

**MARE ISLAND NAVAL SHIPYARD  
RESTORATION ADVISORY BOARD (RAB) MEETING MINUTES  
HELD THURSDAY, FEBRUARY 23, 2006**

The Restoration Advisory Board (RAB) for former Mare Island Naval Shipyard (MINSY) held its regular meeting on Thursday, February 23, 2006 at the J.F.K. Library - Joseph Room, 505 Santa Clara Street, Vallejo, California. The meeting started at 7:05 p.m. and adjourned at 9:12 p.m. These minutes are a transcript of the discussions and presentations from the RAB Meeting. The following persons were in attendance during this month's RAB meeting.

**RAB Members in attendance:**

- Myrna Hayes (Community Co-Chair)
- Jeff Morris (Lennar Mare Island)
- Marti Brown (Community Member)
- Jerry Karr (Community Member)
- Michael Coffey (Community Member)
- George Leyva (RWQCB)
- Carolyn d'Alemlida (EPA)
- Jerry Dunaway (Navy Co-Chair)
- Chip Gribble (DTSC)
- Dwight Gemar (Weston Solutions)
- Cris Jespersen (Weston Solutions)
- Steve Farley (Lennar Mare Island)
- Sheila Roebuck (Lennar Mare Island)
- David Godsey (Navy)

**Community Guests in attendance:**

- Bob Bancroft
- Jim Porterfield
- Wendall Quigley
- Dijj Christian
- Tommie Jean Damrel (Tetra Tech EMI)
- Janice Rubay

**RAB Support from CDM:**

- Darlene McCray (CDM)
- Doris M. Bailey (Stenographer)
- Wally Neville (audio visual support)

**I. WELCOME AND INTRODUCTIONS**

CO-CHAIR DUNAWAY: Good evening, everybody. Welcome to the Restoration Advisory Board meeting for February. My name is Jerry Dunaway, I am the BRAC Navy environmental coordinator for Mare Island. And we have a good presentation tonight by the Lennar team. Jeff Morris will present their progress on long term land use controls, and look for some feedback from the RAB members. But why don't we start with introductions from everyone? And I'll start with Myrna.

Attendees introduced themselves as requested.

CO-CHAIR DUNAWAY: Thank you, Wally. With that, why don't we jump right into the

presentation. And again, Jeff Morris with CH2M Hill is working with the Lennar team and has a presentation for us on land use controls. Jeff.

**II. PRESENTATIONS: *Long Term Management of Land Use Controls at Area D1.2*  
Presentation by Mr. Jeff Morris, CH2MHill.**

MR. MORRIS: Thank you, Jerry. Thanks for the introduction. I see -- I'm not sure I know everybody in the room. My name is Jeff Morris, I work for CH2M Hill. I have worked on this project for five years now. And I'm the technical project manager for the work CH2M Hill is doing on behalf of Lennar Mare Island.

At the end of the last RAB meeting in January, Neal Siler from Lennar had handed out some information on land use controls, and gave a very brief overview of the activity that was going on. There really wasn't much time for discussion or questions, and so Neal promised a presentation at a subsequent RAB meeting. And that is what I'm here to do tonight is to talk about the long term management of land use controls. I'm going to cover three main topics as part of my discussion or presentation before the discussion. First, I wanted to talk about a focus group meeting that we had in August of last year. I wanted to describe some of the planned land use controls, what we envisioned as appropriate, and what we're trying to get implemented in the portion of Mare Island - - which is the eastern early transfer parcel -- which is the portion that Lennar owns. And then I'll talk about the long term management of LUC's, who are the responsible parties, the people involved.

Okay. In August of last year Lennar hosted a focus group meeting at their office. Many of you were there. Several representatives from DTSC were present; the Navy was there; I believe both Cris and Dwight were there from Weston; and several representatives from Lennar and CH2M Hill were also there. It was a pretty large focus group meeting. A lot of ideas and concerns were raised during the meeting. Much of the discussion focused on the challenges and terms associated with the long term implementation of LUC's. And the reason I want to talk a little about the meeting is that the result and the outcome from that focus group have directly influenced where we are today with what we're thinking on the land use covenants. The concerns that were raised during the focus group meeting primarily focused on the long term aspects of land use controls, and the difficulties or concerns with how to manage them.

Several issues were raised; such as, how to remember what the restrictions are, you know, five, ten, fifty years from now. How do we know -- how can we be assured that people will remember what the restrictions are, that they will be aware of the restrictions? How to enforce the restrictions. And really, how to identify and prevent violations of the restrictions is another thing that was brought up that I don't have on the slide. But then following that, you know, how to enforce the restrictions as well. Who's going to do it? What resources would be available? Who will be around to make sure that these things are monitored and enforced? And then how to maintain restrictions.

Some of the restrictions will be associated with engineered controls or barriers that are there to prevent direct contact with the contamination. And over time there needs to be some assurance that those will be monitored and verified that the integrity hasn't been compromised. And if it has, or if the barrier is removed, that the contamination underneath is addressed. And there were several

examples noted during the focus group of instances, places, restrictions that we're familiar with where we know they've failed or haven't been as effective as we thought. Not just environmental restrictions, but I think Myrna had the example of windows in her house, certain restrictions on windows in her house in her neighborhood, and she knows that those restrictions aren't always being followed and not enforced.

And there are lots of examples like that. So we all understand that there are issues associated with the long term monitoring of these restrictions. Okay. One of the concepts that was raised during the meeting is the idea of layering the controls. And the concept is -- of layering controls is really critical to the successful implementation. Some of the suggestions or ideas to illustrate what layering means is -- one idea is to use a utility locating service -- such as USA -- where we can provide information to them on what the restrictions are and where the restrictions are located; and when people approach them to get utility clearances, along when they pull down the information for where the utilities are located, they also would be able to see if there were any restrictions on that area and provide that as part of the information.

So totally sort of an independent activity that would allow identification of a restriction beyond what's going to be required in the covenants themselves. When possible, linking the requirements to city permitting. For example, if somebody goes to pull a dig permit or a grading permit, as part of that permitting process, the city has the information accessible, they'll be able to provide it to the applicant and identify any restrictions. And these restrictions need to be consistent with other existing requirements. I think a good example is at the last RAB meeting we talked about the work that is proposed in the investigation area A-3, I can't remember what it's called, but it's the area along the waterfront around the piers and dry docks. And land use controls are a component of that remedy. The land use plan specifies that that area is going to be an industrial use area. And once the cleanup is complete in that area, the property will be transferred to the State Lands Commission. The State Lands Commission is subject to the Tidelands Public Trust. And the California Supreme Court has ruled that lands subject to the public trust may be filled and used for commercial and recreational purposes, but not residential purposes.

So there's another existing regulation independent of the environmental cleanup work that will require that the use is not residential, which is consistent with the cleanup that's proposed. And, therefore, a land use covenant needs to accompany that to ensure that the land use -- that the cleanup that's been performed -- excuse me, that that land use is maintained because that's the appropriate level of cleanup that has been performed. Long term management. As I mentioned, it was kind of a major portion of the discussion. And we obviously realize the importance of establishing a long-term management solution. There needs to be a plan, there needs to be resources committed, there needs to be activities and a system, systems and tools in place to ensure that the restrictions are maintained and enforced. There are several parties that right now we're envisioning will participate in some way in the long term management. The property owner, of course.

The Guardian Trust, which is an organization that was identified during the focus group meeting. The Navy had worked with them previously. Most of you are familiar with it. I know a presentation has been given here to the RAB about the Guardian Trust and what they do. The City of Vallejo will have a role in the ongoing monitoring and maintenance. Solano County was

identified as a potential entity. And then other trustees or private businesses are also -- I think Jerry Karr had mentioned that in his previous job he was familiar with a trust that performed the type of function that we're looking for in terms of the long term management.

Okay. When we talk about land use controls, at least for what we're envisioning within the eastern early transfer parcel cleanups, all of the cleanup decisions that are being made are based on technical issues and cost issues as well as the existing and planned land uses. Sometimes the LUC's will be required as part of that cleanup remedy to ensure that the long-term effectiveness of the remedy is protected. And if a site that's cleaned up to an industrial or commercial industrial cleanup use, those cleanup levels may be higher than would be required for a residential or unrestricted use. And if we know that the planned future land use is appropriate commercial industrial, the cleanup will be adequate as long as that land use is maintained. And so the objective of the land use control that needs to be a part of the remedy is designed to protect or ensure that that land use remains the same. And, of course, monitoring and enforcement will be critical to the successful implementation of the LUC's.

There's two types of land use controls that we're primarily talking about now for implementation at our sites. The first is the land use covenant which is enforceable by the regulatory agencies. It runs with the land, which means that it's attached to the title and it transfers with property ownership. Likewise if a parcel or property got split, each of the subsequent parcels would have the covenant attached to it as well. Another form of the land use control is a deed restriction, which is a notice on the deed that also can be enforceable. It also gets passed with the title.

But land use covenants are the preferred instrument by the agencies. They provide more flexibility in terms of enforcement. And what we are primarily engaged now in trying to come up with are land use covenants as opposed to deed restrictions. Okay. There's three different categories of the covenant that we are thinking about. The first category is a restriction that prohibits sensitive uses, uses such as residential, hospital, daycare. And they typically cover a geographic area. That would be the type of land use covenant that we had talked about for the area along the waterfront here. The graphic that I'm showing up here -- the shaded portion -- this is investigation area D1, we call it, which is over in kind of the central part of the eastern early transfer parcel. The area that's shaded is the area that's planned for this type of restriction. It's -- it doesn't show up too well here, but the mansions -- this is Walnut, and the mansions are here, so that the restricted area is east of Walnut Avenue. This building is the VA clinic, and this down in here is the chapel. And again, that type of restriction would prevent activities that aren't consistent with land -- future land use.

Another type of restriction that we are envisioning is restrictions that would prohibit activities that would damage or interfere with the cleanup remedy. This will be appropriate at sites with barriers to the contamination, such as encapsulated PCB sites. The photo on this slide is actually of a transformer inside building 1310, which is on the corner of Bagley and Railroad Avenue just north of the XKT facility, if you know where that's at. This is actually inside the building on a mezzanine level. It's an operating transformer, and there's PCB contamination underneath the transformer. As long as the transformer stays there and is in operation, there's no risk of exposure to that contamination. And so the land use covenant requires that that remain in place. And if it is removed or replaced, that the contamination underneath is also addressed at that time. And the third type of restriction that we are thinking about is really limited to -- particularly to PCB sites,

polychlorinated biphenyl sites. They are often referred to as low occupancy restrictions, which is a term that is specified in federal regulations governing the cleanup of PCBs. And basically those restrictions are applicable to facilities or locations where access is typically limited or controlled, most often due to reasons other than the contamination that's there.

For example, the photo here is of a substation. Inside that substation is a transformer. There's contamination associated with that transformer. It's all operating active equipment. This particular substation is located within the unrestricted portion of -- so within the residential portion of that investigation area; but there would be a restriction on this actual building requiring that if the building is altered or removed, and the equipment inside is replaced, that the contamination is also addressed.

Okay. With regard to the long term management of land use controls, one of the documents that's being prepared right now is something called a land use covenant operations and maintenance plan. And that plan describes the objectives and identifies the locations of all of the restrictions. It describes long term obligations of various parties. And it also describes the implementation and enforcement responsibility of the various parties. So there will actually be a plan that describes what needs to be done, very similar to any type of remedy that involves a long-term operation.

If it was a treatment plant, we'd have a known O&M plan, operations and maintenance plan. And because it's recognized as a remedy, we're developing a long-term operations and maintenance plan. Currently Lennar is talking with other entities to provide implementation and enforcement of the LUC's. Specifically, they've been in discussion with the Guardian Trust, as I mentioned. Lennar is responsible for the implementation and enforcement of the LUC's until a final agreement is negotiated and implemented with another entity that is capable of providing that long term management as agreed to by all the stakeholders.

This slide here is actually the handout that Neal provided at the end of the last meeting. I don't know if folks have had a chance to take a look at the activities that are on here. I'm not going to go through each and every one, but I want to point out a couple of things. There are four entities currently shown here. Lennar Mare Island is on there; an LUC service provider; the City of Vallejo; and the regulatory agencies. Each of these entities will have significant -- significant roles and responsibilities with regard to the long term management.

Lennar is providing for the O&M funding to the long term provider, the City of Vallejo, and to the regulator for oversight; that Lennar will disclose the LUC's and transfer the O&M responsibility during the property sales; and they will help provide awareness to the owners and tenants of the LUC's in their role as the landlord. I'll skip over the second one for a second. The City of Vallejo - - the activities described there, they will receive certain reports that are prepared by the service provider and/or DTSC, and they'll provide notifications to permit applicants in -- similar to what I described earlier. Those are the types of activities that are currently envisioned for the city. The regulatory agency will perform annual inspections. They'll perform special inspections as requested or as they determine are needed. They will receive and review the annual and five year reports that are prepared by the service provider. And, in general, it's their responsibility to evaluate the effectiveness of LUC restrictions, and implement any necessary enforcement action. And then all of these activities here really are the day to day management of the LUC's. And it

includes notifications and inspections, and report writing, and reporting to the agencies, and fulfilling all of the obligations that would be described in the covenants.

Just to summarize the things that I think we've learned and where we're at in this -- at this point in the process. So far all of the stakeholders, being Lennar, the Navy, the regulators, have all invested significant resources to try to address some of these long term concerns and challenges that face the implementation of the controls. We're doing our best to utilize previous lessons learned. For those instances that we know of where things haven't worked as well as anticipated, we're trying to use those lessons to improve the implementation and put things in place for these covenants or these restrictions to try to maximize the successful implementation of them. There will be a formal agreement or actually agreements that will outline -- establish -- the agreements will be established outlining the responsibilities for implementation and enforcement. And that will be a legally binding agreement with the regulatory agencies. And the last point that I want to make is that there's increased scrutiny on the use of LUC's as a component to remedies. And, you know, because of the difficulties and challenges and costs and resources that are involved in trying to develop these and come up with something that will -- we can be reasonably certain lasts and is effective into the future, there's more and more scrutiny on, you know, that -- trading off that with additional cleanup, or clean up to a level that doesn't require any restrictions.

So when we are doing our cleanups, more and more -- if we have an excavation that we are working on and we, in that instance we may be able to determine that some additional excavation there for a nominal cost would actually prevent the need for a longer term covenant, and all of us are seriously evaluating that and weighing that option so we make the right choice and hopefully avoid some of the restrictions where possible. We won't be able to do that every time. There are instances -- again, going back to the example that was discussed earlier for the area along the waterfront around the dry docks. At the last meeting -- public meeting for the remedial action plan, we proposed our remedies and the remedies were consistent with commercial and industrial use. The question was asked -- and I believe Mike asked the question -- of what additional cost or what additional cleanup would need to be done to prevent any restriction and the need for a restriction. And in that case it's about five times more expensive to do the additional cleanup down to a level that would be appropriate for an unrestricted use. And in this instance it's a difference between \$2 million and \$11 million of cleanup.

And so for that area which we know is going to be commercial industrial, and is subject to the Tidelands Trust requirements, it will never be used for unrestricted, and so it doesn't seem necessary to spend the additional \$9 million, in that instance, to achieve that level of cleanup. But we are -- it is something that we're evaluating on a site by site basis. And certainly there are sites where some additional cleanup is beneficial to avoid the LUC all together.

And that's all I had to present. So at this time we can open it up for discussion and questions. Chip.

MR. GRIBBLE: Are there any areas that you've already established LUC's for that you are considering going back and doing additional cleanup so that you can get rid of the LUC's and have less LUC's to monitor?

MR. MORRIS: The short answer is no. The only place -- and that's primarily because the only place so far where we have the LUC established is for this portion in the northern part of the eastern early transfer parcel up by Alcoa. That area has a restriction prohibiting sensitive uses. And at this point we haven't contemplated going back to do additional cleanup for that area.

MR. GRIBBLE: I was also wondering about one of the figures on the earlier slides where you showed -- it was a -- there's a -- the pages aren't paginated -- but you show a figure of the area, I think it's D1, part of D1. There you go. Good. Thank you. And I'm just curious, the purple shows the restricted area, it shows a restriction on Alden Park; is that right?

MR. MORRIS: Yeah, that's this area here?

MR. GRIBBLE: No, the triangle where the chapel is.

MR. MORRIS: Yes.

CO-CHAIR HAYES: The other is Alden Park.

MR. GRIBBLE: Oh, I'm sorry, the chapel area, whatever you call it. What's the restriction there for?

MR. MORRIS: There are lead based paint associated actually with the chapel, and there is another building down in this portion there as well. Lead and soil from lead based paint that was cleaned up to levels that are not appropriate for unrestricted use. The planned land use in that portion that is purple, a portion that is the parks down by the chapel and over where Alden Park is, and then it's a mixed use area north of that in this portion of the purple. So --

MR. GRIBBLE: What about -- there's another area which looks like the Lord's Fellowship area, just north of the school. It looks like that's purpled out also.

MR. MORRIS: The -- I've got another map over here that gives me a lot more information. Yeah, it's lead and soil associated with these buildings here that are not appropriate for unrestricted use.

MR. GRIBBLE: Maybe those are two areas that you might consider to do additional cleanup and simplify the land use covenant areas. I don't know. I mean if you want to consider that, that's not my area, but --

MR. MORRIS: Okay. That is a good suggestion. One thing to keep in mind is the restriction -- this restriction covers that footprint, you know. And while there would be some benefit to adjusting or minimizing the footprint of the restriction, we wouldn't be able to get out of the restriction and the requirement and responsibilities associated with the ongoing maintenance and monitoring.

MS. D'ALMEIDA: Jeff, you don't consider a park to be a sensitive use?

MR. MORRIS: No. Actually a park -- the assumptions that go into use for a park are more consistent actually with commercial industrial assumptions from a risk assessment standpoint. Park users typically are less frequent than residential or sensitive use users are. And so if you look at the risk assessment assumption that form the basis of the cleanup that's performed, a park user is better represented by a commercial industrial scenario than an unrestricted scenario.

CO-CHAIR HAYES: Just to follow up on that really quickly. Jeff, does that -- you didn't do any remediation, did you, around the chapel for -- or anyplace on Chapel Park or Alden Park for lead, right? I mean, did you sample? Do you know if it's at the levels that would be okay for recreation? And that cap has been pretty significantly disturbed -- at least at Chapel Park -- by the construction. So I assume you -- like at the Lord's Fellowship, you're using grass as a -- as some sort of a cap to be protective.

MR. MORRIS: No, we're not using --

CO-CHAIR HAYES: Because the Lord's Fellowship has a child care area, doesn't it?

MR. MORRIS: I don't know if it does currently.

MS. ROEBUCK: Children are not regular users of the center.

CO-CHAIR HAYES: That's not my observation, but maybe --

MS. ROEBUCK: There are sometimes people that come with children, but it might be for, you know, a day or an afternoon. But it's not like a regular child care facility for children, you know, on a sort of a school year basis.

MR. GRIBBLE: I think that gets down to the definition of a school yard or play area.

CO-CHAIR HAYES: Are these -- are any of these restricted areas going to be signed so that people could choose whether they want to spend periods of time exposed to potential lead levels that aren't -- that are considered --

MR. MORRIS: There's no -- there won't be any signs or fences or any barriers within these areas. To answer your first part of your earlier question, we did collect data around all of the structures where there was a potential for lead based paint. So we do have data on soil that we know is appropriate for the intended land use, meaning recreational, park, or commercial industrial, in these areas that are shaded, but it wouldn't necessarily be appropriate for an unrestricted land use. So somebody going to the chapel or to the park or having any business in the area that would be covered by the restriction, that they can come and go with no adverse exposure. Unless they're living there for seventy years, the assumption is that it go in the unrestricted use.

CO-CHAIR HAYES: And they can disturb the soil no problem? I mean Jim right here does manage the Chapel Park, and he does lots of digging there after the construction tears up his water lines. He's not going to have a problem with exposure at all?

MR. MORRIS: Based on the data that we have, no. It would be appropriate for -- the assumptions that go into it are a worker five days a week, 250 days a year for 25 years. And that -- those levels that remain are safe for that type of exposure.

MR. MORRIS: Any other questions?

CO-CHAIR HAYES: Sure. I have lots of 'em.

MR. MORRIS: Okay.

CO-CHAIR HAYES: Okay. Going up to the -- I don't know, what is this -- the third slide concerns raised. A main concern that I don't see listed here that I remember Mike being particularly persuasive on was the city's ability -- inability, perceived or otherwise, to participate as an effective enforcer of these restrictions. And I've made another note to myself. Okay. Yeah. So that's one concern that I don't see listed here.

And I don't know if you want to jump clear over to your little matrix and show us there, maybe what -- how that concern of his and expressed -- reiterated by others would be addressed through your matrix?

MR. MORRIS: You're right. That concern was raised, I do remember discussing it. And at the time we were thinking about the city being the entity that could take care of the management of these long term. And because of the discussion and the concerns about that, that's how we got more to this other service provider. And all of these functions that that service provider would be doing are things that may not be appropriate for the city to do, the city may not be willing to do, they may not have the resources.

The things that are listed under the city are more passive activities that Lennar is talking to them about doing. But the indication is that they are willing and able to do those -- that level of activities which are more on the notification end, not on the enforcement end or management end of it.

CO-CHAIR HAYES: Okay. I don't think that I saw anywhere discussed or heard anywhere discussed what you would do if, for example, a transformer did actually go out of service. How you would come back and address a site like that or who would do that?

MR. MORRIS: Okay.

CO-CHAIR HAYES: That has a restriction on it for maybe PCBs or --

MR. MORRIS: Maybe the best way to try to describe that is by example for one of the sites. We go back to that graphic here. I mentioned this substation is within the unrestricted portion. It is an active electrical substation. It's operated by Island Energy. We have talked to Island Energy about all of the electrical distribution system within this portion. And there were places where we were able to provide some alternate or temporary power and get in and do remediation and then eliminate that site from the restriction, but it wasn't practical in all cases. And there are actually three examples, and they're shown on the map there, where that wasn't practical. And these

particular substations and transformers will be replaced in the future, but they won't be replaced until after or as part of the residential development or the development that occurs in this area. And so the restriction needs to be on there until that point in time. And the restriction will require that when that equipment is removed and replaced, that the contamination that's there is addressed.

CO-CHAIR HAYES: Okay. You mentioned in the next part of your presentation that the city would -- under the concept of layering the controls, when -- the possible linking requirements to city permitting, and you mentioned when pulling a dig or a grading permit. Is there an opportunity anywhere else in interaction with the city? It looks like you have provide notifications to planning and public works permit applicants. Is that notifications when they come to the desk concerning the use of the property? Or is that just when you've got digging and grading permit issues?

MR. MORRIS: I specifically remember dig permits, grading permits. There was one other permit that we had talked to the -- with the city about. And it was part of their planning and public works groups.

CO-CHAIR HAYES: Well, the example I could give would be to go back to your mezzanine, or possibly to your, to the transformer site in the backyard of somebody's house. You know, when the applicant goes there to talk about -- or a potential buyer goes to the city and says, "I want to -- I'm going to do something up there in that mezzanine," or, "This is what I had planned for the building," how do they learn that there's this -- or is that back over here to Lennar or the other service provider tells them at the time of purchase?

MR. MORRIS: It would be part of the --

CO-CHAIR HAYES: The city doesn't get involved?

MR. MORRIS: I don't think that the city needs to be involved. It would be part of the disclosure by Lennar to the property owner or prospective owner.

CO-CHAIR HAYES: Okay. Will State Lands be one of the entities on property that it will own or have a deed restriction on? Will they be being noticed or -- when some activity takes place on their property? Or is that going to all fall under a purchase by the city or a transfer to the city of their properties?

MR. MORRIS: I don't know the answer to that because I'm not sure how the -- I know that the State Lands will own property and lease it, but I don't know the nature of those agreements.

CO-CHAIR HAYES: Okay. But are they going to be in the loop on their properties that are going to have deed restrictions on them?

MR. MORRIS: I'm sorry? Are they going to be --

CO-CHAIR HAYES: In the loop when some activity is proposed or planned on a property that has a LUC?

MR. MORRIS: As the property owner they would be in the LUC.

CO-CHAIR HAYES: Okay. Okay. The next item --

MR. GRIBBLE: Can I just inject something? I have a question. You're talking about State Lands property not when we're sorting out the remedy or selecting the remedy, but years after, after the fact?

CO-CHAIR HAYES: (Nodded head.)

MR. GRIBBLE: That's an interesting question. Okay. I don't know the answer either, but it's an interesting question.

MR. MORRIS: I think it would be appropriate --

CO-CHAIR HAYES: Once in a while I ask an interesting question, to somebody.

MR. MORRIS: I think it would be appropriate for the LUC O&M plan to address that type of issue; what's going to happen? You know, what the information exchange that needs to occur, cause that is main -- a different situation.

MS. ROEBUCK: I think that the concept is that anytime that the property transfers that the property owner will be informed. And that anytime there is a use of the property that requires a permit from the city, that there would be notification associated with that parcel. As it relates to the responsibilities of a landlord to a tenant, there would be responsibilities that the landlord would take on to notify tenants of restrictions associated with their property.

CO-CHAIR HAYES: Okay. Just to follow up on that. I note that in your O&M service provider list of activities, they would notify of a LUC breach, for example. That information would be go to the City of Vallejo, DTSC, and the U.S. EPA.

Well, in the case of the State Lands Commission-owned leased back property, do they -- do they get noticed or does -- would that -- those notification requirements be passed on in the lease agreement between them and the City of Vallejo? I guess that's probably my question -- my question, a refinement of my question.

MS. ROEBUCK: Myrna, are you saying that would the Guardian Trust, as part of their notification, notify the State Lands in addition to the other parties?

CO-CHAIR HAYES: Right.

MS. ROEBUCK: And I think that that certainly can be done, and that sounds like something that we need to specify. I think that's a really good suggestion.

CO-CHAIR HAYES: Okay. And then down to the next page under long term management, "Several parties will participate in long term management and/or enforcement." Do you have any

place in here yet where you've developed some ideas about how the property owner will -- I see the Guardian Trust you've listed, and the City of Vallejo, a bit of the how. Solano County, you haven't said anything about the how there.

And other trustees or private businesses. Did you learn anything about those people and what types of services they might be able to provide to augment the services of any of these folks? These are all outcomes, I think, of our conversation in August. And if you can't answer that now, when will you be coming back with a report on that?

MR. MORRIS: Well, I'll check with Neal on those specific to Solano County and the other entities. I do know that as far as the utility locating service, USA, they were contacted, they're willing, and they think they can handle that information.

CO-CHAIR HAYES: Okay.

MR. MORRIS: There's no real -- their concern is how they got paid to do it, of course, so there are some issues.

MS. ROEBUCK: But I believe our intent though is that -- if we can -- and I think we can reach an agreement with the Guardian Trust, that they will be performing that service, and it's not necessary to have two entities doing the same job.

CO-CHAIR HAYES: Possibly not. But that might be part of the layering, so -- and I think that's probably what we were getting at with the Solano County, or the fact that occasionally the Solano County has a jurisdiction that the City of Vallejo doesn't have. So --

MS. ROEBUCK: At this point I don't think we have encountered that. It has been our expectation that the city would have the closest, most direct role to Mare Island. Solano County certainly has some, you know, authority over certain issues; but the ones that apply to these land use controls specifically, we have not found that among all the parties that we've identified that there are holes that haven't been covered such that we had to go to the county specifically.

CO-CHAIR HAYES: On the planned land use covenant categories, and we have this photo of a transformer on the mezzanine. Will that have any signage? I think that was something I brought up in August. Is it just going to say, "Danger PCBs," a standard PCB sign, or is it going to have some more detailed explanation and a possible phone number to call? Is the encapsulation sufficient protection, or will this area be fenced, contained, or otherwise signed?

MS. ROEBUCK: It's not intended to have it be -- the encapsulation is the protective measure, and is -- as far as we know and the data that we have -- protected on its own. But the notification to the user of the property will come through the transfers of the property at the time of the transfer, and through regular inspections by the Guardian Trust.

CO-CHAIR HAYES: Well, I -- to get back to our meeting in August, I was very hopeful that you would do something that would be visible so that people who came in contact with the space had an

extra reminder that there was something about this space that was unique, that was, you know, be careful --

MS. ROEBUCK: But -- and I understand what you're saying, and I think that in this -- in that case in particular, it's inside of a commercial building and there -- it's not like the public is there. It's -- the workers would be there. And it would be, you know -- I believe that it would be the responsibility of the owner of that property to ensure that people using the property were notified.

And what Lennar is trying to do is to take every step that we can to make sure that the covenant is regularly enforced; that people know about the covenants when they're -- when their property is transferred; and -- but to go inside the building and tell a property owner how to they need to, you know, sign it or have, you know, any kind of locks on the doors, unless that lock on the door is part of the remedy, that's not something that we had any intention of doing.

MR. MORRIS: One additional thing that Jerry just reminded me of is that the federal PCB regulations do require signage if you're over a certain concentration of parts per million in the case of PCB. So if we had a situation like that, we would be required by those regulations to have a signage.

CO-CHAIR HAYES: Well, that kind of brings up another topic which is the open tops on most of the fenced exterior transformer sites that don't seem to be much of a disincentive for people to hop over the fence or cut off the locks or forget to put the lock back on if they're servicing it or doing something. So who -- why couldn't you put up a sign? Why wouldn't that be an extra protective measure or reminder measure that simply said, besides saying, "Warning PCB," that says, "Remember to lock the gate?" What's so oppressive to the owner about that? And why isn't that more protective? And why is that out of line? I don't get it, you know.

If you have a remedy in place that expects certain controls, and those are subject to human failing, you know, maybe the signs are too, but at least it seems to me that it would be a little bit more protective of your own -- whatever it is you're trying to cover here. But if you don't have an answer, I'll just bring up the topic as I'm known to do.

It doesn't seem like -- you know, what I think I'm really saying here is that I kind of have a feeling that a few things, and maybe some significant things that came out of the August meeting are found in the body of the presentation you've made. However, I'm not -- it is my understanding that the Restoration Advisory Board -- and we've been at this for thirteen years, longer than some of you have -- is for a two-way communication, three-way, four-way, going back and forth.

And it's odd that we haven't been involved in any of this process -- at least, unless I'm missing something. Any of the development of any of the follow up from our August meeting except for us asking questions and saying, "Well, why not? How come? Where's this? What's that? Who are you doing? What are you doing?"

And so where in this process of developing this -- these land use covenants and the plan for it will we be a stakeholder? I mean I'm jumping ahead by a couple of pages. But you mentioned stakeholders being the city and the agencies and the landowners and the developers and the -- you

know -- lots of people, but I didn't hear that the RAB members are also a stakeholder at this point. And we aren't here to hear what your decision is, we're here to provide input and to get and to give you feedback, and to, you know, not -- we can't tell you what to do, but we could at least advise you.

So that's why I'm asking some of these questions and making some of these suggestions or reminding you of what I recall from the meeting that we have that might not be reflected here. When do you expect the -- you've mentioned in your implementation and enforcement that, "Lennar is responsible for the implementation and enforcement of LUC's until the final agreement is negotiated," blah, blah, blah.

When do you envision responsibility shifting to the Guardian Trust or your O&M service provider? So far you have talked about the Guardian Trust. For instance, your -- at one point, one point, 1.2 or whatever this one is I.D. 1.2.

MR. MORRIS: The investigation areas, is that --

CO-CHAIR HAYES: Yeah. When do you envision the responsibility of the long term management, LUC's, transferring to the Guardian Trust?

MS. ROEBUCK: We're hoping it's this calendar year, but certainly before any property transfers, any title transfers.

CO-CHAIR HAYES: Okay. So they would be in place, and yet you would be the -- in your matrix, Lennar would be providing the information when the property sells -- is sold? You would still have that responsibility --

MS. ROEBUCK: Yeah, and the way --

CO-CHAIR HAYES: -- to the actual buyer?

MS. ROEBUCK: And the way that the Guardian Trust works is that they -- when we first transfer the property to a new owner, we will notify that new owner of the land use covenants associated with that property. But the Guardian Trust wants the new property owner to recognize their role in it, and wants them to, you know, sign up to say yes, we know you're involved, and we'll give you access for your annual inspections and so forth. So they have a role in that process as well, which is one of the reasons we'd like that --

CO-CHAIR HAYES: Agreement to be in place.

MS. ROEBUCK: -- contract to be in place.

CO-CHAIR HAYES: Yeah. Under the DTSC it says on the matrix, it says you will perform annual inspections and special inspections and receive and review and evaluate and implement, enforcement. Does the agency really have the money and the personnel to do this work? It sounds quite ambitious.

MS. ROEBUCK: They're one of the people that we're going to give additional funding to specifically for this, because they have to be paid for that, just like they have to be paid for all of the oversight they do.

MR. GRIBBLE: I'm not involved in these negotiations, but my guess -- my understanding is that part of the whole thing is -- of the agreement includes a plan or arrangements for DTSC to be reimbursed for this effort.

MR. MORRIS: That's correct.

MR. GRIBBLE: Otherwise I don't know how we would be able to do it. It's on a cost, you know, pay as you go basis, so it would have to come out of somebody's pocket here, and that should be part of the -- of this agreement. I would guess that that's probably the way it's being defined.

CO-CHAIR HAYES: Who will be -- Sheila, who will be paying, you know, submitting those pay as you go -- I mean who will DTSC be submitting their billing to when -- because we assume that you're a developer and you're going to be moving on and there will be somebody else.

MS. ROEBUCK: The expectation is that the funding amount that DTSC projects will be placed into an escrow account, and draws from the escrow account will be approved by the city.

CO-CHAIR HAYES: By the city.

MS. ROEBUCK: Like the cleanup money is now.

CO-CHAIR HAYES: Okay. I'm getting down near the end. And the good news is that hopefully we have some treats at the break here to shore you up after enduring all of this.

Well, I'm still -- I didn't really get any response to the fact that the RAB is not listed or wasn't mentioned as a stakeholder. And I'm wondering when we will be involved in the process and how you envision that. That's still -- still unanswered.

And a couple of last things. The increased scrutiny that you mentioned, by who? Is that by all of the previous stakeholders that you mentioned? And how is that process of the increased scrutiny taking place? Is it just sort of like a, "Hey, Joe, you know what, this could be cleaned up a lot, maybe we could spend an extra half a million here or there, what do you think?" Or is it going to begin to be included in your remedy selection, your cost analysis? And then I assume that will come before the RAB in the -- through that process?

MR. MORRIS: Yes. An example is during the last meeting when we presented the remedial action plan, part of the costs, costing evaluation there we did look at the trade-offs between the additional cleanup versus the cost of implementing and enforcing the land use controls. And all of our alternatives evaluations consider the fact that there is a cost associated with the land use controls. It's not zero, it's significant. And there are implementation issues and effectiveness issues.

Now, those balancing criteria that you use to evaluate different alternatives implementation has a very real effect on those. And so yes, our documents do explicitly address those. As far as, you know, decisions made in the field as we're doing excavations and stuff, we're in contact with the regulators as part of our normal monthly interactions, and their approval and oversight of our work; and by increased scrutiny I mean everybody, all of us. It's a different sense of appreciation, and a realization that -- of what it takes to implement these.

CO-CHAIR HAYES: So that will start being a factor that you will actually call out in a presentation, like our last RAB meeting, which was actually also a public meeting for that action? Because you said the documents are explicitly explaining how the choices were made, but I will go on record as reminding you that the presentations aren't very explicit about how you came to your decisions concerning cost and risk and those sorts of things.

So I'd like to remind CH2M Hill and Lennar and any of its other contractors that I'm really looking here for when you do those types of presentations -- you did include numbers because I asked for numbers, but I'd also like to have you talk a little bit about how you weighed the decisions, and how you came to the conclusion regarding the remedy that you are recommending.

There is one last thing besides -- I'd still like to hear how you see the RAB members being the stakeholders -- that is, I don't see anywhere in this presentation -- any talk about the source of the funding. And I know that a few months ago the talk -- maybe back in August there was talk about the future landowners, non-residential theoretically, but in the case of these LUC's that are on transformers that are in a residential parcel, I would think that you would have to be charging the residential property owner the cam charge or whatever that extra fee is. That's what we learned in August you were going to -- what the source of funding was going to be for this long term monitoring, is that you were going to put the long term monitoring of the environmental cleanup on the backs of the future property owners, even though they had no role to play in the decision about the level of cleanup at the site, and whether they were left with a LUC or not. So can you tell us any -- I don't see any of that in this presentation, and maybe I missed something.

MS. ROEBUCK: At this point let me just address, first of all, the land use covenants that will exist in the area that is defined as residential or unrestricted use. Those transformers will be removed in the course of development prior to using those areas for residential use. They're only staying in place because Island Energy told us that the electrical system on the island was such that they couldn't be removed now, we had to wait until the development proceeded.

For example, one of them, there are a number of small buildings that are just east of Azuar, and those buildings will be demolished, you know, in the course of development. And so that transformer will no longer be needed at that point. So it didn't make any sense to put a new one in for buildings that weren't going to stay. So in all those residential -- the three residential locations that Jeff pointed out, they're all going to go away. So there won't be a long-term management issue associated with that.

But more your point of the costs specifically. We haven't determined how, you know, long term, if there's going to be a maximum whereby the cost is shared with future landowners. We don't know

that yet. Right now there is a mechanism to do that, and Lennar has made a commitment to pay the Guardian Trust up-front, which is a business model, the amount that needed to be paid in order to begin the work on D1.2.

CO-CHAIR HAYES: Okay. Again, I think this is worthy of the RAB being considered stakeholders, and being considered -- considering the options that you're looking at, rather than just hearing about it possibly, or possibly after the fact, or maybe because I remember or don't remember to ask. It was my understanding with the early transfer -- and the premise for my support and I think all the community members' support for the early transfer -- was that it was going to cover the costs of the environmental cleanup, and that the cleanup wasn't going to be complete. We accepted and knew there were going to be LUC's. But I don't think any of us ever envisioned that the cost for long term monitoring of those LUC's would be on the backs of innocent landowners.

MS. ROEBUCK: And Myrna, I could not agree with you more. I -- I -- no one expected these costs. I don't think the Navy expected it, Lennar didn't expect it, the RAB didn't, the public didn't, none of us did.

And we -- due to the increased scrutiny nationwide for land use covenants and the public that you had expressed in our focus group meeting, I think it's -- it's happening all over the country, and it's requiring the regulatory agencies to be -- to have increased scrutiny and to say okay, if you're going to have a land use covenant, rather than passing on a deed and leaving it to the next landowner to have the responsibility to enforce and keep it up, that wasn't always happening.

And so what DTSC is trying to make sure is that there's going to be somebody that's going to care about that and do it on a regular basis. And so it's generated costs that no one has ever anticipated before. And I think in the future or when, you know, the Navy transfers property, that will be a part of what we would expect long term. But it wasn't in the original early transfer.

CO-CHAIR HAYES: Okay. That's a great conversation, and I'm happy that you answered that candidly. I would be very interested in seeing, if this is -- if Mare Island would be an anomaly, and you would be looking at a mechanism to make the future landowners be burdened with this cost, and then everybody else in the nation would get to have money, additional money put into the ESCA -- or whatever mechanism you would use for transfer -- then I would really support the Navy being -- going to the city, the regulator, going back to the Navy and saying, "This isn't going to be fair. We were out in the front, we forgot about this. We didn't think about this. We were in a rush to get the land and turn a quick buck, but we didn't think about the long term responsibility. And, you now, we think it's your responsibility, Navy, to come, you know, can you cough up more money?"

I don't think that the people in this community should bear the brunt of it through having to pay a cam charge or some other type of fee in perpetuity to cover this cost. And that's all I'll say.

MR. GRIBBLE: I take issue with the statement that nobody thought about this before. In fact, DTSC has been commenting about this for many years. Since the Navy was still operating the shipyard when we had the PCB program, we told the Navy, set out a program whereby the cleanups

of these PCB sites would leave no deed restrictions. And there was -- there was a reluctance to do that by the Navy.

The property went to Lennar. We talked about that early on with Lennar about, "You don't want to be having the issue of having the cost of a land use covenant for a little thing that could cost a fortune, where cleaning it up right now it would cost a little bit." We talked about having these transformer sites cleaned up before they were reactivated.

There wasn't time when they were all depowered before the shipyard -- when the shipyard first shut down before it was starting to be reused. And we were interested in having these power stations, these substations cleaned up with the PCBs, or the pad replaced underneath it or whatever, so that there wouldn't be an issue prior to somebody wanting to go in there and use that.

And one by one, step by step, time after time people didn't take that advice. And you now have a situation where you have these myriad of little sites that have deed restrictions, and somebody has to pay the cost. And that's just unfortunate that it's worked out that way.

MS. D'ALMEIDA: Yeah, Myrna, getting back to your question about funding. EPA is not getting any funding for long term monitoring of the LUC's for the PCB sites. And it is a concern, because we would like to see them clean up as much as we possibly can. But TSCA is written in such a way that they're allowed to leave certain contamination behind with certain restrictions. And, yeah, there's got to be long term monitoring for that, and who's going to do it is the question.

MS. ROEBUCK: Let me just clarify it. When I said no one thought about it, I wasn't talking about what you just mentioned. What I was talking about is nationwide there has not been a system where there is an entity like the Guardian Trust; it was property owner to property owner transfers, and that's the part of it that hadn't been done before. Certainly not to my knowledge anyway.

MR. GRIBBLE: Let me give you an example of the Lord's Fellowship where they came onto Mare Island, they had a lease with Lennar, and -- to use the property -- and I spoke with whoever the first people were over there about, "Hey, there -- you know, there's a use restriction here. You don't want to be out there gardening and redoing your yard. If you want to do that, come talk to us. Or you want to repaint, come talk to us so that you're not going to create more of a problem."

And, of course, they went on and repainted, and they had a tremendous load of lead to the soil. They regraded their entire front yard and put in sod, and they redistributed the lead in the soil around there. And so after all of those conversations with Lennar, with the Navy, with the lessee, they still went ahead with it, and you still have a problem. And now you have a deed restrictions because, you know, the advice wasn't heeded.

I have a couple of questions. How many PCB sites -- I'm just curious -- are you eventually going to be having deed restrictions for? Do you have any idea?

MR. MORRIS: Across the entire eastern early transfer parcel?

MR. GRIBBLE: Yes.

MR. MORRIS: It's roughly forty to fifty sites.

MR. GRIBBLE: You know, I wouldn't -- based on our earlier experiences with the Navy during the nineties with signage alone, I wouldn't be surprised if that would take a full-time sign hanger guy, because you hang out signs, and within months they're being torn down or they're weathered away or whatever.

And just the sign maintenance alone would -- I wouldn't be surprised if it kept somebody busy full-time. I don't know what kind of wages they might be -- might not be that good of a job.

CO-CHAIR HAYES: We're all about creating jobs on Mare Island, so --

MR. GRIBBLE: So another question is for the Island Energy where there's some -- there are some or will be some land use covenants or use restrictions for some PCB sites, I'm assuming.

We all know these days utility companies come and go. And so who would be paying the bill for that if Island Energy disappears some day? Some day there's no longer Island Energy, they go bankrupt. And you've got these various deed restrictions on their property, which would probably go away when the -- that substation is going to be taken out of service and it will be -- the PCBs will then be cleaned up. Who would be picking up that cost then if Island Energy were no longer in existence?

MR. MORRIS: The subsequent power provider, I would say.

MR. GRIBBLE: Well, it's something to think about. Then one more comment and I'm done. Going back to State Lands Commission, I do have a thought on that now. I've already seen some confusion between the State Lands Commission and the City of Vallejo as to who has what responsibility for whom -- for what. That was really the confusion is a misunderstanding on the part of the city, as I understand it.

And with that, you can just, you know, run the clock forward to, you know, one changeover of employees, or a couple generations of employees, and you can easily imagine total confusion about who's responsible for what, even who owns the property. And by the way, I think to this day, I will bet that probably everybody in this room is confused about who has the title for that property. That's another story. But with that kind of confusion we've already seen, it seems to me that I wouldn't be surprised if State Lands Commission would want the notification, at least the people that are there today. They may change their mind; another employee may change it down the road. But I would think that this plan would be stronger if there were a requirement, or built into this plan that all of these notifications also included notifications to the State Lands Commission.

CO-CHAIR HAYES: Right. Thank you.

MR. PORTERFIELD: Please repeat the number of the sites that have to be inspected or replaced and so forth?

MR. MORRIS: Repeat the number of sites was the question?

MR. PORTERFIELD: Yeah.

MR. MORRIS: I said forty to fifty, which would be across the eastern early transfer parcel.

MR. PORTERFIELD: Okay.

MR. LEYVA: I have a question before you give it to Jerry there.

MR. MORRIS: Okay.

MR. LEYVA: I'd like to take this opportunity to beat the Water Board drum on this LUC's, land use controls. When there are land use controls there's contamination being left behind. Some of the contamination is only soil, but when there's groundwater, then the Water Board is concerned with it. And as a co-regulator with DTSC, we would, you know, work on things out with them on what gets regulated. And there's some sub sites that the Water Board is the lead and vice versa with DTSC.

Regardless, when there is a land use control on the site, which means that there's contaminated soil, contamination being left behind, we want to make sure that there's groundwater monitoring at a point that is what we call point of compliance. There's a -- what we call -- when there's a contamination that's been left behind, we consider this a contamination zone. And a term that is coined, or that was coined several years back -- actually about fifteen years ago -- it was the containment zone policy, the Water Board's policy that regulates how contaminated areas can be left in perpetuity and be used for commercial use, for beneficial uses.

One thing that we are very strong about is to make sure that the groundwater that is related to the contamination is not getting into waters of the state -- like the Mare Island Strait or the river -- or even contaminating areas that are previously not contaminated. That is why you call it a containment zone.

So I just wanted to get that in and make sure that you take that into account when you're considering the long term monitoring of this, because it's going to go beyond performing your annual inspections. There's going to be groundwater monitoring that is going to be needed at some sites. Somebody's got to review the monitoring reports. They may be quarterly for a while, they may become annual, but it's going to be a little while down the road. So there's costs beyond what you've expressed there that the Guardian Trust or the developers should be aware of.

MR. MORRIS: That is a good point. And so far the sites that we are talking about we don't have groundwater contamination issues. But there are sites here that we will be dealing with -- and, in fact, you guys are right now reviewing a report that we've submitted, the feasibility study for C1 actually, which is this portion up in here. And there are groundwater contamination issues there. You guys are reviewing that report or alternatives to look at, the long term monitoring. And you're right, that would be a component of what needs to happen in the future. Even independent of the restrictions.

MR. MORRIS: If there's no other questions, thank you, Jerry.

CO-CHAIR DUNAWAY: Thank you, Jeff. This is a complicated topic, and I think it was a good dialogue here tonight. I think, as Jeff alluded to, this is actually a fairly simple area to work on compared to the other areas of the eastern early transfer parcel. So going through this exercise now is probably beneficial to prepare for the maybe more difficult and more intensive type of land use controls that may come along later -- not just for Lennar, but for some remaining parcels that the Navy still has.

So I appreciate that. Thanks, Jeff and Sheila, for your input. And I think that the level of detail here made it seem like a focus group meeting to get that level of detail. Unfortunately, we just don't have that much time in a formal RAB meeting. With that, why don't we take a quick break for about five minutes or so, and then wrap up the rest of the meeting. Thanks.

(Thereupon there was a brief recess.)

### **III. ADMINISTRATIVE BUSINESS ( Myna Hayes, Jerry Dunaway)**

CO-CHAIR DUNAWAY: We have a few things to go over for the administrative business. The January 12th RAB meeting last month, the meeting minutes are in your packet. Any comments to those, you can provide those to Myrna or myself, either tonight or later if you see corrections needed.

Next month's meeting is on March 30th. And although the library is nice and beautiful now, we have a conflict that night, so we'll be back at the Mare Island conference center for March 30th. But the rest of the year we'll be here. So just keep that in mind.

CO-CHAIR HAYES: Paula e-mailed me to say she couldn't be here tonight, she had a conflict.

CO-CHAIR DUNAWAY: And for the March 30th meeting, something that is coming up in April, our folks with ECC, who's doing our offshore munitions work, will be mobilizing in April, shortly after that. That may be a topic to present at the March 30th RAB meeting, having John Bowles back here describing the field work that they'll be doing. And that's really a follow-up to the work that they did a couple of years ago that we did tour with the RAB out to the south shore. So that's something to think about.

### **IV. FOCUS GROUP REPORTS**

#### **a) Community (vacant)**

So onto the focus group reports.

#### **b) Natural Resources (Jerry Karr)**

I see Jerry Karr is not here tonight.

**c) Technical (Paula Tygielski)**

Paula is not here tonight.

**d) City Report (Gil Hollingsworth)**

And Gil Hollingsworth isn't here either.

**e) Lennar Update (Steve Farley)**

So this is going to go very quickly. So how about Steve on the Lennar update?

MR. FARLEY: Thank you, Jerry. I had two handouts. I placed them over at the table when you came in. If you didn't get them, please feel free to get ahold of me, I'd be happy to send you copies of them via e-mail if that works for you.

The first handout is a series of three sheets that have the status of the various documents either that are coming up or those that are in agency review. So take a look at that, if you have any questions, let me know.

The second handout is our normal eleven by seventeen map that has some photographs and some buildings highlighted. It also has a listing of some other pertinent sort of data in the lower left corner. Let me go through that part. There are four buildings that are listed on the map, buildings 50, 121, 516 and 382. Those four buildings we did some indoor air sampling for PCBs recently in the month of January inside those buildings. The results aren't back yet, but that was an important step in understanding the PCB issues inside some of the buildings.

For building 516 -- which is over near dry dock number two -- we're continuing to do some excavation in the area outside of that building. I've reported on the building 516 work in the past couple of months. We believe we're done inside the building and have some restoration work to do inside. On the outside of the building, we have some additional excavation followed by confirmation sampling, and then backfilling the hole. UST 742 is down between dry dock number four and the finger piers. It's an excavation that I've reported on also in the last couple of months.

We're continuing to do some excavation south and east of the current excavation boundaries. The three photographs that are on the handout are of building -- excuse me -- of UST 742. They show some different viewpoints. In the lower right corner some of the excavation work that's going on. In the upper right corner we have some tanks and a small treatment plant that we're using to handle and treat the water we're removing from the excavation prior to discharge under a City of Vallejo permit of the water to the sanitary sewer. The tanks there had a series of weirs and baffles in 'em that allows us to separate the free product that comes out occasionally from the water, and then the water is passed through the small treatment system, and then goes to the sanitary sewer.

In the lower left corner is just sort of a view from above where you can see that we've completed the excavation and are doing some backfilling. We're also doing a monitoring well survey for well maintenance. We think that it's extremely important to keep on top of the wells that have been installed over the years and make sure they're in good shape, good condition, and keep up on the maintenance so that those wells don't become a problem in themselves over the long haul. That's going on right now.

USTs 102 and 142 are between dry docks three and four. We have a plan in place to do some soil sampling and some well installations at those locations. We're going to put in about eight to ten borings and a monitoring well at each location, and collect soil and -- soil and groundwater samples, and analyze them for TPH and PAH's. Building 836 is another site that we're working on just on the north side of the ways. We've completed all of our investigations and remediation, and we're currently preparing a report, we're requesting closure of that site, and we'll submit that to the agency sometime in early March.

One last thing, we have a couple of major documents that are either in review or have just gone for review. One is the IA C3 final RAP, which is in agency review, and we're expecting signature on that final document any day, hopefully tomorrow actually. And we have just submitted the IA C3 remedial design document to the agencies today. One last thing. Since last month, in terms of environmental site closure status, we have closed one additional PCB site, and that was up at building 873 which is north of the ways.

So that's all I have, Jerry, if anybody has any questions? It's really getting late, isn't it?

**f) Weston Update (Cris Jespersen)**

CO-CHAIR DUNAWAY: Thanks, Steve. Cris, you want to go over the Weston update?

MR. JESPERSEN: Thanks, Jerry. First on the list -- I think everybody should have one of the handouts here. If not, there's some spares with Wally there. We made some proposed changes to the draft final feasibility study for the investigation area H1 project that's based on some feedback we received from DTSC and other agencies. So we will prepare a final version of that document and issue it in March.

We've also prepared a draft remedial action plan, and a draft remedial design remedial action work plan for the area H1 landfill based on the presumptive remedy of capping the landfill. Those were issued to the agencies for their review in January. We hope to have those comments back sometime in March. The Western Magazine area. We're in the process of doing a follow-up geophysical survey of the western mag area, which is about fifty acres of open space, and there's a number of large concrete magazines there, fourteen of them.

And as some of you may remember, the Navy did some geophysical survey removal actions in the late nineties in those areas, and we're doing a follow-up using some state-of-the-art technology. And we're actually using three different types of detection systems. One is an all metals detector, the EM61-MK2, which you may recall we did work on the dredge ponds back in 2002 using that updated technology. And that will find any type of metals, not just ferrous metals. We're also

using a magnetometer. Again, that just will detect out ferrous items. And we're also using a new system called a GeoVizor coupled with a G-858 magnetometer detector. And what that enables us to do is look under the magazines for smaller items buried in the soil. The magazines have rebar in the concrete as reinforcing material, and using the traditional ferrous metals detection instruments you can't find those items.

Using the GeoVizor system and a piece of software called the U-Hunter, they can actually locate anomalies and investigate them. So the Navy was quite interested. Richard Mach from NAVTAC headquarters came for a demonstration. And you can see the two photos there, the lower left is using the G-858 on the large open areas. And then there's two more guys in the little cart under the magazines using the GeoVizor system.

CO-CHAIR HAYES: Very cool.

MR. JESPERSEN: At the investigation area H1 we've continued the option of the groundwater extraction system. To date we have pulled out 10.4 million gallons of water which has been verified as acceptable for discharge to Vallejo San and Flood. Recently we've been getting a lot more water out of there. Towards the end of last year we were getting maybe five gallons a minute from the system, then we had the major rain event in early January, and you can see the extraction rate has increased considerably, which is another reason we'd like to get the cap on the landfill this year so we don't have to pump so much water.

And then finally, I noticed that Jerry has the Marine Corps Firing Range in his report, so I won't steal his thunder. You can see the statistics there, and all the items that have been destroyed now on the open detonation range in late January.

CO-CHAIR DUNAWAY: Any questions for Cris?

MR. GRIBBLE: That GeoVizor thing is -- congratulations on making that happen. Now if you can just miniaturize it so that you can get it under the buildings that have no crawl spaces.

MR. JESPERSEN: That will be MK2.

CO-CHAIR HAYES: I want to congratulate you also. You guys just continue to bring some of the state-of-the-art innovation that is taking place in the country around ordnance cleanup to Mare Island, and you should be commended.

MR. JESPERSEN: Thank you. We certainly have some challenging situations here.

**g) Regulatory Agency Update (Chip Gribble, Carolyn d'Almeida, George Leyva)**

CO-CHAIR DUNAWAY: Well, thank you, Cris. Why don't we move on to the regulatory updates? And we have all three here tonight. Chip, we haven't heard a report in a while, so you want to go first?

MR. GRIBBLE: Well, you know, we've been busy. Shucks, folks. I'm speechless.

MR. FARLEY: Hard to believe Chip's speechless.

MR. COFFEY: Tell us what you were really doing, Chip.

(THEREUPON LAUGHTER AND SIMULTANEOUS DISCUSSION OCCURRED.)

MS. D'ALMEIDA: Well, I can tell you that I can't tell you about DTSC. But actually, the agencies, both agencies have been meeting with Lennar with respect to the LUCs which we've been discussing tonight. EPA's involvement is specifically for, because of the CA/FO, the consent agreement for the PCB transformer sites.

I might adhere -- I maybe have made this comment in the past. But where Lennar was mentioning 389 PCB sites closed under TSCA, they are not closed if a deed restriction is required. That has to be done before the site can be closed under TSCA. So there really are a bunch of sites that are still really open until the deed restriction issue is resolved because we consider that to be an action.

The main, I guess, issue that's coming up that we're -- that we've been discussing has to do with low occupancy, which is allowed under TSCA. They're allowed to leave up to 25 parts per million, milligrams per kilogram in soil or condition to create a low occupancy scenario.

Well that -- the law was written a long time ago before anybody ever tried to implement any of these land use restrictions. And there's really -- it's not really well defined what low occupancy means or how you implement low occupancy, you know. It's -- or enforce it.

If you've got a sign or a fence requirement, that's easy to say, yes, there's a fence. But how do you tell if something is low occupancy? And how do you monitor that? And how do you enforce that? And that's been a real stickler for DTSC because they don't want to take that on.

And for EPA, because it's written in the law, we can't tell 'em they can't do it. But EPA has never actually -- at least our region, has never done a low occupancy deed restriction under TSCA. So we're really breaking new ground with this thing, and it has to go all the way through headquarters.

So there's a bunch of sites now in D1 where they're trying to put these land use controls through. And we've been looking at 'em one by one to see, what can we do? I think there's a number of them that I think we've agreed if it fits under the industrial category, we'll just do a standard industrial land use covenant, just to make it easier because that we know what it means.

And there's like a couple of sites we actually went climbing up some rickety old ladders and up through the ceilings to look at elevator equipment rooms where there was some PCB issue that required a deed restriction on the whole building; and come to find out that, well, actually there's just some oil remaining in the machinery that's dripping, and if you just drain the oil and wipe up the drips, you don't need to put a deed restriction on it. So there's a few that we were able to eliminate that way.

And there may be still a few sites that Jeff could talk about that still require a low occupancy deed restriction. And so we're working with headquarters to take progress on what kind of language we would need to put in there that would be acceptable to everybody.

But that's basically what we've been doing for Mare Island.

MR. GRIBBLE: So we've been focused on a whole lot of things, like trying to keep up with the schedule on H1 to Weston to get to the remedy construction for remediation this summer, that's probably the big one.

Working on the early transfer. We actually have the schedule that -- I know Jerry told you before that we have an approved schedule that we're working with -- and in my view I think we're pretty much keeping up with the schedule, which is kind of a new thing for us. And that's largely because we have a significant amount of resources within the agency there now assigned to Mare Island.

And with that, in the context of -- as you hear about another early transfer as it develops, I would suggest that people pay particularly close attention to the purpose and the goal of another early transfer, and the resources that would have to go with it.

I think that was a real failing with the previous early transfers that people would not address that and the development of that. And that allowed Lennar to go forward with a workload that was unrealistic, and continues to be very difficult to match. And the same with Weston and the Navy.

That's -- unless that's really addressed in the next early transfer, the potential is there for things to become problematic again. Now, maybe we have enough resources to match the developer's expectations, and maybe we don't; but unless that's addressed very frankly, then you have the potential of everything being, you know, not working out well again and creating other problems with timing. But right now it seems to be working out reasonably well.

Especially when you have Rizgar, and I don't think he's been here yet, but another fellow from DTSC out of the Sacramento office participating. And he's focusing largely on the early transfer parcel. So I believe that's about it. I'm sorry, one more thing. In the offshore, interestingly we're -- I don't know if this is in your report, Jerry, offshore development, development of offshore sampling plans and DQO's?

CO-CHAIR DUNAWAY: No. You want to go ahead and touch on that?

MR. GRIBBLE: Well, we've had a number of discussions with the Navy and agencies in the Navy about the offshore sampling characterization. And I guess the sense is that we're starting to make progress on that again after many, many -- quite a long period of not getting anywhere. So that may be something to pay attention to here in the next -- within the next so many months.

CO-CHAIR HAYES: At what point will the Restoration Advisory Board at Mare Island be involved in the early transfer discussions? Do you have that on your schedule?

CO-CHAIR DUNAWAY: I don't know what schedule Chip was referring to.

MR. GRIBBLE: The schedule that I was talking about was the site management plan schedule which is a schedule of task items, deliverables by the developers and the Navy that need to be processed, reviewed by the regulatory agencies. In terms of involving the RAB in the early transfer process, I don't have an answer for you for that. I'm really not the key person involved in those negotiations, so I -- I don't know where that stands.

CO-CHAIR DUNAWAY: Why don't I touch on that when I update you all on the early transfer?

CO-CHAIR HAYES: Okay.

CO-CHAIR DUNAWAY: Thanks, Carolyn. And thanks, Chip. George.

MR. LEYVA: Well, aside from -- there's multiple reports that I've been trying to wade through, for the purposes of this meeting, the report of note is EPA's technical memo I've been reviewing. I have prepared a comment letter for that, and it's gone around for signatures, and it hasn't been sent out yet, but you can expect it pretty soon. I just thought maybe you'd like to know about that. But I could comment -- discuss some of the comments here, but I think maybe we'll leave it until I actually get that signed and out the door, and then I'll maybe be able to update the RAB on the next meeting out.

CO-CHAIR DUNAWAY: Okay. Thank you, George. With that, why don't we go to our co-chair reports. Would you like to start, Myrna?

CO-CHAIR HAYES: I'll be quick. Yeah, do you believe me? Thank you for everyone in the room who participated in the Flyway Festival and provided some really tremendous support. Thanks to CH2M Hill for doing a really nice map that made it nice for folks to be able to walk up to it as well as to have copies in hand to get to some of the starting points of some of the outings. It became part of the logo of the festival. So thank you, Steve. And, of course, financial support as well from CH2M Hill, Lennar Mare Island, Weston Solutions. Weston sent a crew over -- transformed the building instantaneously -- refueled the generator. Just all kinds of great things, and then just all of your participation, many, many, many of you, including Wally, guides. A great success I think.

The Daffodil Tea is coming up March 18th and 19, so if anybody is interested in attending that, it's a fundraiser for St. Peter's chapel, so please let me know, I have some material. And I was going to show you my trip to Vieques, but here it is. I said I would be short. Actually, if any of you are interested at some point, I wouldn't mind sitting down with you from your various interests, you know, maybe as contractors or as Navy or regulators or community members, as telling you about that experience and that site.

MS. D'ALMEIDA: Next meeting.

CO-CHAIR HAYES: Next meeting, sure. Suggest it as a topic, I think it would be interesting.

MR. COFFEY: Slide show.

CO-CHAIR DUNAWAY: Your presentation will be on Vieques. Thank you, Myrna. For the Navy co-chair report there's a handout, it's got a picture of a destroyer on the front there. And we got a couple of pages here just cause we got a lot of information.

First and foremost, Weston helped us complete the Marine Corps Firing Range removal action. That's a huge milestone for us. I've got some statistics in here about the overall quantities of things removed, with about 70,000 yards total removed, which was probably about -- I'd say about a third more than we originally thought would be required. Probably twice as much as what we really went into with Foster Wheeler the first time around.

We started this project in 2003. So two and a half years later, and several challenges behind us, we completed it. And we think we just need to now go back and document final site conditions to hopefully get some regulatory closure.

MR. COFFEY: Give us an idea what 70,000 cubic yards of soil is.

CO-CHAIR DUNAWAY: It's a medium sized mountain actually.

CO-CHAIR HAYES: A medium sized mountain?

CO-CHAIR DUNAWAY: Dwight could actually describe it better in dimensions. But, let's see. 70,000, how many truckloads, do you know?

MR. GEMAR: Isn't a full concrete truck ten, nine yards?

CO-CHAIR DUNAWAY: Ten yards. A full truck of dirt is around eighteen yards, so you take 70,000 divided by eighteen, so that's the trucks. I'm sure there's small trucks in there too, or smaller -- so thousands of truckloads of dirt. There are some pictures in there of that work. But also the DRMO site, our other removal action that we're moving along on, that's making progress. And most recently we dug up what was -- appeared to be kind of a bad thing, an oil sump facility of some sort.

But in excavating and digging that thing up, we found that probably the effort put into building this thing didn't do much. It -- the pipes were disconnected from the sump, or at least one of the pipes was, and whatever petroleum was in the trenches did not look like it migrated outside of the gravel trench that was built with the perforated pipe inside of it. So we got a lot of information. We plan to put a tech memo out, I think in a couple, another month or two, and that will help show, with sampling data and more technical discussion, what was actually found out there with that item.

We did attend the Flyway Festival. The Navy had a booth out there. Dave Godsey and Tommie Jean Damrel attended and staffed the table for us.

CO-CHAIR DUNAWAY: So that's Jim in the photo, isn't it, Jim?

CO-CHAIR DUNAWAY: And Jim's in the photo. And I'd have to agree with Chip that we've been doing very well with our site management plan this year. If you remember, last year we had a

huge number of regulatory comment letters come in during the Christmas period actually, so it was a very Christmas -- a very busy Christmas season.

But even this year or this past month we've received -- what do we have? -- twelve regulatory agency comments. So we're keeping pretty busy. There are still things that are being pushed out, but we're religiously following the rules of doing extension requests and such. So we're doing very well from a site management plan schedule adherence standpoint.

MR. GRIBBLE: I think four of them were Christmas cards.

CO-CHAIR DUNAWAY: We took those as no further action letters.

CO-CHAIR HAYES: They didn't wish you a good New Year?

(LAUGHTER.)

CO-CHAIR DUNAWAY: On the upcoming or potential early transfer parcels, where we're at now is the Navy is still working on the finding of suitability for early transfer for the remaining parcels. And I would say that it's going to be out for public review in the spring, probably late spring timeframe. But I don't think we need to wait that long for the RAB to get involved. I know I've done a couple of presentations on the sites that we're talking about, but we haven't gotten to a point where we kind of know where the transition of environmental responsibilities will be. Maybe before late spring we can provide kind of a preview of what that FOSET will look like, what the specific parcels are, and what the sites of concern will be.

And for the next step for this to move further outside of the FOSET is the Navy's still waiting for the city of Vallejo and Lennar to prepare their proposal for this potential ESCA.

And the latest is that Lennar's taking a portion of that ESCA work and going out to competitive bid. The Navy likes that. We think that will help sell the deal to show that this is your best market price for that work. And so that's a good step. Of course, that will take time, and so I think we're expecting around April for a proposal. Does that sound about right, Sheila?

MS. ROEBUCK: (Nodded head.)

CO-CHAIR DUNAWAY: And so that's where we're at on that.

CO-CHAIR HAYES: And I assume that your land use controls -- which I imagine in the ordnance areas of this transfer will be pretty substantial -- are also being carefully developed?

If you need to meet with the RAB again on that topic, we'd be happy to schedule another focus group meeting. Because I think it's critical that the land use controls be very, very carefully considered for the areas that have ordnance in them currently and are expected to have a possibility of that or a risk of that in perpetuity.

CO-CHAIR DUNAWAY: And that completes my progress report update overview. One last thing I wanted to mention though before any rumors came about. I am taking on the BRAC Environmental Coordinator position at Concord, but that doesn't mean I'm moving away from Mare Island. So I'll be taking on that other work as part of our one piece here in the west coast of BRAC '05. So that will keep me in the area. I'll get to know the neighborhood really well. And with that, any questions? Comments? Okay. Then meeting adjourned.

(Thereupon the foregoing was concluded at 9:12 p.m.)