Myrna Hayes, Community Co-chair for Mare Island RAB. Eleven (11) RAB members, (9) guests and community members, two (2) community relations and RAB support staff from Gutierrez-Palmenberg, Inc. (GPI), and one (1) recorder were present. The following RAB members were in attendance:

- Ms. Bonnie Arthur
- Ms. Myrna Hayes
- Ms. Cynthia Marquez
- Ms. Diana Krevsky
- Mr. Ken Browne
- Mr. Al Iliff
- Mr. Ken Barden
- Mr. Jim O'Loughlin
- Mr. Ralph Lee
- Mr. Ken Kloc
- Ms. Paula Tygielski

Recorder: Kathy Langstaff

Ms. Myrna Hayes - My name is Myrna Hayes, and I'm the community co-chair for Mare Island Restoration Advisory Board. And I know you see a lot of vacant seats. I can account for some of them. Chip [Gribble] is at his oldest son's band concert, and John Cerini is preparing the City's 2000 budget for Mare Island's operation, so I think we can excuse him. Those are the two calls I got from folks who said they wouldn't be here this evening. And I really do appreciate it when you call. The other person who called is Bonnie [Arthur], and she will be arriving very shortly. We had a good showing the last go-around, but it's hard to start without many of us. But why don't we go ahead with introductions and get started.

Mr. Faiq Aljabi - My name is Faiq Aljabi. I'm with Southwest Division, environmental engineer. Also, I'll take this opportunity to announce that we have a new lead RPM. Sarah Ann Moore was selected, and she is on board March 6th. We also made a selection for the BEC, and his name is Jerry Dunaway, but unfortunately he couldn't make it to this meeting. He has other commitments beyond this project. He'll be on board March 13th. And hopefully he'll be here at the next RAB meeting and he'll be presented to you. Thanks.

(The RAB and community members introduced themselves.)

Administrative Business:

Mr. Faiq Aljabi - Okay. I need comments or additional adjustments on the minutes of the December meeting. We have approval? Yes? Okay.

Ms. Myrna Hayes - Why don't we just go down the list of reports, the community focus groups. Jerry Karr also called me, and he said he couldn't be here this evening. Okay, Diana?

Subcommittee Reports:

Community Outreach Focus Group

Ms. Diana Krevsky - We met last month, and there are two things I wanted to present. The survey for the workers on Mare Island is actually completed. However, the whole packet's not together. It won't be until next time, but I'm going to pass this around for you to look it over and check out the results. I think everybody is familiar with that by now. It's kind of an election exit poll survey. About 17 or 18 were returned, but it's still interesting nonetheless.

At the meeting we also went over two approvals of proposed modifications for the community relations plan that Chip submitted to the Navy, and I'm just going to summarize it briefly. And we discussed all his points, and I believe he sent it already to the Navy, but I might tag on some of the comments from our group. Some of the things he had proposed were that the Navy should keep the mailing list updated; the Navy should provide fact sheets for the community - - -

(Ms. Bonnie Arthur arrived.)

Ms. Diana Krevsky - - - and actively solicit new RAB members with various needs; provide tours of Mare Island for RAB members, and every other year, a tour for the community at large; have orientation packets available for new members for the RAB; have training seminars for various subjects to keep everybody up to date on what's going on with the cleanup; support the community outreach focus groups' projects; maintain the RAB library, keep up information in all local public libraries; allow two representatives to attend the ECMT meetings; and have the Navy have a representative to attend the RAB for base transition, which hasn't been with us for several years, since Dennis Kelly left. So that's about it.

Ms. Myrna Hayes - I thought that was a good meeting. The Navy's public affairs person met with us, and she was enthusiastic about working with us. I felt like we started off on a good foot with her. Since Jerry isn't here, there wouldn't be a natural resources focus group meeting. Technical focus group?

(Ms. Paula Tygielski arrived.)

Ms. Myrna Hayes - Why don't you hold off for a second, Ken, until folks get their seats. I want to welcome Bonnie Arthur from the EPA here, and Jim O'Loughlin and Paula Tygielski.

Technical Focus Group

Mr. Ken Browne - The only thing to report for the technical focus group is that we will meet this Monday evening, and actually that's anyone from the RAB who's interested in the follow-up session for Arc View. Our first follow-up session will be Monday from 7:00 to 9:00 p.m. It will be hosted by Mike Bobbitt at the RAB library. Everyone's welcome, and we plan to have a small technical focus group meeting at the end of Monday night, so we'll report on that at the next RAB meeting.

Ms. Myrna Hayes - Cynthia, the transition focus group?

Transition and Reuse Focus Group

Ms. Cynthia Marquez - We don't have any report at this time.

Ms. Myrna Hayes - Okay. Since John's not here, there won't be a city report. So, Bonnie, you're next on the agenda, if you don't mind.

Regulatory Agency Focus Group

Ms. Bonnie Arthur - Sure. I told Chip today that I got lots of time since he's not going to be here, so - he's at a concert - did you already say that Myrna? - with his kids. Everybody, sorry for being late.

First, I wanted to go over the most updated list of reports coming in. We've all been trying to track these. Many of them have been delayed significantly by a few months, six months, seven months, but the first big one coming in is for Investigation Area C-1, a remedial investigation report. For some of the newer folks, that's a pretty significant document that summarizes investigations to date for a large investigation area. C-1 is along the west side, right on the strait, and it includes some of our larger, nastier sites. It's the remedial investigation report as well as the risk assessment. It summarizes the investigations and then evaluates the risk. So, again, that's the C-1 RI. That comes in March 21st.

And the draft final remedial investigation report for Installation Restoration Site No. 8 - that's a lead site; remember, that was a huge removal action that the Navy did years back - that comes back in to all of us - actually, I have February 21st, and I didn't get it, so --

Ms. Myrna Hayes - I got it.

Ms. Bonnie Arthur - You got it? Great.

Ms. Myrna Hayes - Not the 21st, but I got it today.

Ms. Bonnie Arthur - That was close, though. And then the next remedial investigation report that comes in is for a smaller area, and that's for A-2, and that comes in April 24th, give or take a few days. I'll let you know if I hear anything else now that we have Sarah Ann on the project.

What I really wanted to spend time on is the Area E documents and summarizing where we are with that. There is a document on the agenda tonight, but I think it just focuses on the water tanks and the abatement. Okay. And that was, the follow-up to us not being able to sample, they sent EPA to sample,

and the Navy went ahead and did a removal action. They're going to talk about that tonight. Now, that's just one component of what's called Investigation Area E.

I'm going to run through all of this, and if you have questions, please stop me if I'm not making sense. But the main components for Area E that I see it is, first of all, talk about the issues, and then I'll tell you about the documents that discuss those issues. The water tanks, like I said, is one. There was an arsenic removal at one hole of the golf course, and we came in and discussed that with you when we were doing the sampling. Everybody was wondering, why do you sample a golf course? and that's a whole different story. The military bases, the regulatory agencies, thought that we should all go forward and sample golf courses just to make sure that, if some of those golf courses later on turned into residential property -- that those levels will be safe.

As an aside, what EPA found in compiling the data of all the golf courses we've sampled is that most of them don't have significant contamination. Most fall much below national averages, and Mare Island came up as quite an anomaly. In fact, EPA was going to put forth a policy report saying, "Don't sample any more military base golf courses, they look okay." I said, wait a minute, wait a minute, we've got this Mare Island data.

The Navy completed that sampling before I came on the project, mid-'96, early '96, and they did selective sampling of where they would most anticipate to find higher levels. So it's in the low-lying areas where any kind of contamination from the pesticides used or the herbicides would run off. It was a total of ten locations, maybe 15 locations maximum that they sampled. A few of those came up with - actually one, around one hole, came up with arsenic levels that were of concern.

So that's why the Navy did a removal action of that arsenic, to find out how significant of a problem it was. Well, it turned out that it was a pretty significant problem with the arsenic. And given the fact that we had limited sampling data to begin with and we didn't sample all of the holes, all nine holes - I think they sampled three or four - Kelly, was it three or four?

Ms. Kelly Ryan - Four.

Ms. Bonnie Arthur - Four. We had to conclude that there's a potential for arsenic to exist other places in the golf course, and in addition to that, they're still using riddicides as a component of pesticides. The current operator says that he's not using them and he's trying to take an innovative pest-management approach and using less, so that would be great, but we have to plan for the worst case. Anyway, that's a roundabout story about the arsenic at Hole No. 4, but you've heard us talk about that for years.

So you have the water tank issue. You have the arsenic removal that took place. There were probably a handful of small PCB sites scattered throughout. There's underground storage tanks. There's a former site there that was investigated, and they did a soil removal years back. We don't consider it an IR site any longer. So most of those issues were summarized in a technical memorandum, and we've got the fifth version, which is titled a final version, last month. Actually, January. Well, it is still February. End of February. So we got that in January. And that's stated as a final version. The tank document that Tetra Tech will be talking about tonight came in the end of January.

Those documents summarized any kind of removal or maintenance actions, any investigations for that whole area, not just the golf course, not just for the water tanks, but the entire Investigation Area E. They include an ecological-risk evaluation as part of it. There's some wonderful habitat up there on the hillside, west of the golf course. So those documents have been ongoing for quite some time.

Now, the draft FOST (Finding of Suitability for Transfer), that we talked about extensively the last RAB meeting, came in to us draft and was submitted for public review at the same time mid-January -- that's just a transfer document not really linked to all these others. It's kind of on its separate track.

Now, some of the issues that Chip and I raised last month were that these other documents should've been completed before the draft FOST went out for public comment. Chip and I both got letters out this week on the draft FOST, and many of the comments we shared with you last month. You can call either of us to get copies of our letters if you wish. One of the remaining issues that we do have agreement with the Navy, is that there should be some type of deed restrictions on the golf course. Deed restrictions are a pretty generic category. Some of you recall ARC Ecology came in, gave us a talk, I don't know - Ken, maybe a year and a half? A year ago?

Mr. Ken Browne - About a year ago.

Ms. Bonnie Arthur - It was quite a while ago. And there are many types of deed restrictions, and we're all in agreement that the golf course is fine to use as a golf course, but we don't want, ten years down the road, when all of us are gone and there's not institutional memory, that somebody turns that into a residential property. So we're fine with it as a golf course - we don't want people to think we're just being really overblown about this and not taking a realistic approach - but we want to make sure that there's something in place.

Now, for deed restrictions, in this case the Navy will probably put something in the quit-claim deed, and also covenants are done. And what we like from an EPA standpoint, our attorneys, they really like these covenants to be done between the State and the City, State of California, City of Vallejo. Our legal staff's thinking is that those are best able to go to court. The State has resources to take those documents to court if they think something is improper.

Now, deed restrictions, they're not the most popular thing, and that's why it's really important that we start discussing the whole issue of deed restrictions. Now, the back-up in terms of some of the documentation. What is not in agreement between the Navy and the regulators is whether or not any kind of closure document should be done to formalize the fact that we all think a deed restriction should be in place, or a land-use covenant. EPA is fine with it, as long as there's a public-comment period, to have a deed restriction in place without -- DTSC has a policy requirement that they need a feasibility study and a remedial action plan (RAP).

So that's where there's not agreement between the regulators and the Navy. Since DTSC has determined they do need those and this is a supposed accelerated transfer, Chip's working on that now. They're going to be writing those in-house, and those will come to you next month probably. There'll be a feasibility study RAP. And the best thing about the fact that the feasibility study has to be done for a golf course is that it starts the dialogue about deed restrictions as an overall category.

That's the best thing about the fact that this all has to be written. And Chip has limited resources anyway, and he's now writing an FS and a RAB for E and A-1. Those will come in, and I think deed restrictions have been a major source of controversy between communities and regulators and

communities and companies and the military for some time, and it's a really important issue to start talking about. For a golf course it probably fits better than it does for most other sites because it's going to be used as a golf course right now and for the next ten years. That's the plan at least, and it doesn't make sense to spend a lot of money cleaning up to residential if they're just going to be using pesticides tomorrow on it.

To me, that is not a very good use of resources, but deed restrictions or land-use covenants are also being considered for the bulk of the industrial part of the base to make sure that those never go residential, so that, when we make cleanup decisions when these reinvestigation reports start coming in, we will require them to look at residential to just have the alternative there, but they'll really be focusing on an industrial-level cleanup with the assumption that some kind of land-use covenant will be followed up with the feasibility study as part of the final remedy for a site.

And where they're most controversial are where communities want a total removal of contamination or a total cleanup of a site, and either the military or a company will say, "BRAC," you know, "we think it's only feasible as an industrial level, so this is all we're going to clean up to." So those are ongoing battles everywhere. Ken, of course, has probably been involved in those.

So to restate, the discussion tonight will be on the water tank removal, and that is a nice success story that was taken care of. Also, once we had the sampling data in hand, there were no arguments from the Navy that they needed to go ahead with it, and that proceeded just fine. But the final technical memorandum came out, again, in January, and if you have any comments, those need to go in now.

And this tank document they're talking about tonight, the water tank issues, that report needs to be commented on now, also, if you want to take a look at that, and a draft FOST needs to be commented on. The public-comment period ended this week. Chip and I both put out strong comments about it that we disagreed with going forward now prior to this feasibility-study RAP being completed. Now, to let you know, they can transfer the property even if we have objections, they can attach a letter with our comments and still transfer it. Many of the developers at the last CMT meeting stated that they weren't willing to take property unless the regulators had bought off on it and didn't have these major concerns.

I'm not sure what's going to happen with the golf course, but I want to let you know they can transfer it against what we think would be in the best interest of everybody to wait. We've been doing all kinds of leases. We've done a number of transfers already. We've never had this problem with the Navy before, so we don't anticipate it recurring. So if you have questions, please feel free to jump in.

- C. Mr. Jim O'Loughlin - My name's Jim O'Loughlin. I'm from the community of Napa, and I went to a conference at the Radisson Hotel a couple of months ago on base closures. And somebody from the city planning department in Oakland spoke, and they have a way of attaching to each individual parcel map that the base becomes -- a note that there's some special conditions on it, and it's tied in to the computer when somebody comes in for a building permit, so that it pops up. The weakest thing is if you have a staff member who's not very conscientious and doesn't follow up and see what the deed restrictions are and CC&Rs are on the property. But Oakland has come to a fairly effective means of tracking those types of things ten years from now by putting it in the computer that the city building inspection department and planning department have.
- C. Ms. Bonnie Arthur - I'm not aware of how advanced Vallejo is on their tracking system. Every city I'm sure is different. Talking with our attorneys at EPA, I didn't realize how many different kinds of covenants and different ways you can establish specific land use. The problem is that if a city down the road sees some economic advantage to make a change, they can usually make a change without too

much public involvement. Unless that changes, I think it probably should - but I think there's still a lot of control within the city as to what they want the use to be. In terms of their record-keeping, that's a whole other question that we will be finding out about as we go further into these discussions, because this is only the first and probably one of the easiest ones that we'll encounter. But I'll be finding out more about that, and I'll get back to you on that.

Co-chair Reports

Navy Co-chair:

Mr. Faiq Aljabi - I have a couple of announcements. The next RAB meeting will be the last Thursday of March, will be conducted at the Vallejo City Council Chambers - it's next door - because we don't have the library for next month. Also, at the last RAB meeting some of the RAB members requested local phone numbers here in Vallejo to contact the Navy. We are working on this issue. We are going to have a caretaker office either locally in Vallejo or someplace closer to Vallejo. We are working either to have a 1-800 phone number or we'll have a local phone number you can call, leave the message, and we'll be checking our voice mail and getting back with you. So we are working on this issue, and hopefully we'll get this resolved. Also, the RAB requested, at the last meeting, the ECMT minutes. Kelly [Ryan] brought 25 copies, or maybe 20, of the ECMT minutes. She's putting them on the table, and feel free to pick up a copy.

Mr. Faiq Aljabi - I'll make sure that future ECMT meeting minutes will be provided to the RAB members. Thanks.

Ms. Myrna Hayes - Thanks, Faiq. I wanted to give other folks a chance to comment on - or ask Bonnie questions on her report.

Q. Mr. Ken Kloc - Bonnie, I had a question about the FOST document, the content. And I've reviewed a few of them, and in cases where you're going to have an institutional control, I was expecting to see the language of the covenant located in the appendix in the FOST because it seems like a reasonable place to put it, and I was wondering if the regulatory agencies are looking for that kind of content?

A. Ms. Bonnie Arthur - Yeah, again, that's because we hadn't gotten that far. So we would like to see that as part of the FOST. As far as I understand, the Navy's only working on language and a quit-claim deed. And since deed restrictions, as you know, are very generic, quit-claim deeds should have mention of this, but in addition, we want some stronger covenants too, and that would be one of the issues that the State of California would work out with the city. And it's fairly standard language for them; so once they get that far, I would imagine, as part of Chip's preparing this feasibility study and RAP, that they'll start those kind of discussions, you know, here's our sampling and here's what we want to see, and they'll negotiate back and forth some. But it needs to be included in that, and that was one of our major comments on the FOST.

C. Mr. Ken Barden - Ken Barden, community member, Vallejo. This is a comment. I read the article in the *Times Herald* today where Bonnie was quoted extensively. I thought her comments were cogent and apt, and the Restoration Advisory Board was even mentioned. So that was very nice.

Ms. Bonnie Arthur - Did you like my quote about the USO and the water, though? I was trying to explain that it was just dropped overboard from the ships into the water down into the sediments. It got in the water. You can't win.

Community Co-chair:

Ms. Myrna Hayes - I have a few items in my co-chair's report that I forgot to give about land-use controls. And I'm going to go over them really briefly, and then here's a packet of material I picked up when I represented the Mare Island RAB as a panel moderator at the Western Stakeholders Forum on land-use controls -- amazing, we're all talking about the same issue -- in federal facility cleanup, and that was Friday, the 11th of February. In fact, it was the entire weekend. And I'll just pass this material around here. You're free to go through it.

There's an extra copy of both the "Guide to Establishing Institutional Controls at Closing Military Institutions," and an extra copy of the "Stakeholder's Guide, Cleanup of Federal Facilities," by Lenny Siegel. Eve Bach with ARC Ecology was a presenter there that weekend. She gave an excellent presentation. Some of you may not have been RAB members at that time, about a year ago, and some of you surely weren't here, but the meat of the conference was that western stakeholders were brought together, folks from Hawaii and Colorado, all over the western United States, to discuss three basic types of contamination and application of land-use controls for those contaminants, one being radionuclides, the other being unexploded ordnance, which I was the panel moderator for, and the third being other types of contaminants, including those in groundwater.

(Mr. Ralph Lee entered the room.)

Ms. Myrna Hayes - The goal for that conference was to prepare a buffet of options for recommendations for land-use-control to be forwarded to the U.S. - the Department of Defense and the U.S. EPA for their recommendation - or for recommendation to them as they develop some guidelines around this. There'll be a similar conference held with the eastern stakeholders in June on the East Coast, and these were for bases that are active BRAC bases and formerly utilized defense sites or FUDS, which are cleaned up under the Army Corps of Engineers program.

And what Bonnie talked about, the golf course being the simplest one to use a type of land-use-control mechanism, in this case, a deed restriction on - I think she was definitely on the right track from what I heard from the speakers that day. Very complex issues. And this whole notion that Jim brought up of how do you track it, how do you enforce it, who's legally responsible to enforce those land-use controls, who pays for the cost of doing that enforcement, what mechanisms do you use.

And I'll use one that's maybe not quite as charged as, say, unexploded ordnance. I live in an architectural historic district that has a complex ordinance that the City of Vallejo developed for preserving our properties in a historic context, in a historic state. What we found, as people who live in that neighborhood, is that some of us are really eager to restore our homes and to maintain them in following the city's ordinance guidance. Other people - even though every single buyer gets a notification of the deed restriction in their buyers' packet when they go to the title company -- other people just choose to ignore the ramifications of that ordinance and city staff doesn't have the time, or the inclination in some cases, to go around and check that everyone is doing everything right.

And so what happens is that either you watch a property next to you have a completely different transaction take place or you go and rat on those people. And sometimes you get into ugly discussions with the building department or the city-staff person responsible for the ordinance enforcement because they don't want to be the bad guy going out and telling some young family that they have to take out a skylight, something they did over the weekend. So that is not a very charged issue, not one that's going to be threatening or potentially threatening to public health, and yet it has a lot of complexity and politically charged aspects.

Just to give you one example of how cities decide that they're going to do something different with property, even though, let's say the Navy - in this case, in a town called Tierrasanta in Southern California, the Navy was very concerned that the city that had jurisdiction, land-use jurisdiction, legal authority over an area of property, was going forward with plans for development of houses on that property, and they registered their complaints, and yet because it was within the arc of one of their former firing ranges or whatever, they did not have the authority to decide that land-use plan. The commission and the city council did, and as a result, sadly, two young people were killed when they came in contact with ordnance.

And now the State of California has developed a program to try to manage cleanup in terms of going back on five-year monitoring programs and evaluating what the conditions are. But the truth of the matter is, as John will probably readily say, the technology for removing ordnance is only 70 to 90 percent at the best, and even if you put a land-use control on an area, you'll still run a risk. So basically this conference was a discussion of what mechanisms do you use, how do you involve the public, how do you continue to educate the public.

And what they found in Tierrasanta was that right after the accident occurred, there was a tremendous amount of public education and most children knew what they weren't supposed to pick up if they found it. Now, a few years later, their level of knowledge has dropped dramatically. And so who pays? And what level of risk are we willing to live with as a community and continue to use land for functions that are apparently economically viable? So that was, in a nutshell, what this whole weekend was about.

- Q. Ms. Diana Krevsky - At the seminar, did they come up with any kind of study that compared the costs of long-term institutional controls versus cleaning it up to the best possible degree of cleanup, and not have to worry about it?
- A. Ms. Myrna Hayes - Well, of course it depends on who bears the burden of that cost. If it's cleanup and we're talking about military facilities, Mare Island being an example, the Navy has an initial cost, cleanup cost, and unless there's dramatic new technologies that can get to higher levels of cleanup on various contaminants, they would just clean up to this, say, industrial-use standard or there would be some deed restrictions or land-use controls put in place that - it might be a fence; it might be signage.

And that was the big area of discussion at the conference: are land-use controls being used as the easy way out of doing a thorough cleanup and would you - and what mechanism would you use -- ever come back and do a cleanup if there's found to be a better technology developed ten or 15 years down the road or 30 years down the road, and how will you initiate that? And the DTSC person, who was representing DTSC, made the comment that often agencies are pressed for time, as I used my illustration with the City of Vallejo, and monitoring becomes just a drive-by, a look-see, you know, is

the fence still in order, is there still a sign up there? And there isn't a mechanism right now for us, as a community, to come back and say, hey, there's new technology. There's also, because of that issue, not a lot of incentive for new technologies to be developed. Right now, the concern by the public is that land-use controls are being used as a shortcut to long-term cleanup.

The only other item I have on my report is that I did pick up, in January - and I forgot to bring these - Mare Island conversion status reports. That was prepared by City staff for the city council study session that was done on the 4th of January, and I've got about six or seven that you're free to take.

And I wanted to clarify - I appreciate receiving the minutes of the ECMT meeting held on February 1st. I'm just going to, for the record, state that we did not receive ECMT meeting minutes for at least three months, and we need to have those minutes because currently the Navy has a contested policy of refusing to allow observer representation from the RAB. And this is a breach of the Navy's commitment, that they have not provided us with meeting minutes for previous meetings recently. And that needs to be corrected ASAP. Larry Douchand was here several months ago, and you can go back to the minutes and see that we requested that he reconsider the Navy's policy on not allowing an observer representative from the RAB. He indicated he would respond to that request but never has.

And we're going to continue to keep this issue on the table, and it's an unpleasant thing, and I've been accused of basically blasting the Navy, and that's not what my purpose is here. But I think it's really important that you, as new folks with us, understand the reason why we need to be observers at the Expanded Conversion Management Team meetings. Up until June 1998, when those meetings started occurring, where the regulators joined with the City of Vallejo and the developers and the Navy in closed sessions, not observable by the public or the press, they effectively took what had been a public process, called the Mare Island Restoration Advisory Board, that is authorized by the U.S. EPA, the Department of Defense, specifically designed to be a public meeting about environmental remediation cleanup issues at Mare Island, was expressly created to be a public forum, and they've taken those issues into private, into secret, and we do not get to observe. Before those meetings started to take place, you saw all the developers at the RAB meeting because that's where issues got discussed, in three-way forum between the community, the regulators, and the agency.

You don't see developers here tonight because they don't have to come here to discuss issues in public. They don't have to come to the microphone. They don't have to request items to be on the agenda because they're doing it in a private meeting. And it's a show of good faith on the part of the Navy if they nixed that policy right now and bring us as observers to that meeting. Because we've been told that no decisions ever get made about cleanup issues there, but there are a lot of issues - and I think Bonnie will concur with this; she has in the minutes of previous RAB meetings; Chip has complained about this - there are substantive environmental remediation issues that take place in that meeting that never come here, that are never discussed or put on the agenda, and substantive discussions take place. And that's just not fair, and it makes this meeting a farce, and a double farce when we don't get the minutes that we were promised as a sort of consolation for not being present. And even one developer has gone on record saying that he would like us to be there.

Ms. Bonnie Arthur - Two have.

Ms. Myrna Hayes - Two have. So it's making the Navy look really bad. It's not fair, and I don't think it sets a good trend to continue that policy without even considering it.

Mr. Faiq Aljabi - Okay. I'll take this issue back to Larry Douchand. And, actually, this meeting is not the Navy meeting only. There are other parties, the regulators and the City.

Ms. Myrna Hayes - But the Navy is the lead. The Navy chooses.

Mr. Faiq Aljabi - Well, I don't want to say I disagree, because I'm not sure that the Navy is the lead. It's a joint meeting with the Navy. Maybe, Bonnie, you can answer that question.

Ms. Bonnie Arthur - When this issue - probably the second formal ECMT meeting, we put it on the agenda to discuss having RAB members come as representatives, and I gave a ten-minute spiel about why I thought it was important that we keep it as an open process, and it basically was the City of Vallejo's decision at that meeting. So these are really Navy/City of Vallejo meetings, but the City of Vallejo I think were the ones that requested that they start.

And so it doesn't seem as much like a joint Navy/City of Vallejo meeting as a City of Vallejo meeting with Navy regulators and developers as attendees. But if the Navy comes forward with a stronger position to include RAB representation, that would probably move things forward, because as Myrna said, two of the four major players, the developers there now - probably three major ones - are out in favor of it. The regulators are. And if the Navy is stronger about that, that may help.

Mr. Faiq Aljabi - Okay. Then I'll ask Larry Douchand to put this on the next ECMT agenda and to be discussed at the meeting and to be a joint decision. Thanks.

Ms. Myrna Hayes - Okay. If the City of Vallejo is found to be the lead on that meeting, and not the Navy, then that's a violation of the Brown Act, not to have it open to the public. So you need to be very clear about who's calling the meeting and who is the host. If the Navy is the host - which up until now, even Congressman Miller has understood it's the Navy as the host - then you do have the decision-making power. If the City of Vallejo is the lead calling the meeting, then it is a violation of the Brown Act. That does not affect the Navy, but it does affect the community, and I would definitely go to the Fair Political Practices Board immediately if I learned that the City was the lead. So we need to clarify that.

Mr. Faiq Aljabi - I'm not sure. Like I said, I don't know.

Ms. Myrna Hayes - Well - okay. It's not the way Congressman Miller understands it. He wrote a letter to the Navy asking for an explanation of why we were being barred. Well, someday we won't talk about that topic. Time for a public comment.

Ms. Bonnie Arthur - This will be good nighttime reading, all of Kelly's notes.

Ms. Myrna Hayes - Much bigger minutes. It must mean something. Someone was cheating before, or you put in a lot of extra work. So this is a public-comment period. This is the opportunity for members of the RAB to speak on any topic that is not on the agenda and for the public to bring forward any item,

whether it's on the agenda or whether it has even anything to do with cleanup. Anything you'd like to say. I want to welcome Ralph Lee, by the way, who snuck in. Paula.

- Q. Ms. Paula Tygielski - Did the issue of a phone number, a local phone number, ever get settled?
- A. Mr. Faiq Aljabi - I mentioned it a while ago.
- C. Ms. Myrna Hayes - You want to repeat that, Faiq? It kind of got mixed in with Bonnie's -
- A. Mr. Faiq Aljabi - I thought Bonnie was done. I'm sorry.
- A. Ms. Myrna Hayes - She was, but we weren't.
- A. Mr. Faiq Aljabi - We are working on this issue. We either will have a 1-800 number or a local phone number you can call. If it's an 1-800 number, it will go to San Diego. If it's local, we will be daily checking our messages, voice mail. We'll get back with you. Plus we are working to have a caretaker office. The final location could be in Vallejo or someplace in the San Francisco area. So we are not leaving Vallejo. The Navy will continue to be present. We'll have people working here from ROICC - our construction people - and the caretaker office. So we'll be present.

Ms. Myrna Hayes - While you're taking comments back, I also wanted to note that, on the Expanded Conversion Management Team meetings, for the minutes to be at all timely, I think they need - since the meeting is going to be held like this next, what, the first Tuesday of March?

Ms. Bonnie Arthur - Wednesday.

Ms. Myrna Hayes - Wednesday? - and our meeting is not until the 30th, it seems like there's ample time for us to be getting these minutes with our packet so that we have a week to review them and make legitimate comments or ask questions even if we don't continue to be barred from the meeting, you will still want to have the minutes. And I think that would be fair, for them to be available for us the week before the RAB meeting.

Mr. Faiq Aljabi - I'd be glad to have the Navy provide you with these minutes earlier. If some of you have E-mail addresses, if you can give these E-mail addresses, and I'll make sure that you get it before the RAB meeting. Maybe the week or two weeks after the meeting, they should be finalized.

Ms. Myrna Hayes - If they were mailed out with the RAB minutes, that's just a week before the meeting.

Q. Mr. Faiq Aljabi - That is enough time period?

A. Ms. Myrna Hayes - Mm-hm. Has been. We get the minutes and everything.

Mr. Faiq Aljabi - Okay. So, Kelly, it would be provided through GPI. I can send it through E-mail, and GPI will attach it to that meeting package, to the RAB members. Thanks.

Ms. Myrna Hayes - That works if it works for you logistically. Okay. So let's go ahead and take a ten-minute break. And I want to thank Ken Browne for taking the responsibility to bring our refreshments.

(The break period was between 8:01 p.m. to 8:13 p.m.)

Mr. Faiq Aljabi - The next item on the agenda is the lead-based-paint-abatement report for Area E by Tetra Tech. I'll let you introduce yourself.

Presentation: Lead-Based Paint Abatement Report

Ms. Jordie Bornstein - Thank you. My name is Jordie Bornstein. I'm the Tetra Tech project manager for the fieldwork and the sampling activities conducted in the vicinity of two water tanks known as Tanks 188A and 188B, both of them located at the golf course at Mare Island. The fieldwork itself was performed before, during, and after a maintenance action, and I also oversaw completion of the resultant report for these activities.

My purpose is to give you an overview of this report that Bonnie spoke about briefly. As Bonnie mentioned, the draft report was sent to both the RAB and the regulators on January 25th. The purpose of the report is to document that the maintenance action was performed adequately. In other words, it defined and removed the lateral and vertical extent of the soil containing gross lead contamination - and that the residual-lead levels in the soil surrounding the tanks are protective of human-health concerns for future use as open space.

This slide shows the location of the tanks. The colors are reuse areas at Mare Island. Dark green is the golf course basically, and the light green is undeveloped - so the dark green is developed open space; the light green is undeveloped open space. As you can see, the tanks are located at the southern end of Mare Island, and as Bonnie mentioned, this is part of Area E. If you combine the two green areas, you get Area E, except for some portions down here.

Site description. Each tank held approximately 2.1 million gallons of fresh water. The tank dimensions were about 35 feet tall and 108 feet in diameter. It's very likely that the tanks were sandblasted and repainted periodically throughout their history, which began in 1915. We don't have actual documentation of that. That's why this slide says "assumed."

Next slide. Here's a lovely picture of Tank 188A. The tank is not actually sinking, as it appears in the photo. It's sort of leaning -- it's dug into the hillside. And for scale, this is a golf bag here. And the next slide shows 188B, which is very similar. Tank 188A actually is no longer with us. It was torn down in the last month or two. All that remains is a concrete slab. Tank 188B, however, is still standing, and it will remain standing until construction of a newer water tank, which is currently under way near the golf course.

Why did the Navy start investigating these tanks? As Bonnie mentioned, in February 1988 the EPA did collect a total of eight samples from the soil along the drip line of Tank B - and the concentrations of lead that were found in those EPA samples ranged from 831 to 10,400 milligrams per kilogram, with the average being 4,688. Now, the industrial PRG for lead is 1,000, and industrial PRGs are frequently used as a benchmark for areas that are designated to be reused as open space for recreation, and this benchmark was exceeded in seven out of the eight samples. Also, the EPA did note, during their site visit, that the paint on the tanks appeared to be fair but weathered, even though they didn't actually see any paint flakes popping off at the time of the site visit.

Based on the findings of the EPA investigation, the Navy conducted assessment sampling to fully characterize the soil around both of the tanks. Then the maintenance action, which consisted of soil removal that was conducted by our Weston representative - that was implemented simultaneously with

an *irradiative confirmation sampling completed by Tetra Tech. Now, the goal of the project as a whole was to remove soil containing elevated concentrations of lead such that the residual soil concentrations left around the tanks would average 400 milligrams per kilogram. I'll discuss each phase of the investigation in more detail next.

Okay. This one shows up pretty well. The assessment sampling scheme for both tanks was identical. I just put up one tank. I picked B because we did more points around B. But essentially we divided the tank into eighths, equal-size octants -- a pie -- and each gray band that you see represents one composite sample. The little black circles within the gray band represent the actual locations where each soil was grabbed, and then all five points were composited into one. As you can see from the regularly spaced concentric circles around the tank -- and, actually, these are three-foot intervals, you can see that the composite surface-soil samples were collected at frequent intervals -- 3, 6, 9, 12 feet -- from each octant.

Now, you also might notice that some of those octants look like they go out a little further. If we discovered, upon collecting the furthest-out sample, that the concentrations were still high -- and by high we had a sort of vague benchmark of 1,000 milligrams per kilogram -- then we kept stepping out, and we went as far out as we could until the concentrations dropped below approximately 1,000.

Not shown on this figure were the subsurface-soil samples that we also collected, and we did do at least one 1-foot and 2-foot subsurface sample in each of these octants, and then for some of these ones that went out further, we did a couple more. This slide shows the extent of the soil that was ultimately removed from the various octants at both of the water tanks during the maintenance action. Again, the removal was a *irradiative process; whereby Weston would go out, remove soil to a certain depth; Tetra Tech would come in, collect confirmation soils; and then further excavation would occur if necessary.

First, a couple of words about the maintenance action itself. Six hundred and ninety-three tons of soil ended up being removed from both tanks - total. The deepest excavation area was to a depth of 45 inches. The removed soil was transported off site and manifested as hazardous waste. Tank 188B was backfilled with soil, and the soil that they used as backfill contained lead at the average concentration shown here, 15.4 milligrams per kilogram. They did not backfill around Tank A because Tank A was slated to be removed, and they did put some grass seed on top of the fill.

This slide shows our confirmation sampling scheme. Again, the scheme itself was identical for both tanks. Confirmation samples were collected immediately following the completion of soil removal in each octant. It was also done in these sectors, so we could maintain a somewhat consistent approach. One composite surface-soil sample was collected from each removal area, and this sample is shown by a dot, and it happens to be the dot that's in the center of each of these removal areas. That dot actually represents soil that was collected from four corners of the area -- but for simplicity, we just showed the center dot. And then the two additional dots shown in each removal area, those were discrete soil samples. So those represent actual soil samples grabbed at that location.

As shown on this table and this slide, to recap, the average concentration for lead in soils near Tank 188B prior to the maintenance action, as determined by EPA sampling, was 4,688. Post-excavation residual concentrations are significantly lower. In fact, the average concentration of lead in soils at

Tank 188B is now 345, as shown in this table, and Tank A is even lower than that, coming in at 272. Thus the maintenance action successfully met the cleanup goal, 400 on average, and the report concludes that the site is suitable for unrestricted use. And that concludes my presentation. I'll turn it over to you now for questions.

Q. Ms. Bonnie Arthur - When EPA went out, we only sampled one of the two tanks, and our maximum of 10,000 milligrams per kilogram turned out to be much lower than the concentrations at the other tank. Do you have the maximum of what you ended up with on the other tank?

A. Ms. Jordie Bornstein - I think it was 15,000. I have the report. I'd have to look it up for you.

C: Ms. Bonnie Arthur - Yes, it was interesting. It's hard when you're drawing conclusions on one of two.

C: Ms. Jordie Bornstein - Yes.

Q. Mr. Ken Kloc - I noticed that some of the lead contamination had reached up to four feet into the soil, and I was wondering, for lead-based-paint problems, that's kind of atypical, isn't it?

A. Ms. Jordie Bornstein - We were a little surprised by that as well. Forty-five inches I think I said, 46, a little less than four feet. It's hard to say. As you saw in the picture, there are some topography changes. It could be that soil ran off and accumulated in certain areas. We didn't come up with a real good reason or hypothesis for why that would be. We do feel that we at least got to the bottom of it.

C: Mr. Ken Kloc - Also, it seems like the extent of contamination was in one direction along both tanks.

C: Ms. Jordie Bornstein - I noticed that too. Prevailing winds? I don't know.

Q. Mr. Ken Kloc - I noticed the document's called a maintenance action. Why isn't it a removal action?

Q. Ms. Jordie Bornstein - That's a tough one. Well, we wanted to stay away from calling it anything CERCLA-related, I know that. Kelly, can you help me out?

A. Ms. Kelly Ryan - I think it was a decision that was reached with the Navy, the regulators, that they wanted to go out and handle this expeditiously, and that there was an agreement on what the goals were, and it was just a quick way to do the action. There's a lot of fighting, as you know - lead-based paint, is it CERCLA, is it not? - and the consensus was that the important thing was that the paint got addressed. So it was not to bog down the paperwork basically.

C: Ms. Bonnie Arthur - Just to add to that, I think it's everybody taking advantage of the gray area.

C: Ms. Jordie Bornstein - We did choose a very low cleanup goal, though, to cover all our bases.

Q. Mr. Ken Barden - Ken Barden, community member of Vallejo. In your conclusions, it says the cleanup goal has been met. It mentions the 400 figure. How is that reached and by which standard?

A. Ms. Jordie Bornstein - Well, basically we did a couple of different averages. We averaged all the remaining concentrations, all the residual concentrations that we got around each tank, and that's how we came up with these numbers shown here. The understanding was that we were shooting for an average of 400 around each tank. They didn't really get into the nuts and bolts of how that average was going to be calculated. So in the report you'll notice we did it a couple of different ways. We weighted it one way, and we weighted it another. I'm actually showing you the higher of the two numbers that we came up with, weighted versus unweighted. So if you want more details, I think the report might be the place to go for that. Any more questions? Myrna?

Q. Ms. Myrna Hayes - So the average is 400, but at least under the 1,000 on the PRG for industrial?

- A. Ms. Jordie Bornstein - Well, we were shooting for an average of 400. We actually beat that, according to these numbers.
- C. Ms. Myrna Hayes - Well, actually, you've got an average of 400, but you actually -
- A. Ms. Jordie Bornstein - That's the cleanup goal. I'm sorry if that wasn't clear. We were shooting -
- C. Ms. Myrna Hayes - So the absolute average -
- A. Ms. Jordie Bornstein - Actual.
- C. Ms. Myrna Hayes - at Tank A was 272 -
- A. Ms. Jordie Bornstein - Correct.
- Q. Ms. Myrna Hayes - - and the average was 345?
- A. Ms. Jordie Bornstein - Correct.
- Q. Ms. Myrna Hayes - So if we were going to change that from a golf course through our deed, by manipulating our deed restriction, would we still not want to put a sandbox there in the middle of the housing development, with those numbers?
- A. Ms. Bonnie Arthur - Those are probably better than a lot of numbers out in our neighborhoods actually.
- C: Ms. Myrna Hayes - Well, in my neighborhood for sure.
- C: Ms. Bonnie Arthur - Actually, we probably could put a sandbox there now.

Ms. Bonnie Arthur - But actually, you know, the 400 and the 1,000 are a preliminary remediation goal. There have been cleanup goals for lead set -- at Hunters Point they had some set around 300 or just right below, so the 400 is a preliminary number. Most of them are usually set right about that for residential and sandboxes.

Ms. Jordie Bornstein - So that's a risk-based number.

Ms. Myrna Hayes - Well, you probably don't hear this often enough, but I'm going to thank the Navy for doing what they did, and I'm going to thank the EPA and DTSC who really hammered in the gray area for a long time. And if you could get that done, then we could get to go to an ECMT meeting. But really, I know you're turned away by the guards, and it was quite an ordeal. So thank you very much, and thank you to the Navy for following through.

Mr. Faiq Aljabi - Thank you.

Ms. Myrna Hayes - All right. Well, I think the last two RAB meetings we ended up being here until 9:25 and 9:45, so is it okay to go home early? We do have a public-comment period. As you know, we try to do two, for those of you who are new, in case people could only stay part of the time or in case they have an issue that comes up late in the meeting. So, again, RAB members, anything that's not on the agenda? And Navy people? Anything that you want to bring up? I'd like to again thank Ken for bringing the food items tonight, and I have some money here that was collected in case someone else wants to take on that duty for next month, March 30th at the City Council Chambers next door.

Mr. Ken Browne - I'll do it one more time.

Ms. Myrna Hayes - All right. Meeting adjourned, and thank you again for all of our support staff too.

(The meeting was concluded at 8:33 p.m.)