



January 31, 1996

Mr. Ronald Yee  
Remedial Project Manager  
Engineering Field Activity West  
Naval Facilities Engineering Command  
900 Commodore Drive, Bldg. 206  
San Bruno, CA 94066-2402

**Subject: Transmittal of January 18, 1996, Restoration Advisory Board Meeting Minutes  
and February 15, 1996, Meeting Agenda**

Dear Mr. Yee:

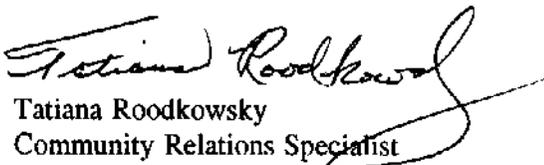
At the request of the Navy Co-Chair, Mr. Richard Pieper, enclosed for your review are the draft minutes for the January 18, 1996, Restoration Advisory Board (RAB) meeting. Please submit any comments in writing at the February 15, 1996, RAB meeting or send your comments to Mr. Pieper at the following address:

Mr. Richard Pieper  
Code 092, Building IA-15  
Naval Weapons Station Concord  
10 Delta Street  
Concord, CA 94520-5100  
Fax: (510) 246-2003

You may wish to note that there will be a second reading and vote on the procedures for removing inactive RAB members. Also, please note that there will be a sign-in sheet for any interested RAB members who wish to participate in the April site tour of Concord Naval Weapons Station.

Please call me with any questions or comments at (415) 222-8309.

Sincerely,

  
Tatiana Roodkowsky  
Community Relations Specialist

Enclosures



# AGENDA

## NAVAL WEAPONS STATION CONCORD RESTORATION ADVISORY BOARD MEETING

Thursday, February 15, 1996

7:00 p.m. - 9:00 p.m.  
Ambrose Community Center  
3105 Willow Pass Road  
Bay Point, California

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7:00 - 7:05	WELCOME AND INTRODUCTIONS
7:05 - 7:15	COMMUNITY CO-CHAIR REPORT
7:15 - 7:20	MEETING MINUTES APPROVAL
7:20 - 7:50	SUMMARY OF PRELIMINARY LANDFILL AND SITE 2 DATA
7:50 - 8:00	QUESTIONS AND ANSWERS
8:00 - 8:10	BREAK
8:10 - 8:30	MEMBERSHIP/ATTENDANCE DISCUSSION
	- Second reading of recommendations and vote on procedures for removing inactive RAB members
	[For a description of these recommendations, refer to the January 18, 1996, RAB minutes included in the RAB mailing]
8:30 - 8:50	COMMITTEE REPORTS
	<ul style="list-style-type: none"><li>• Document Review Committee</li><li>• Finance Committee</li><li>• Legal Committee</li><li>• Procedures Committee</li><li>• Public Relations Committee</li></ul>
8:50 - 8:55	FUTURE AGENDA TOPICS AND REPORT ON STATUS OF ACTION ITEMS
8:55 - 9:00	PUBLIC COMMENT
9:00	ADJOURNMENT



**NAVAL WEAPONS STATION CONCORD  
RESTORATION ADVISORY BOARD**

**DRAFT MEETING MINUTES**

**Ambrose Community Center  
3105 Willow Pass Road  
Bay Point, California**

**THURSDAY, JANUARY 18, 1996**

**OLD BUSINESS**

**1. WELCOME AND INTRODUCTIONS/COMMUNITY CO-CHAIR'S REPORT**

**A. Welcome and Introductions**

The Naval Weapons Station (WPNSTA) Concord Restoration Advisory Board (RAB) met at 7:00 p.m. on January 18, 1996, in the Ambrose Community Center in Bay Point, California. Community Co-Chair, Mr. Herb Schwartz, welcomed the RAB members to the RAB meeting. He began the meeting by introducing himself and then asking the RAB members and the audience to introduce themselves. The purpose of the meeting was to listen to a presentation on the Public Trust Doctrine and the Superfund law, and to discuss various procedural issues.

After opening the meeting, Mr. Schwartz explained that the community co-chair's role is to facilitate the exchange of information between the Navy and the community members. He reminded the RAB that the RAB's role is to advise the Navy on restoration and land use issues and to monitor progress on environmental cleanup.

These minutes summarize the items discussed during the RAB meeting; these minutes are not a verbatim transcript. Attachment A is a list of the attendees. Attachment B is the meeting agenda.

**B. Community Co-Chair's Report**

**1. December 28, 1995, Meeting with CAREER/PRO**

Mr. Schwartz stated that on December 28, 1995, he met with Ms. Aimee Houghton of the California Economic Recovery and Environmental Restoration Project (CAREER/PRO). CAREER/PRO is funded through San Francisco State University. The purpose of the meeting was to find out more about CAREER/PRO and its relationship to the various RABs in the Bay Area. Mr. Schwartz noted that CAREER/PRO is a research and networking organization which is dedicated to assisting RABs with the cleanup process. Anyone on the RAB is eligible to participate in this organization. Mr. Schwartz announced a document titled "Analyze, Advise, and Organize: A Guide to Citizen Oversight at U.S. Military Installations" is available to the public and may be of interest to RAB members. Mr. Schwartz stated that RAB members may either call him for a copy of the document or contact CAREER/PRO at (415) 904-7751 for copies. Mr. Schwartz also announced that the

California Environmental Protection Agency (EPA) Base Closures Environmental Advisory Group met at CAREER/PRO on January 18, but since the meeting conflicted with the WPNSTA Concord RAB meeting, he was unable to attend. Attachment C is a copy of the meeting announcement.

## **2. Other RAB Potential Contacts**

Mr. Schwartz announced that other potential RAB contacts include Ms. Marilea Kelly, Tri-Valley CARES. She is familiar with the technical assistance programs. Her telephone number is (510) 443-7148

In addition, Mr. Schwartz noted that he called Mr. Paul Lesti, the former community co-chair for the Moffett Federal Airfield RAB. He stated that he will meet with Mr. Lesti on February 6 to exchange information and to network.

## **3. Remedial Project Managers Meeting**

Mr. Schwartz announced that he attended a remedial project managers (RPM) meeting on December 12, 1995. He distributed his summary of the meeting to the RAB. Mr. Schwartz noted that the Navy submitted some clarifications to his summary, which were attached to his handout.

## **4. Review of Cleanup Sites**

Mr. Schwartz noted that he and two other RAB members had been scheduled to visit the Installation Restoration sites under investigation at WPNSTA Concord with Mr. Ronald Yee of the Navy, on January 18. However, due to the heavy rainfall, the tour was postponed to Tuesday, January 30, at 9:30 a.m.

Mr. Raymond O'Brien asked whether a site tour is available that can accommodate more RAB members. Mr. Richard Pieper, Navy co-chair, announced that funding is likely to be made available from the base funds. These funds may be used to provide a military bus and driver for the RAB tour. Dr. Barbara Smith, U.S. Environmental Protection Agency (EPA), suggested that the RAB may wish to wait until the heavy rains have abated. Mr. Pieper suggested that the RAB consider scheduling the tour for April. Mr. Schwartz stated that a sign-up sheet will be available at the next RAB meeting to determine the number of RAB members interested in participating in a site tour.

## **5. Comprehensive Long-Term Environmental Action Navy (CLEAN) Annual Report**

Mr. Schwartz asked Ms. Tatiana Roodkowsky, PRC Environmental Management, Inc. (PRC) to report on the CLEAN Annual Report. Ms. Roodkowsky announced that PRC recently published its annual report on the Navy CLEAN program. She stated that the report highlighted the WPNSTA Concord RAB and included a picture of Mr. Pieper and Mr. Schwartz conferring at a previous RAB meeting. A copy of the report was shared with the RAB.

## **II. REPORT ON THE PUBLIC TRUST DOCTRINE AND THE COMPREHENSIVE ENVIRONMENTAL RESPONSE, COMPENSATION, AND LIABILITY ACT**

Mr. Schwartz delivered a presentation on the Public Trust Doctrine. He noted that all members of the public are beneficiaries of a trust. Mr. Schwartz explained that it is important to define terms, and most particularly, the legal term, trust.

Mr. Schwartz stated that several elements make up a trust: a trust property; a trustee; and beneficiaries. He explained that air, running water, the sea, and the seashore constitute the property of the trust. The trustee implies a relationship between the beneficiary and the trust property. The U.S. government, state government, and WPNSTA Concord are trustees. Beneficiaries are all the human beings who share the property of the trust.

The Public Trust Doctrine is contained in common law, statutes, court decisions, and administrative agency regulations. Common law is the unwritten constitution of the U.S. Common law has two parts: a procedural part and a substantive part. The procedural part consists of the process of making legal decisions and is an important part of the common law. In the U.S., law and facts are compared and decisions are issued. Precedence is the basis for the review of the decisions. The substance is actually the doctrine itself. Mr. Schwartz stressed that the statutes constitute a policy and the regulators interpret that policy.

Mr. Schwartz emphasized that if the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA) was abolished, the Public Trust Doctrine would remain in place as a powerful legal tool that may be used to protect natural resources. The Public Trust Doctrine is an important basis upon which it can impose an obligation and a duty on the government to act as a trustee for these natural resources. Mr. Schwartz noted that the Public Trust Doctrine is referenced in CERCLA. CERCLA defines natural resources as "Land, fish, wildlife, biota, air, water, groundwater, drinking water supplies, and other such resources belonging to, managed by, held in trust by, appertaining to, or otherwise controlled by the United States...(and) any State or Local government." CERCLA authorizes certain government representatives to act as natural resource trustees. Mr. Schwartz explained that this provision in CERCLA is an extension of the Public Trust Doctrine.

Mr. Schwartz explained that the Public Trust Doctrine is important to the RAB because it has the force of law and may be used to protect natural resources. The Public Trust Doctrine can be used in court to stop damage to natural resources. The U.S. Supreme Court and the California Supreme Court has considered this doctrine in deciding important cases.

Mr. Pieper asked whether wetland areas and coastal resources are included under the protection of the Public Trust Doctrine. Mr. Schwartz explained that CERCLA expanded the definition of protected natural resources. Mr. Pieper asked how waters beyond the tidal areas could be protected under the doctrine if CERCLA was repealed. Mr. Schwartz explained that strong arguments could be made to argue that the Navy had a duty to protect these resources and that the resources were intended to be included in the definition of natural resources. Ms. Roodkowsky noted that the California Supreme Court, in a very important case regarding Mono Lake, decided the Public Trust Doctrine is part of the law of the land and must be considered in cases regarding the protection of natural resources.

### **III. MEETING MINUTES APPROVAL PROCESS AND APPROVAL OF DECEMBER 21, 1995, RAB MEETING MINUTES**

#### **A. Meeting Minute Approval Process**

Mr. Schwartz discussed the meeting minute approval process. He noted that the current system includes distributing the meeting minutes to the Navy and to the community co-chair for review. He suggested that the distribution list be expanded to include the committee chairs. Ms. Roodkowsky expressed concern over the time involved in soliciting responses from the committee chairs.

Mr. Kory suggested that if Ms. Roodkowsky faxed the draft meeting minutes to the committee chairs

and that all the committee chairs would agree to return the meeting minutes with their comments within 24 hours. Mr. Pieper asked how conflicts with the comments would be resolved. Mr. Schwartz suggested that the committee chairs could fax their comments to him and that he would reconcile the differing comments. Those present agreed that the draft meeting minutes would be distributed to the committee co-chairs, the committee co-chairs would submit their comments to Mr. Schwartz within one day, and Mr. Schwartz would reconcile the comments and transmit the comments to the Navy. After discussion, it was agreed that the meeting minutes submitted to the RAB committee chairs would continue to be labelled "draft." At each RAB meeting, the RAB will approve these meeting minutes. The final version will be placed in the information repository.

#### **B. Approval of December 21, 1995, RAB Meeting Minutes**

Mr. Schwartz noted that Mr. John Fuery submitted some comments to the November 16, 1995, RAB meeting minutes. Mr. Schwartz stated that Mr. Fuery's comments were appended to the December 21, 1995, RAB meeting minutes.

Mr. Kory noted that there is a correction to the December 21, 1995, RAB meeting minutes. He stated that the last sentence of the first paragraph on page three is inaccurate. The minutes should be corrected to note that after the second consecutive missed meeting, the missing RAB member will be contacted. If the Procedures Committee cannot contact the missing RAB member, the RAB member does not contact the RAB to indicate his or her continuing interest, that member may be removed after missing a third consecutive RAB meeting. It also was noted that although Mr. Ralph Lambert attended the December 21, 1995, RAB meeting, he was not listed as an attendee. Ms. Roodkowsky reminded the attendees that it is important that the attendance sheet be signed by all who attend. The minutes were approved with the corrections noted.

#### **IV. MEMBERSHIP/ATTENDANCE DISCUSSION**

Mr. Kory reviewed the proposed rules for eliminating inactive RAB members. Mr. Kory noted that a member of the Procedures Committee will call RAB members who miss two consecutive RAB meetings. If the RAB member indicates that he or she has no interest in participating in future RAB meetings, or if the Procedures Committee is unable to contact that RAB member after three consecutive meetings are missed, the RAB member may be removed.

Mr. James Koepfel asked whether any RAB members have been removed. Mr. Pieper replied that although five individuals resigned from the RAB, no one has been removed. He noted that when individuals resign, their names are placed on the general mailing list.

Mr. Kory noted that this was the second discussion of the proposed rules regarding the elimination of inactive RAB members. Mr. Schwartz stated that a vote will take place at the February RAB meeting.

Mr. Scott Etzel announced that the *Contract Costa Times* published a notice soliciting interested persons to join the Mare Island Naval Shipyard RAB. Mr. Schwartz stated that this was a possible approach to attract new members.

## **V. COMMITTEE REPORTS**

### **A. Document Review Committee Report**

Mr. Clint Mayfield, Document Review Committee chair, delivered the Document Review Committee report. Mr. Mayfield stated that on January 10, 1996, he attended a technical meeting hosted by the Navy regarding the ecological survey field results.

Dr. Smith, EPA, commended the RAB members on their participation at technical meetings. Dr. Smith noted that WPNSTA Concord is one of the first non-closing bases to have active RAB participation in the technical aspects of the cleanup process.

Mr. Mayfield noted that the Document Review Committee met on January 9, 1996. Mr. Yee was slated to attend but could not participate due to a scheduling conflict. Mr. Mayfield stated that he would like to coordinate with Mr. Yee regarding the historical investigation documents noted by the Document Review Committee. He asked Mr. Yee how the Navy calculated its cost estimate for document reproduction, which was higher than the RAB's estimate. Mr. Yee explained that the estimate cost for a typical document would be more expensive than local reproduction stores because it often includes 11-by-17-inch maps placed in various locations of the report and binding, for a cost of about \$50.00 per report.

Dr. Smith offered to meet with the Document Review Committee to prioritize the documents to be copied for the RAB. Ms. Susan Gladstone, Regional Water Quality Control Board, noted that some older documents may summarize the previous work and that it may be redundant to review all documents.

Mr. Mayfield invited Dr. Smith and Ms. Gladstone to join the Document Review Committee at the next meeting to review the suggested list of documents to review and to prioritize them.

Mr. Koeppel asked Mr. Mayfield whether the Document Review Committee would brief individuals who join the RAB this year. Mr. Koeppel explained that he was concerned that the new RAB members would not have the same background as the RAB members who have participated since 1995. Mr. Mayfield stated that the Document Review Committee would provide new RAB members with appropriate background information.

### **B. Finance Committee Report**

No report was issued from the Finance Committee.

### **C. Legal Committee Report**

No report was issued from the Legal Committee.

### **D. Procedures Committee Report**

No report was issued from the Procedures Committee. Mr. Kory announced that the next meeting of the Procedures Committee will take place on February 1, at 7:00 p.m., at the Badge and Pass Office at WPNSTA Concord.

## **E. Public Relations Committee Report**

Mr. Henry O'Hagan, Public Relations Committee chair, reported that the Public Relations Committee met on January 5, 1996. He stated that he contacted two newspapers on an informal basis.

Mr. O'Hagan hoped to present new "action items" from the Public Relations Committee at the next RAB meeting.

### **1. Vote and Approval of Creation of "RAB Column"**

Mr. Henry O'Hagan reported that the Public Relations Committee recommended that the RAB develop a monthly newspaper column. This was discussed at the December 21, 1995, RAB meeting. Mr. Etzel suggested that the RAB try to use an ongoing or existing column as a mechanism for the RAB. Mr. Schwartz asked the RAB to approve the recommendation that the RAB authorize the Public Relations Committee contact local newspapers to establish a regular "RAB column." The RAB approved the recommendation.

### **2. Vote and Approval of Speaker's Forum**

Mr. O'Hagan stated that the Public Relations Committee recommended that the RAB create a speaker's forum. This was discussed at the December 21, 1995, RAB meeting. Mr. Schwartz asked the RAB to approve the recommendation that the RAB create a speaker's forum. The RAB approved the recommendation.

### **3. Vote and Approval of Membership Outreach Program**

Mr. O'Hagan reported that the Public Relations Committee recommended that the RAB establish a membership outreach program. This was discussed at the December 21, 1995, RAB meeting. Mr. Schwartz asked the RAB to approve the recommendation that the RAB create a membership outreach program to be administered by the Public Relations Committee. The RAB approved this recommendation.

Mr. O'Hagan noted that the next meeting of the Public Relations Committee would be held on Wednesday, January 24, 1996, at his house at 6:30 p.m.

## **NEW BUSINESS**

### **I. FUTURE AGENDA TOPICS**

Dr. Smith offered to deliver a presentation on preliminary data for the landfill site and site 2 of the Tidal Area.

Mr. Yee announced that Mr. Roger SooHoo, Navy, may deliver a presentation on the removal actions being considered for the Solid Waste Management Units. He stated that he would talk with Mr. SooHoo to see if he will be available for the February RAB meeting.

Mr. Yee also announced that he will invite an official from the Navy to the March RAB meeting for a presentation of and to discuss Defense Environmental Restoration Account (DERA) funding for the environmental cleanup at WPNSTA Concord.

## II. ANNOUNCEMENTS

No new announcements were presented at this meeting.

## III. PUBLIC COMMENT

Mr. Schwartz invited the public to comment on the issues raised in the meeting. Mr. Rich Purdue, Concord resident, stated that he submitted an application to join the RAB. Mr. Schwartz stated that the RAB would review the application.

## IV. ACTION ITEMS

The action items noted during the RAB meeting were as follows:

- The RAB will consider at the February meeting possible dates in April to schedule a site tour of the cleanup sites.
- Mr. Schwartz will make available at the February RAB meeting a sign-up sheet for the site tour to be conducted sometime in April.
- The RAB will vote on the membership/attendance proposal.
- Regulatory and Navy representatives will meet with the Document Review Committee to prioritize historical documents to be copied.
- The Document Review Committee is to prepare packet of information to update new members.
- The Public Relations Committee will establish "RAB column," speaker's forum, and membership outreach program.
- The Procedures Committee will review Rich Purdue's membership application.

## V. ADJOURNMENT

Mr. Schwartz adjourned the meeting at 9:17 p.m. A copy of these meeting minutes is available to the public in the information repository located at:

**Contra Costa County Library  
Main Branch  
1750 Oak Park Blvd.  
Pleasant Hill, CA 94523  
(510) 646-6434**



**ATTACHMENT A**

**LIST OF ATTENDEES  
THURSDAY, JANURARY 18, 1996**



**ATTACHMENT A**

**LIST OF ATTENDEES  
RESTORATION ADVISORY BOARD (RAB) MEETING**

Thursday, January 18, 1996

**1. COMMUNITY RAB MEMBERS**

Mr. Steven Bachofer; Mr. Richard Cox; Mr. Scott Etzel; Mr. Steve Gallo; Mr. Anthony Jorgenson; Mr. James Koeppel; Mr. David Kory; Ms. Sylvia Kotecki; Mr. Clint Mayfield; Ms. Colleen Monahan; Mr. Raymond O'Brien; Mr. Henry O'Hagan; Ms. Connie Peak; Mr. John Rosengard; Ms. Catie Roy; Mr. Herb Schwartz (community co-chair); Mr. Thomas Shirley; and Ms. Jeanne Waggoner.

**2. NAVY RAB MEMBERS.**

Mr. Richard Pieper, Naval Weapons Station (WPNSTA) Concord and Navy RAB Co-Chair; and Mr. Ronald Yee, Engineering Field Activity (EFA) WEST, remedial project manager

**3. REGULATORY AGENCY RAB MEMBERS**

Ms. Susan Gladstone, Regional Water Quality Control Board; and Dr. Barbara Smith, U.S. Environmental Protection Agency (EPA)

**4. OTHER ATTENDEES**

Mr. Rich Purdue, Concord resident; Ms. Tatiana Roodkowsky, PRC Environmental Management, Inc. (PRC); Ms. Barbara Sootkoos, PRC; and Mr. Bernard Tong, EFA WEST



**ATTACHMENT B**

**NAVAL WEAPONS STATION CONCORD  
RESTORATION ADVISORY BOARD MEETING AGENDA  
THURSDAY, JANUARY 18, 1996**



# AGENDA

## NAVAL WEAPONS STATION CONCORD RESTORATION ADVISORY BOARD MEETING

Thursday, January 18, 1996

7:00 p.m. - 9:00 p.m.  
Ambrose Community Center  
3105 Willow Pass Road  
Bay Point, California

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- |             |   |
|-------------|---|
| 7:00 - 7:05 | WELCOME AND INTRODUCTIONS   |
| 7:05 - 7:20 | COMMUNITY CO-CHAIR REPORT   |
| 7:20 - 7:40 | PUBLIC TRUST DOCTRINE AND THE COMPREHENSIVE ENVIRONMENTAL RESPONSE, COMPENSATION, AND LIABILITY ACT   |
| 7:40 - 7:50 | QUESTIONS AND ANSWERS   |
| 7:50 - 8:00 | BREAK   |
| 8:00 - 8:20 | MEMBERSHIP/ATTENDANCE DISCUSSION  |
| 8:20 - 8:45 | COMMITTEE REPORTS <ul style="list-style-type: none"><li>• Document Review Committee</li><li>• Finance Committee</li><li>• Procedures Committee</li><li>• Public Relations Committee</li></ul> <p>- Second reading of recommendations and vote on procedures for conducting public outreach</p> <p>[A description of these items, refer to the December 21, 1995, RAB minutes included in the RAB mailing]</p> |
| 8:45 - 8:55 | FUTURE AGENDA TOPICS AND REPORT ON STATUS OF ACTION ITEMS   |
| 8:55 - 9:00 | PUBLIC COMMENT  |
| 9:00        | ADJOURNMENT   |



**ATTACHMENT C**

**ANNOUNCEMENT REGARDING THE CALIFORNIA RESTORATION ADVISORY BOARD  
COMMUNITY MEMBERS CAUCUS MEETING**



## **ANNOUNCING:**

### **THE CALIFORNIA RESTORATION ADVISORY BOARD COMMUNITY MEMBERS CAUCUS**



*A voluntary network of concerned community members  
of Restoration Advisory Boards throughout California*

Community members working together to improve base cleanups, closures and conversion.  
Join the Caucus serving the interests of the Community Members.

#### **Next California RAB Community Members Caucus Meeting**

January 17, 1996 in San Francisco

At Arc Ecology 833 Market Street, 8th Floor (at Powell and Market)

#### **Next California EPA Base Closures Environmental Advisory Group Meeting**

January 18, 1996 in San Francisco

At CAREERPRO 425 Market Street (at Fremont and Market), Second Floor

***FOR INFORMATION CONTACT ARC ECOLOGY: 415-495-1786***

*Arc Ecology 833 Market Street, Suite 1107, San Francisco, CA 94103  
Phone 415.495.1786. Fax 415.495.1787 E-mail Arc @ IGC..Org*



## WHAT IS THE CALIFORNIA RAB COMMUNITY MEMBERS CAUCUS?

The California Restoration Advisory Board Community Members Caucus is a new network of community members of RABs from all over the state who are volunteering their time to improve the RAB process. The Caucus was created in October 1995 in San Francisco during a meeting of RAB community members from around the state. The Caucus was convened by Arc Ecology, which serves as its secretariat, and the San Francisco and Monterey Bay Area RAB Community Member Caucus. The objectives of the California RAB Caucus are to speed cleanup toward flexible reuse, to improve the conditions for RAB community members, and to ensure good quality environmental restoration of military bases in the State.

## WHAT IS THE PURPOSE OF THE CALIFORNIA RAB CAUCUS?

The Caucus helps RABs work better by

- Providing RAB members with resources to improve access to information and documentation
- Providing copies of DoD RAB and cleanup policies to RAB members
  - Developing and distributing Interpretations of DoD policies.
- Providing educational and technical resources to RAB community members on environmental cleanup, environmental law and RAB responsibilities
- Facilitating networking between RABs and community members
- Monitoring individual RABs to ensure their effectiveness and responsiveness to community member needs

The Caucus will improve Federal and State Policy by advocating

- better policies for RAB management
- adequate funding for cleanup to flexible reuse levels
- improved DoD management of environmental cleanup
- more vigorous Federal and State regulatory oversight of cleanup

## HOW WILL THE CAUCUS ACHIEVE ITS OBJECTIVES AND PURPOSES?

The California Environmental Protection Agency Base Closures Environmental Advisory Group (CBAG) meetings offers an important opportunity for public participation in statewide base cleanup policy development. Established by the Governor to advise the base cleanup process in California, CBAG meetings provide a forum for the consideration and referral of public concerns (including those of RAB members) to the base cleanup coordinating agencies in California for action. Because the CBAG can provide a vehicle for achieving Caucus policy objectives, Caucus meetings will coincide with the CBAG quarterly meetings. The RAB Caucus meetings will air concerns and develop coordinated strategies around RAB issues for presentation to the CBAG. Over time the Caucus will be able to track and document the State's response to RAB needs. The Caucus meetings also offer a forum for troubleshooting individual RAB problems and sharing resources.

## AGENDA

### FOR MEETING OF THE CALIFORNIA RAB COMMUNITY MEMBERS CAUCUS

#### January 17th

6:00 - 9:00 pm: Statewide RAB Community Member Caucus Meeting

1. Review and approve purpose of the Statewide RAB  
(see attached Meeting Notes from October)
2. Form a Statewide RAB agenda committee
3. Review CAL/EPA Advisory Group's meeting agenda  
decide on strategy for meeting
4. Prepare for meeting with Department of Toxic Substances  
Control (DTSC) representatives. (see below)
5. RAB reports

#### January 18th

9:00 am - 4:00 pm: Attend CAL/EPA Advisory Group Meeting

4:00 - 5:00 pm: Meet with DTSC representatives to discuss concerns regarding  
DTSC's oversight of the military cleanup and participation in  
the RABs

5:00 - 7:00 pm: Statewide RAB Caucus Follow-up Meeting:

1. Follow-up on Advisory Group meeting  
create list of agenda items for next Advisory Group meeting
2. Create list of concerns, issues, problems for the Statewide  
RAB to address
3. Discuss next Statewide RAB meeting  
propose agenda items  
determine outreach strategies

**DRAFT**

**Community Members of Various RABs Statewide Meeting  
Meeting Notes - October 17 and 19, 1995**

**Proposal for Statewide Restoration Advisory Board Caucus**

- Provide vehicle for RAB Community members to meet quarterly.
- Facilitate the formation of additional regional RAB caucuses.  
( e.g. Sacramento, Central Valley, San Diego)
- Provide mutual aid to RABs in need of:
  - Legal aid
  - Environmental/technical aid
  - Political aid
- Be the "Junkyard Dog" in the RAB process. The Statewide RAB Caucus may take positions on issues that local, regional and state officials may find difficult to take publicly.
- Provide input and feedback to CAL/EPA Base Closure Environmental Advisory Group (CBCEAG). Bring agenda items to CBCEAG.
- Provide input and feedback directly to the military, US Environmental Protection Agency, Department of Toxic Substances Control (DTSC) and other Federal and State agencies.

**Organizational Issues:**

- We need to write a letter for distribution to all community RAB members in California. The letter will describe a convening conference for the Statewide RAB Caucus before the next CBCEAG meeting in January.
- We need to write a letter to CAL/EPA suggesting the following agenda items for the next CBCEAG meeting in January:
  - Compliance-related issues
  - Inclusion of open bases in CBCEAG's scope
  - Current and past budget appropriations for the CBCEAG and the California Military Environmental Coordination Committee (CMECC)
  - Current CBCEAG budget allocations
  - Facilitation of CBCEAG meetings
  - Outreach from the CBCEAG to RAB community members
  - Coordination and communication between the CBCEAG and the CMECC

- We estimate an annual budget of \$25,000 for travel, lodging and mailings.
- We suggest that RAB members who attended this preliminary meeting travel to other RABs to describe the formation of a statewide RAB caucus
- Some members suggested that we study the use of press releases and local cable TV to inform the public about base closure and RAB issues.
- Some members suggested that we develop a chain of command for each Federal and State agency, with a decision-making tree
- Some members suggested that we create a list of elected officials (Federal, State and local) who represent the stakeholders surrounding each military base

#### **Identification of some statewide issues**

- Department of Defense's BRAC environmental cleanup budget cuts
- Cuts in funding for the State's oversight of DOD cleanups
- Educating Congressional representatives about cleanup funding requirements
- Lack of hiring local firms for DOD cleanup contracts
- Land use and transfer issues

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- more vigorous Federal and State regulatory oversight of cleanup

## **HOW WILL THE CAUCUS ACHIEVE ITS OBJECTIVES AND PURPOSES?**

The California Environmental Protection Agency Base Closures Environmental Advisory Group (CBAG) meetings offers an important opportunity for public participation in statewide base cleanup policy development. Established by the Governor to advise the base cleanup process in California, CBAG meetings provide a forum for the consideration and referral of public concerns (including those of RAB members) to the base cleanup coordinating agencies in California for action. Because the CBAG can provide a vehicle for achieving Caucus policy objectives, Caucus meetings will coincide with the CBAG quarterly meetings. The RAB Caucus meetings will air concerns and develop coordinated strategies around RAB issues for presentation to the CBAG. Over time the Caucus will be able to track and document the State's response to RAB needs. The Caucus meetings also offer a forum for troubleshooting individual RAB problems and sharing resources.

## POLICY FRAMEWORK FOR MILITARY BASE CLEANUP IN CALIFORNIA

### **WHO MAKES THE DECISIONS? THE DEFENSE DEPARTMENT, CONGRESS & THE GOVERNOR**

The Defense Department establishes the policies for military base closures under the combined oversight of the President, Congress and the U.S. Environmental Protection Agency. The policies governing public participation, applicable regulations and hierarchy of objectives are developed in a consultative process involving these three entities. The President and Defense Department propose the policies; the EPA analyzes the environmental and public participation implications of the policies; and Congress determines the budget.

The Governor, through the State administrative agencies, sets California's policies regarding base closures. The State administrative agencies including the California Environmental Protection Agency (CEPA) and its Department of Toxic Substances Control (DTSC) and Water Resources Board (WQCB) oversee the process and enforce environmental standards. The Governor's Office of Planning and Research coordinates activities for the Governor.

### **WHO RECOMMENDS THE POLICIES? THE CA MILITARY ENVIRONMENTAL COORDINATING COMMITTEE**

The California Military Environmental Coordinating Committee (CMECC) is a combined Federal and State interagency task force that plans, problem solves and coordinates base cleanup implementation in California. Members of the CMECC include the Air Force, Navy, Army and Marines, the USEPA, the CAEPA, the DTSC, the WQCB, and other California agencies. The CMECC is staffed by PRC Environmental -- a commercial contractor now holding the Comprehensive Long term Environmental Assessment, Navy (CLEAN) contract. The CMECC reports directly to the Pentagon and the Governor's office. CMECC meetings are closed to the public.

### **HOW DOES THE PUBLIC PARTICIPATE? THE CA EPA BASE CLOSURES ENVIRONMENTAL ADVISORY GROUP**

The Governor established the California Environmental Protection Agency Base Closure Environmental Advisory Group (CBAG) to create a forum for community and stakeholder input to advise the CMECC on the development of policies for military base cleanups in California. The CBAG is composed of the representatives of local governments, associations of legislators, academic institutions like San Francisco State University's CAREERPRO project, and non-governmental organizations like Arc Ecology. The CBAG provides an opportunity to air community concerns and issues affecting military base cleanup. The CBAG meetings are open to the public; CBAG is the only Statewide advisory venue for the public to affect the policies governing military cleanups.

**Community Members of Various RABs Statewide Meeting  
Meeting Notes - October 17 and 19, 1995**

**Proposal for Statewide Restoration Advisory Board Caucus**

- Provide vehicle for RAB Community members to meet quarterly.
- Facilitate the formation of additional regional RAB caucuses.  
( e.g. Sacramento, Central Valley, San Diego)
- Provide mutual aid to RABs in need of:
  - Legal aid
  - Environmental/technical aid
  - Political aid
- Be the "Junkyard Dog" in the RAB process. The Statewide RAB Caucus may take positions on issues that local, regional and state officials may find difficult to take publicly.
- Provide input and feedback to CAL/EPA Base Closure Environmental Advisory Group (CBCEAG). Bring agenda items to CBCEAG.
- Provide input and feedback directly to the military, US Environmental Protection Agency, Department of Toxic Substances Control (DTSC) and other Federal and State agencies.

**Organizational Issues:**

- We need to write a letter for distribution to all community RAB members in California. The letter will describe a convening conference for the Statewide RAB Caucus before the next CBCEAG meeting in January.
- We need to write a letter to CAL/EPA suggesting the following agenda items for the next CBCEAG meeting in January:
  - Compliance-related issues
  - Inclusion of open bases in CBCEAG's scope
  - Current and past budget appropriations for the CBCEAG and the California Military Environmental Coordination Committee (CMECC)
  - Current CBCEAG budget allocations
  - Facilitation of CBCEAG meetings
  - Outreach from the CBCEAG to RAB community members
  - Coordination and communication between the CBCEAG and the CMECC

travel scholarship, which includes plane fare (between 50-100%) and hotel accommodations (100%), call Karen Huggins at the Arc Ecology office.

### **HOW DO I JOIN THE CALIFORNIA RAB CAUCUS?**

If you are a Community Member of a RAB in California, simply call Karen Huggins at Arc Ecology - 415-495-1786, and you will be placed on the Caucus mailing list and begin to receive your membership survey and resource packet. You will receive meeting announcements and calls from Karen to discuss Caucus issues. There's no charge.

Arc Ecology is a nonprofit, nongovernmental, public interest organization with twelve years of experience in the area of military base pollution. Representatives of Arc Ecology are members of five RABs and three local reuse advisory committees. Arc is represented on the CBAG and serves as the secretariat for the San Francisco and Monterey Bay Area RAB Community Member Caucus. This mailing and the October 1995 meeting of the California RAB Community Members Caucus were made possible through a generous grant from the Richard and Rhoda Goldman Foundation of San Francisco.

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