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RESTORATION ADVISORY BOARD MEETING
NAVAL WEAPONS STATION SEAL BEACH DETACHMENT, CONCORD

CONDENSED TRANSCRIPT

TRANSCRIPT OF PROCEEDINGS

HELD AT

Clyde Community Center
109 Wellington Avenue
Clyde, California 94520

Taken before DONNA L. ARCHULETA

Certified Shorthand Reporter

State of California

February 4, 2002

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1 PERSONS PRESENT IN AUDIENCE (Continued)
 2
 3 Harry Byrne
 4 Dan Fowler
 5 Jim Forsberg
 6 Claudette Altamisano
 7 Anita Price
 8 Claire (Undiscernible)
 9
 10 ---oOo---
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 25 (ii)

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1 PERSONS PRESENT
 2
 3 Marcus O'Connell, Co-chair, Concord Resident
 4 Rudy Pontemayor, Co-chair, U.S. Navy
 5 Amado Andal, U.S. Navy
 6 John Bosche, Tetra Tech EMI
 7 Joanna Canepa, Tetra Tech EMI
 8 Evelyn Freitas, Concord Resident
 9 David Griffith, City of Concord
 10 Carolyn Hunter, Tetra Tech EMI
 11 Dean McLeod, Contra Costa County Historical Association
 12 Laurent Meillier, RWQCB
 13 Raymond O'Brien, Bay Point Resident
 14 Tom Pinard, U.S. Navy
 15 Jim Pinasco, DTSC
 16 Phillip Ramsey, U.S. EPA
 17 Gay Tanasescu, Bay Point Resident
 18 Mary Lou Williams, Concord Resident
 19
 20
 21 PERSONS PRESENT IN AUDIENCE
 22
 23 David Cooper, U.S. EPA
 24 Beth Byrne
 25 (i)

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1 FEBRUARY 4, 2002 PROCEEDINGS 7:04 P.M.
 2 MR. O'CONNELL: I think most of the cases here
 3 are familiar. This is the Restoration Advisory Board.
 4 Basically, our task is to be an open forum, to take from
 5 you the input and to make sure, you know, what's taking
 6 place here at the Weapons Station is to the community's
 7 satisfaction. And that's our fundamental role.
 8 The Board we have is comprised of two folks from
 9 the Navy, three people from the Regulators, the Community
 10 Environmental Protection Agency, the Department of Toxic
 11 Substance Control, and the Regional Water Quality Control
 12 Board.
 13 And then we have community members. There are
 14 eight of us here. And there are two co-chairs. I'm the
 15 community co-chair. My name is Marcus O'Connell. And
 16 this is the Navy co-chair, Rudy Pontemayor.
 17 Officially, we're less than a month old at this
 18 point, so we're still pretty new. The cleanup has been
 19 going on for about -- almost 20 years. So we're -- we
 20 all have a lot of catching up to do here, a lot of
 21 history and a lot of stuff that we need to speed up on.
 22 As for the ground rules for this meeting,
 23 basically we treat each other courteously, and that's the
 24 basic ground rule. We have a couple of ground rules
 25 tonight that have to do with the fact that we have a

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1 court reporter present. Essentially, that is to speak
 2 clearly so she can pick it up. And also when you speak,
 3 especially if I don't have a name tag in front of you, be
 4 sure to say your name first, so she can record who you
 5 are. That's important. That's to get -- I'll get to
 6 that in just a minute.

7 We have a lot of things to cover tonight. So
 8 one thing we need to do is really speed through this
 9 agenda. We need a lot of laser thinking. We need to be
 10 pretty precise. We need to cover a lot of ground in two
 11 hours, especially if we're going to see the main event
 12 here. We have a lot of housekeeping things to take care
 13 of first, which we can probably get out of the way pretty
 14 quickly and gain some time. But again, we need to go
 15 fairly quickly.

16 If something comes up, let's stick to the agenda
 17 just to play it safe. If something comes up that you
 18 want to talk about that's not on the agenda, let's put it
 19 at the end of the meeting, and then we'll talk about it
 20 afterwards. But we're going to stick with the agenda and
 21 get through that, and then we'll get into what we call
 22 the other business.

23 The court reporter here assures that any comment
 24 that anyone cares to make is going to be addressed, and
 25 so that's the reason that she's here. We need people, as

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1 of Concord.

2 MR. McLEOD: I'm Dean McLeod with the Contra
 3 Costa County Historical Society.

4 MS. HUNTER: Carolyn Hunter, Tetra Tech.

5 MR. BOSCHE: John Bosche with Tetra Tech.

6 MR. ANDAL: Amado Andal with the United States
 7 Navy, Naval Weapons Station.

8 MS. FREITAS: Evelyn Freitas, Concord resident.

9 MR. PINARD: Tom Pinard with the U.S. Navy, and
 10 I'm sitting in for Gil Rivera who is not able to be here
 11 tonight.

12 MS. WILLIAMS: Mary Lou Williams, Concord
 13 resident.

14 MR. O'BRIEN: Ray O'Brien, Bay Point.

15 MR. PONTEMAYOR: Rudy Pontemayor, Navy co-chair
 16 from Concord.

17 MR. O'CONNELL: Okay. One --

18 MS. CANEPA: Joanna Canepa with Tetra Tech.
 19 Sorry, I snuck in behind you.

20 MR. O'CONNELL: So at this point on the agenda,
 21 we have the community comment period, and that's very --
 22 this is anyone's opportunity to comment on anything
 23 that's not on tonight's agenda for three minutes. And of
 24 course, you can comment all throughout the meeting on
 25 anything that is on the agenda and afterwards probably on

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1 I said before, to identify themselves and to speak so
 2 that the court reporter can get it down. If you have any
 3 written material that you're going to submit tonight,
 4 please give it to the court reporter. Anyway, that's
 5 that.

6 I think we need to just go to some housekeeping
 7 things. Let's go through the agenda and take a look at
 8 it. I want to know if it's acceptable to everyone, if
 9 anyone would like -- has any changes that they'd like to
 10 propose. Nothing heard, I'll go ahead.

11 Let's introduce ourselves real briefly. We'll
 12 go around the room and just say our names and where we're
 13 from or who we represent.

14 My name is Marcus O'Connell. I'm a resident of
 15 Concord.

16 MR. RAMSEY: Thanks, Marcus. I'm Phillip
 17 Ramsey. I'm with the United States Environmental
 18 Protection Agency. I'm the agency representative on the
 19 Concord cleanup.

20 MS. TANASESCU: I'm Gay Tanasescu, Bay Point
 21 resident.

22 MR. PINASCO: Jim Pinasco, representative of the
 23 Department of Toxic Substance Control and the project
 24 manager for the site.

25 MR. GRIFFITH: I'm David Griffith with the City

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1 anything that's not on the agenda at that point. But it
 2 is important, I think, to have a public comment period go
 3 ahead first.

4 So would anyone like to say anything?

5 It was suggested to me that maybe the audience
 6 would like to introduce themselves too. They're not the
 7 audience, actually. They're part of what's going on
 8 here. This is a participatory thing.

9 MS. BYRNE: Beth Byrne, Concord resident.

10 MR. BYRNE: Harry Byrne, Concord resident and a
 11 representative of DENA.

12 MR. FOWLER: Dan Fowler, chairman of DENA.

13 MR. FREITAS: Tom Freitas, Concord resident.

14 MR. FORSBERG: Jim Forsberg, director of
 15 planning for the City of Concord.

16 MS. ALTAMISANO: Claudette Altamisano,
 17 contractor with the Navy.

18 MS. PRICE: Anita Price, Clyde.

19 FEMALE: Claire (undiscernible), Clyde.

20 MR. COOPER: David Cooper, with the U.S.
 21 Environmental Protection Agency.

22 MR. O'CONNELL: With that, I'd like to turn it
 23 over to you, Rudy.

24 MR. PONTEMAYOR: Thank you. We are now opening
 25 the table for the third item on the agenda, the approval

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1 of December 3rd minutes as well as January 7th. So we
2 are taking any of your comments, written or verbal, any
3 concerns, any changes.

4 Gay.

5 MS. TANASESCU: I had a few. I did write in for
6 some changes, which I saw were made. But the other thing
7 that I was very concerned about was at that first meeting
8 there were quite a few people here in the audience who
9 spoke, and there's no mention of them in the minutes, who
10 they were or what they said.

11 I don't find the minutes overall to be complete,
12 and I would really like to request that transcripts of
13 the last two meetings be made and entered into the
14 Administrative Record.

15 MR. PONTEMAYOR: All right. We have a tape of
16 those meetings. We will review the tapes and give credit
17 to whoever made that comment on that specific --

18 MS. TANASESCU: Well, I'm asking for more than
19 that. I'm asking for the transcript to be entered into
20 the record of the tapes.

21 MR. PONTEMAYOR: Okay. Since Gil is not here --

22 MR. PINARD: Yeah, you're wanting a full
23 transcript of every conversation that went on at the --
24 at each meeting?

25 MS. TANASESCU: Well, there were a lot of things

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1 advisory board members that are all identified. And the
2 minutes should be -- I mean, you can go all the way to
3 President Bush and maybe get a ruling on this better than
4 what I'm saying.

5 But in my 13 years, the minutes are supposed to
6 be what you as a board officially are saying and/or
7 making comments about. Doesn't that make sense?

8 MS. TANASESCU: I'm not saying that it doesn't
9 make sense.

10 MR. PINARD: Right.

11 MS. TANASESCU: But I'm saying in addition to
12 that, because they're shareholders in what's going on
13 here too. And I think whatever they have to say is just
14 as important as what we have to say. They're part of the
15 public process, and I'd like to have that recorded.

16 MR. PINARD: I beg to differ with you in that
17 you could -- this is -- you could go forever on this.

18 MS. TANASESCU: That's true, but there had been
19 so much contention and so much distrust prior to this
20 that --

21 MR. PINARD: Why don't we get started with
22 trust. And I mean, we've had three meetings, and we're
23 moving along. You know, if something --

24 MS. TANASESCU: The minutes that we looked at
25 weren't accurate.

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1 that were said that I know some people can't remember at
2 this point. It's just that there's too many things that
3 are taken out of context. And the minutes are based on
4 one person's perception. It's not based on facts. And I
5 would just like to have a factual record kept of what was
6 said.

7 MR. PINARD: If you're a RAB -- and if I may
8 object as a formal public official of some years, we had
9 minutes taken at meetings that I was a part of for 13
10 years. And those minutes involve the official comments
11 of the people who were involved. We had a five-member
12 Board. You have eight, ten, whatever, if you want to
13 include the regulators in the Navy. Okay. And your
14 official comments should be a part of your minutes.

15 Now, I mean, you can parse this all the way down
16 to someone making a comment in the audience. But the
17 bottom line is that your actions are what are supposed to
18 be recorded as minutes, your comments, your official
19 comments concerning X, Y, or Z.

20 MS. TANASESCU: Well, official public comments
21 should also be made.

22 MR. PINARD: If they were germane to something
23 that was said at the time, I mean, if it was a decision
24 and someone got up and for the record da-da-da at a
25 public hearing, but this is an advisory board with

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1 MR. PINARD: Well, how accurate should they be?

2 MS. TANASESCU: Okay. I mean, there were things
3 left out. There were things attributed or given credit
4 to the wrong people. I mean, I just -- I don't think
5 they were a quality set of minutes.

6 MR. PINARD: Well, that's why you should come
7 back and change it. Before you approve the minutes,
8 you're supposed to be making your changes to the minutes.

9 MS. TANASESCU: I understand that. I was
10 frustrated at that first meeting where a lot of people were
11 asked for their input and were writing things all across
12 the board.

13 MR. PINARD: Right.

14 MS. TANASESCU: And it just seemed like after
15 all those hours of sitting here --

16 MR. PINARD: Well, we've got those points on the
17 board, and they were in the document.

18 MS. TANASESCU: I just don't consider the
19 minutes complete. I'm sorry, I disagree.

20 MR. PONTEMAYOR: Dean, you have a point on this?

21 MR. McLEOD: Yeah, I want to put my two cents
22 into this. Are we then to put in the record that the
23 Navy is refusing to provide us with a transcript of the
24 first three meetings?

25 MR. PONTEMAYOR: I would say that we need to

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1 discuss that with the RPM and then come up with a
 2 consensus on the best way to handle these things.
 3 MR. McLEOD: We'll have an answer by the next
 4 meeting?
 5 MR. PONTEMAYOR: Hopefully. The intent of
 6 having a notetaker take minutes is what Marcus alluded to
 7 is for convenience and accuracy as well. Everybody is
 8 given a chance to provide comments, make corrections on
 9 the minutes before it becomes final so that it represents
 10 an accurate record of the meeting for the particular
 11 date.
 12 MR. McLEOD: That makes our argument complete
 13 then, because convenience is not necessarily the same
 14 thing as accuracy and completeness, and we're more
 15 interested in accuracy and completeness than convenience.
 16 MR. PONTEMAYOR: Marcus.
 17 MR. O'CONNELL: I'd like to point out that
 18 there's a lot of precedent of keeping a transcript, both
 19 a court reporter's transcript and the minutes with graphs
 20 in the State of California. If you log onto the website
 21 in your southwest division -- and I don't know the
 22 terminology. I could get it, but MAFAX -- what MAFAX
 23 feeds up to in the hierarchy, the southwest division --
 24 their website has the minutes and the transcript for many
 25 RAB meetings, because the matters that are addressed here

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1 transcribe the tape and possibly put it in a narrative at
 2 some RABs and possibly all of them. And I'm not saying
 3 that it isn't -- but I guess what I'm saying is that if
 4 you're talking about trying to get your -- what you're
 5 doing officially into the record, I'm just conveying how
 6 many, many boards in the state of California do it and
 7 why not do it that way?
 8 But if you want to cover -- if we want to cover
 9 the cost, "we" being the taxpayers in the United States,
 10 do it. If it needs to be done and you want it done, do
 11 it. Money -- if money is no object, do it, and then you
 12 have it.
 13 MR. PONTEMAYOR: Any more comments, general or
 14 specific?
 15 MR. O'CONNELL: I have corrections, but I don't
 16 want to --
 17 MR. O'BRIEN: Well, I would like to know what
 18 our policy would be going forward regarding community
 19 comments at the beginning of each meeting? Will those be
 20 recorded or not?
 21 MR. PONTEMAYOR: I think they're part of the
 22 official meeting, so I would suggest that the comments be
 23 recorded.
 24 MR. RAMSEY: Yeah.
 25 MS. TANASESCU: Yeah.

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1 are so serious that they narrate it. So there is
 2 precedent for it. To say it hasn't been done is simply
 3 not true, and I would refer you to the website.
 4 MR. McLEOD: I wasn't saying --
 5 MR. O'CONNELL: I'd like to also say that I've
 6 been to the Information Repository and looked at the old
 7 RAB minutes for this particular RAB to look at what did
 8 exist a number of years ago, and they're invaluable. But
 9 I mean, they're a rich mine to help me understand what's
 10 going on.
 11 However, I have a little mistrust of them
 12 because of the quality of the minutes we've gotten from
 13 these meetings. I really don't -- you know, I feel like
 14 I've -- I tend to want to read between the lines, and I
 15 think a transcript would be much better.
 16 MR. PONTEMAYOR: I suggest --
 17 MR. O'CONNELL: I have some corrections I would
 18 like to make when we get done with this discussion.
 19 MR. PONTEMAYOR: I suggest that we do some more
 20 research on this, on the Navy's side, and poll the
 21 reasonableness of many people on what we can do.
 22 MR. PINARD: Well, we do a variety of things. I
 23 cover four or five RABs in the Bay Area, and we have
 24 court reporters, and we don't have court reporters. We
 25 have tapes. And at every RAB it is different. And they

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1 MR. O'CONNELL: You had a question?
 2 MR. GRIFFITH: I'm not sure if I support the
 3 transcript or not at this point, but my question would
 4 be, is it a matter of money? Is that the only matter?
 5 MR. PINARD: No. No. It's -- well, I think it
 6 becomes that way if, in fact, when your subcommittee or
 7 committee records that on what your budget is and on what
 8 you want to spend your money.
 9 MR. GRIFFITH: That's why I'm asking. If it
 10 turns out we do have a budget to follow, I would say we
 11 seriously look at that budget overall, because a reporter
 12 might burn a large percentage of the budget we're wanting
 13 to spend somewhere else.
 14 MR. PINARD: That's up to you as a RAB.
 15 MR. GRIFFITH: That's my concern as a RAB. We
 16 should seriously consider that request.
 17 MR. PINARD: Yeah.
 18 MR. GRIFFITH: So if you're talking about a
 19 research on it, you can decide if we have a budget and
 20 what it is, and that would be part of the decision.
 21 MR. PONTEMAYOR: Okay.
 22 Marcus.
 23 MR. O'CONNELL: I would want to caution the
 24 representative from the City of Concord to not get too
 25 much into the budget, because elsewhere they starve RAB

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1 and literally starve them out of existence. I wouldn't
 2 say the Navy, but that's been done nationally at other
 3 RABs, and that could easily be done here.
 4 And the Navy spent \$6,000,000 just on doing
 5 studies on a small area down here, and this \$6,000,000 on
 6 studies, nothing has been done yet. And I think that we
 7 can afford a transcript of these meetings. They're
 8 spending money like water.

9 Can I make corrections, perhaps? Go ahead.
 10 MS. FREITAS: I'd like to also note that -- and
 11 I hate to say it in these words, but I'm going to say it
 12 anyway, but I think we need a court reporter to make sure
 13 that we have all the facts and all the information, pro
 14 and con, because if this does end up going into a legal
 15 lawsuit we are going to need those records, and we need
 16 to have them accurate.

17 MR. PONTEMAYOR: Okay. Anything else?
 18 So it seems that we still have some questions on
 19 the minutes. What would the members propose to do?
 20 Table minutes and delay the approval to the next meeting
 21 until everybody is satisfied of the accuracy of the
 22 minutes?

23 MR. O'CONNELL: I don't think our satisfaction
 24 will improve unless we make some corrections that we
 25 remember, because I'm going to forget. Could I make some

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1 sentence.

2 MS. TANASESCU: You're on the January 7th
 3 minutes?

4 MR. O'CONNELL: Yes, I am.

5 MS. TANASESCU: Because the only ones we have
 6 are the 23rd and the 3rd.

7 MR. PINARD: January 23rd.

8 MS. CANEPA: You have January 7th.

9 MS. FREITAS: Are you on the 7th, Marcus, or the
 10 3rd?

11 MR. O'CONNELL: I am on the 7th, yeah. I
 12 believe the 3rd is open. Those are public; is that
 13 right?

14 MS. TANASESCU: I don't have the original.

15 MS. CANEPA: Those were handed out at the last
 16 RAB meeting. We have extra copies at the back.

17 MR. O'CONNELL: Well, I'm going ahead, anyway,
 18 to the -- my concern was not that the Navy had a
 19 Joint-Use Committee, but that a Joint-Use Committee was
 20 in session.

21 On item 14 it says, "Mr. O'Connell said that the
 22 current Community Relations Plan is of poor quality and
 23 that community outreach has been ineffective. He
 24 requested that the Navy follow through with implementing
 25 and improving the CRP." I believe -- and I'm doing this

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1 corrections? I would like to make some corrections to
 2 the minutes.

3 MR. PONTEMAYOR: Sure, please.

4 MR. O'CONNELL: These are in regard to the
 5 January 7th minutes. On page one, third paragraph it
 6 says, "Mr. O'Connell expressed his concern that the
 7 meeting agenda," et cetera. I would like to rephrase
 8 that to say that Mr. O'Connell expressed his concern that
 9 the agenda did not follow the agenda agreed upon at the
 10 previous meetings.

11 Going on to page four, the last paragraph under
 12 item No. 3, the second sentence says, "He does not want
 13 the printing costs of reviewing documents to be billed to
 14 the RAB." That should read he does want the cost of
 15 printing to be billed to the RAB and not to RAB members.

16 Under item -- on page six, under item 11, the
 17 second sentence says, "The concern is that Navy has an
 18 existing Joint-Use Study Committee." The concern is not
 19 that the Navy has one. It's an independent -- it's quite
 20 independent of the Navy. The Navy is not actually
 21 official to sit on the Joint-Use Committee; although,
 22 they are on the task force.

23 MS. FREITAS: Excuse me, Marcus. Where are you,
 24 please?

25 MR. O'CONNELL: Page six, item 11, second

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1 from recall -- that I commented that the previous CRP was
 2 done by an environmental firm, and it would benefit
 3 by being done by -- being written by a marketing
 4 communications firm.

5 Under item 15 it says, "Mr. O'Connell said that
 6 he is concerned that the Navy and the human health risk
 7 assessors are not seriously considering the issue." I
 8 think I said that I was concerned that the human risk
 9 assessors had not visited the site and the fire had
 10 made -- mistakenly said there are no residents --
 11 residences close to it in their report.

12 On item 16, it says that I said that a budget
 13 of -- or let's put it this way, the cost of the prior --
 14 the prior expenditures on different sites would provide
 15 the RAB with a priority list of documents that we should
 16 review. I did not say that. I said that it would give
 17 us an idea of the priority with which the sites are being
 18 addressed, not with which the documents should be
 19 reviewed.

20 And on item 20, it says that I requested a
 21 number of documents that were in the Navy's response to
 22 the RAB suggestion No. 19. I actually requested those
 23 and also the laws that I mentioned in the Federal
 24 facilities meeting. And that's it.

25 MR. PONTEMAYOR: Any more comments on the

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1 January 7th minutes?
 2 We will make those corrections, and hopefully
 3 we'll approve the minutes before our March 4th meeting.
 4 Any comments on the January 27th minutes -- I'm
 5 sorry, 23rd?
 6 MS. CANEPA: Those were just distributed
 7 tonight, so not many people have had a chance to review
 8 them.
 9 MR. PONTEMAYOR: Ray.
 10 MR. O'BRIEN: On page four, second paragraph, it
 11 says in the minutes here, "David Cooper stated that
 12 residents of Concord have applied for a Technical
 13 Assistance Grant." I don't know if David actually said
 14 that, but it should be corrected to state that it
 15 includes residents of Concord and Bay Point.
 16 MR. COOPER: I'm sorry, this is David Cooper
 17 from the back.
 18 If the purpose of correcting the minutes is to
 19 put in what people actually said, I wouldn't have thought
 20 to say Bay Point. So whether I was mistaken or not, I
 21 probably only said Concord.
 22 MR. O'BRIEN: Well, it should say Bay Point, I
 23 think.
 24 MR. COOPER: Well, the minutes should be an
 25 accurate representation of what people actually say, not

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1 the people believe they had their points, you know, their
 2 comments captured.
 3 MR. O'BRIEN: Part of the reason that I made
 4 that statement is that there has been some concern
 5 expressed here that we have community outreach and that
 6 we involve all the communities that border the Weapons
 7 Station.
 8 Bay Point certainly is a community that borders
 9 the Weapons Station. I find it appalling that this Tidal
 10 draft -- Tidal Area ROD does not even mention that Bay
 11 Point borders the Weapons Station.
 12 MR. GRIFFITH: There are 23,000 people there.
 13 MR. PONTEMAYOR: Any more comments? If you have
 14 any other -- yes, Ray.
 15 MR. O'BRIEN: On the community comments and
 16 requests that are attached on December 19th, No. 24,
 17 "Distribute a timeline of integrated natural resources,
 18 funded ultra resources, and natural resources," this -- I
 19 made this point, and it has totally been taken out of
 20 context, and it is not correct.
 21 I requested that we be presented with a master
 22 plan which integrates the cultural resources, the natural
 23 resources, and the two studies that are being done for
 24 joint use of the base.
 25 MS. HUNTER: Can I say one thing real quickly?

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1 what people want to say, think they should say. That's
 2 not how you correct the record, just to make a point
 3 about that.
 4 MR. McLEOD: How do we know exactly what was
 5 said without a transcript?
 6 MR. COOPER: That's a good point.
 7 MR. RAMSEY: Well, I mean, if you are really
 8 having controversies, then people need to go back, and
 9 particularly have these people go back, look, and listen
 10 to the tapes, if they really need to.
 11 MR. McLEOD: But you can't -- if you're going
 12 from minutes and you have the opportunity to approve the
 13 minutes in the next meeting or not approve the minutes,
 14 you have to say yes or no. And how can you say that
 15 if --
 16 MR. RAMSEY: Mr. McLeod, you just have to look
 17 at the statements being made and the public -- you know,
 18 the people that are putting these in the record. And you
 19 have to go, "What was the concept? What was the point I
 20 was trying to make? If it was last month, what was the
 21 point I was trying to make, and do these meeting minutes
 22 capture that point?"
 23 And if it's not exactly right, we could -- you
 24 know, there's everyone here, and we do our best to, I
 25 think, try to, you know, end the meeting minutes so that

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1 We're five minutes over our time for the approval of the
 2 minutes, just to let you know so that we can move on with
 3 the agenda.
 4 MR. PONTEMAYOR: All right. Anything else?
 5 Otherwise, we'll move on with the next.
 6 Marcus.
 7 MR. O'CONNELL: Community announcements, the RAB
 8 Procedures and Operations Subcommittee met on the -- on
 9 last Wednesday for the first time. We were charged with
 10 coming up with new bylaws. The previous draft took over
 11 a year and half working on bylaws, and they never
 12 actually adopted some.
 13 I think we're off to a pretty good start. I
 14 hope we are. And I hope that we're able to bring back
 15 some bylaws as early as next month. It isn't rocket
 16 science, and I think that with some concerted effort we
 17 can do it.
 18 We're going to meet again on February 11th 6:00
 19 p.m. at Concord City Hall, possibly in the garden
 20 conference room. We're not sure yet. But if anyone
 21 would like to come and doesn't know where we met last
 22 time, the garden room is in front of the kiosk in front
 23 of the big council chambers.
 24 That's my report, and I hope we gained some
 25 time. I'll hand it back to you, Rudy.

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1 MR. PONTEMAYOR: Okay. Now, the next item on
 2 the agenda is the follow-up actions from previous
 3 meetings, and I would just go down the list and provide
 4 an update on those action items.
 5 Part of that action item was to provide December
 6 3rd minutes to the RAB members for final review before
 7 the February 4th meeting. That was provided. Although,
 8 I must apologize that under the time crunch, everybody
 9 didn't have enough time to -- I suppose to really digest
 10 all of what was provided. But hopefully, as we progress
 11 and we are able to have a good schedule, these things
 12 will probably happen on a regular basis so that everybody
 13 can be afforded the time to review any documentation
 14 provided.

15 The second item was that I'm supposed to provide
 16 an e-mail to the RAB members on the community on the --
 17 with an address on DENIX or proposed Information
 18 Repository website. That was provided by e-mail to
 19 everybody.

20 And I have a printout of what the website looks
 21 like. On the flip side of this printout, you will notice
 22 a Navy restoration heading there, and that is where the
 23 documents were posted.

24 In fact, the documents that are currently on
 25 review were already posted there. And if you turn to the

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1 MR. RAMSEY: Hopefully that would be okay with
 2 the RAB members. It's a little easier for me to do it
 3 that way than to overload the mail system and try to get
 4 letters out to folks.

5 MR. PONTEMAYOR: That's fine. If the RAB wants
 6 to get that e-mail, I could probably scan that and e-mail
 7 it to the RAB members.

8 MS. FREITAS: Excuse me, but can I ask a
 9 question?

10 MR. PONTEMAYOR: Yes.

11 MS. FREITAS: Will you be saying that anything
 12 that is pertinent to anything that is on the schedule you
 13 will be sending us the information beforehand so that we
 14 can go over that information, if there's something
 15 scheduled for review, so that we can go back and check --

16 MR. RAMSEY: Yeah, if it was on something that
 17 we're going to be talking about, that would be kind of
 18 poor timing to come in with an agency letter. I mean, it
 19 would be better to go on and try to get the news out
 20 ahead of time. Yeah, I can -- I mean, we could try to
 21 factor in timing of getting these things in.

22 MS. FREITAS: Okay. Thank you.

23 MR. RAMSEY: I mean, if there is some
 24 situation -- I have people's addresses. We can make
 25 these things out. I just kind of thought it's a bit of a

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1 flip side, you have various headings there, like the
 2 Record of Decision. We have two documents there. And
 3 the projects -- we have the Draft Visibility Study. We
 4 have the administrative index. Although, that's not
 5 populated yet, just a folder. And then under Federal
 6 facilities, we have the FAA posted.

7 DENIX is undergoing some quality control unit.
 8 This will be available in about a couple of days.

9 The next item on my action list here is EPA will
 10 add RAB members to its distribution list, and I think you
 11 have done that, Phil, right?

12 MR. RAMSEY: What I have thought about doing,
 13 actually, Rudy, this is in response to a comment
 14 pertaining to EPA correspondence to all the RAB members.
 15 What I decided to do in lieu of sending all these letters
 16 out to folks, what I would do is bring copies of my
 17 letters, and that's why I've given everyone a set of the
 18 EPA correspondence of just about everything I have
 19 written.

20 When we start a new project -- there's one
 21 letter I'll give folks that goes eight months or so back.
 22 But everything is pretty much all the recent projects.
 23 So I thought I would just bring hard copies to the RAB
 24 meetings and have them available for the folks.

25 MR. PONTEMAYOR: Very good.

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1 burden. And I just hoped that everyone understood
 2 that -- I mean, we can do things, but it's just a little
 3 bit of a logistic --

4 MS. FREITAS: Your letters, though --

5 MR. RAMSEY: And I thought the fact that ideally
 6 the EPA representative would be here for these monthly
 7 meetings; therefore, we do just like typically we've done
 8 in the past at other RABs.

9 MS. FREITAS: But your letters do help as far as
 10 making comments and going back on certain things and
 11 checking too.

12 MR. RAMSEY: Oh, yeah, that's the intention.

13 And likewise, always, if folks ever have questions about
 14 these agencies from both the EPA -- and I'm sure the
 15 Water Board will say the same thing. Folks are always
 16 happy to answer questions if you have them on the
 17 matters.

18 MR. PONTEMAYOR: Marcus.

19 MR. O'CONNELL: We have been through this the
 20 last month with the Regional Water Quality Control Board.
 21 I know that it has been -- it's been too burdensome to
 22 do. And I haven't heard from EPA. But I'm wondering if
 23 in the RAB guidelines, if it comes down to the
 24 administrative task for the RAB co-chair, the Navy
 25 co-chair, actually, Rudy -- to do, to shoot out documents

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1 to us.

2 And I'm wondering if it could be possible to
3 perhaps give Rudy e-mail, a physical version of your
4 comments so he can e-mail them to us. That seems like it
5 would be relatively easy for everyone to do, and that
6 would -- he wouldn't have to be stuck with having to use
7 stamps and labels and all that stuff.

8 MR. PINASCO: Based on that, it would be easy
9 for me just to have a list, to hit a bottom, and have it
10 go to everybody. It's really not that difficult.

11 MR. O'CONNELL: Okay. Would that be --

12 MR. PINASCO: In fact, I would rather do it by
13 electronics than by paper anyway. I'm a more digital
14 person. I'd rather use electronics.

15 MR. O'CONNELL: Would that reach the Water
16 Quality Control Board?

17 MR. PINASCO: Well, actually, my supervisor was
18 kind of against that solution, so I would prefer that
19 Rudy --

20 MR. MEILLIER: Rudy actually should have all
21 copies -- all the copies -- video copies of all my
22 comments.

23 MR. PONTEMAYOR: That's fine. I can do that.

24 MR. PINASCO: You know, either way, it can
25 either come from us, or maybe it's even better if it does

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1 we may have had Marcus identified already at that time.

2 And I was sending letters to Evelyn at her request.

3 MR. O'BRIEN: Well, I understand it's going to
4 give us time -- it's going to take time for us to get up
5 to speed and get coordinated here. But I'm understanding
6 as a general policy, if we get paper copies right at the
7 meeting and it concerns a topic that we're going to be
8 discussing, we don't have the --

9 MR. RAMSEY: There's --

10 MR. O'BRIEN: -- freedom to review it
11 beforehand, before the meeting. That's a problem.

12 MR. RAMSEY: Right. Well, it's a little bit --
13 but I think what's going to be happening now is -- to
14 begin, that letter was issued in December, and the copies
15 were made out to some of the RAB members.

16 Again, EPA made an effort at that point to do
17 that. I think it's probably leaving it to Marcus to
18 say -- to disseminate, which we also typically utilize a
19 co-chair for that type of function.

20 So beyond that, I was, again -- you know,
21 Mr. O'Brien, you have to understand that my intentions
22 are of bringing all the copies of just about everything
23 I've written on this space up to current, to give copies
24 to all you folks. So I was trying to do my best there.
25 That's all.

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1 just go to Rudy, and he can compile it and sent it out to
2 us.

3 MR. PONTEMAYOR: It's perfectly all right.

4 MR. O'CONNELL: We can do it digitally or
5 whatever works for --

6 MR. O'BRIEN: My only concern would be like
7 tonight when we're going to have a presentation on the
8 Tidal Area, and it would be helpful to have your comments
9 on the Tidal Area beforehand so we can ask questions
10 about that.

11 MR. RAMSEY: Right. Right.

12 MR. O'BRIEN: The comments that you have given
13 us tonight, do they include the Tidal Area?

14 MR. RAMSEY: The comments include -- because
15 that was a December letter I had written, that is
16 correct; right; uh-huh.

17 MR. O'BRIEN: We didn't have a chance to review
18 them. Whereas, if we were to get them by e-mail, we
19 could review them, and we could enter them into this
20 discussion tonight.

21 MR. RAMSEY: At the time -- I think if you look
22 at a copy of that letter, I probably cc'd, I think,
23 Ms. Freitas and also Marcus. At the time, I was trying
24 to copy, you know, whoever I could get ahold of at the
25 time. So I did an effort to try to send it to -- I think

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1 MR. O'BRIEN: I understand that, but going
2 forward then, what do you intend to do?

3 MR. RAMSEY: Well, what we intend to do --
4 actually, we had discussions with the Navy. I'd be more
5 than happy to answer any questions. I recognize you just
6 got the letter, and you're going to be hearing a
7 presentation this evening from the Navy on both the
8 Record of Decision -- and they will possibly be touching
9 on some of the issues that have been raised by the
10 agencies and our correspondence. And if they don't, we'd
11 be happy to clarify anything that the Navy doesn't bring
12 up in their presentation this evening.

13 MR. O'BRIEN: Okay. And going forward, what do
14 you intend to do? Supply us prior to the meeting by
15 e-mail or wait until the meeting to supply us?

16 MR. RAMSEY: Well, interesting. It is getting
17 complicated. We can get a list. If you have a
18 preference and you have a way -- I mean, we've had all
19 these things. We had addresses submitted to us. And I'm
20 not sure if in that transmittal of both people's
21 addresses if we've been given e-mail addresses or not.
22 If I don't have your e-mail address, I'm -- you know, I'm
23 kind of at an odd, I guess.

24 MR. BOSCHE: I think Rudy gets everything. Rudy
25 has agreed to disseminate it. So I think everything can

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1 be provided when it's released by the EPA and the Water
2 Board.

3 MR. RAMSEY: I just realize that Rudy -- it was
4 very nice in him offering to do that. It can be
5 sometimes a lot of work, and that's why I was trying to
6 help him with EPA's responsibility to get our letters.
7 We don't mind doing that. It's great if the Navy wants
8 to do that.

9 I just realize sometimes we agree to things, and
10 suddenly we're all bogged down on it, a lot of tasks we
11 have to do. If he wants to send out the e-mail copies,
12 we can certainly always provide -- and we oftentimes
13 provide electronic copies of our letters to the Navy.

14 MR. PONTEMAYOR: Good. Okay. Next item is a
15 RAB presentation of the area landfill, which we're doing
16 tonight.

17 Next item -- this is my punch list here. The
18 next item was to be a presentation by Ms. Beverly
19 Freitas. I don't know if she's in discussion or what,
20 but it was to give a briefing for the Joint-Use
21 Committee. And unfortunately, she cannot accommodate
22 tonight's meeting with her schedule. So hopefully in the
23 March meeting she can do that.

24 MR. O'CONNELL: Could I --

25 MR. PONTEMAYOR: Marcus.

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1 meeting in the trailer -- in the RAB trailer once that's
2 up and running.

3 MR. PONTEMAYOR: Good. Next action item, the
4 Navy will provide contact information for the natural
5 resources coordinators. My e-mail -- I think it's
6 probably the server was down last Friday, so I have hard
7 copies of PO's here, points of contacts, for various
8 programs for your info. And these folks are from EFA
9 West.

10 Next action item, the Navy will provide a
11 revised flow chart for the Navy's environmental
12 restoration team. I'm sorry to say that Tony and Gil
13 were kind of overwhelmed for the past two weeks and were
14 unable to provide that information.

15 Next action item is the update on the inventory
16 of documents and the Information Repository at the
17 Concord Library. Currently, Carolyn and Amado went there
18 three times already, and they have taken the inventory of
19 the documents, what's missing. So those documents that
20 are missing will be provided. And in addition, from now
21 on, there will be additional copies that will be provided
22 to Concord for our trailer information repository, which
23 we're trying to install on site.

24 Next action item is the TAPP grant. I was
25 hoping to print out the application form, but my server

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1 MR. O'CONNELL: Ms. Freitas is not part of the
2 Joint-Use Committee. She's a Navy liaison to it. I'd
3 really like to see us speak to the Joint-Use Committee.

4 MR. PONTEMAYOR: Sure. You have another person?

5 MR. O'CONNELL: I gave you the other day the
6 contact for the official contact person, who is the
7 planner with them.

8 MR. PONTEMAYOR: So we'll get in touch with that
9 person and possibly ask that person to present.

10 MR. O'CONNELL: Either that or someone who works
11 for the -- one of the members of the Joint-Use Committee,
12 which the Navy is not a member.

13 MR. PONTEMAYOR: Okay. Next action item -- yes,
14 Dean.

15 MR. McLEOD: In this business we're discussing,
16 are we going to talk for a minute about the fire, or is
17 that --

18 MR. PONTEMAYOR: Yes. The next action item is
19 the Navy will provide excerpts of CERCLA section 120, a
20 copy of NCP bylaws and regulations.

21 And I believe we've done that, right?

22 MS. CANEPA: Yeah. In your RAB packets tonight,
23 you've got a copy of the NCP and section 120 of CERCLA.
24 And also the Navy intends to put copies of the
25 environmental laws that we brought to the last RAB

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1 refused to cooperate. So I don't have that for now. I
2 will e-mail that to you within the next few days as soon
3 as the server is up and running.

4 Orientation and training for RAB members -- do
5 we have a sign-off sheet?

6 MS. HUNTER: Yeah, I have one. This is for
7 suggestions for orientation, what you guys would like
8 presentations made on. So if you can write those down,
9 we can formulate an orientation.

10 MR. PONTEMAYOR: So please put in what kind of
11 training you need, surplus, era, 40-hour, whatever, if it
12 works.

13 Marcus.

14 MR. O'CONNELL: This is a little bit for us like
15 trying to tell you what we don't know and that we don't
16 really know what is needed. The Navy does have an
17 obligation to train us and give us an orientation because
18 of the complexity of the environment we're working at and
19 probably does have programs already in place. The
20 training would be provided according to the guideline --

21 guidance by the EPA or the Navy or environmental groups.
22 And they are in the minutes of the previous RAB
23 that existed here. They did have quite a bit of

24 training, quite a few things came in. And I know that
25 videotapes exist of Mare Island. You may not be aware of

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1 that. On risk assessment particularly they're supposed
2 to have good videotape. So there may be things like
3 that.

4 For us to tell you what we need, I think we're
5 so new at this, and I think most people here are really
6 unaware of the process yet. This process leads to this,
7 to da-da-da, ending up with the ROD. And you know, all
8 the stuff we need to learn -- it's very -- anyway, it's
9 going to be very difficult for us to identify what we
10 don't know.

11 MR. PINARD: Maybe more to the point would be
12 the amount of time you want to spend and when you want to
13 do it.

14 MR. O'CONNELL: We understand 16 hours is the
15 recommended amount for orientation.

16 MR. PINARD: All right. But then how do you
17 want to break that -- I mean -- you know, we're going to
18 try to provide that for you. We will provide that for
19 you. How are we going to provide it for you? I mean, do
20 you want it in the evening? You want it on Saturday?
21 You want it a half a day on Saturday for -- you know, to
22 try to get to 16 or 18 hours that way? Or you want it
23 every Wednesday night?

24 You know, you quickly should -- you know, not to
25 spend too much time on it, because you want to move on to

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1 know about dual extraction?" No, you don't need to worry
2 about that. But what are the things that you care about?
3 And then the Navy will squeeze out of that a proposal as
4 to what kind of training would be appropriate for things
5 that you are really concerned about. That might be an
6 easier way to do it than worrying about technology or
7 rules.

8 MR. PONTEMAYOR: You and I can talk more about
9 that and exchange e-mails and then just develop some kind
10 of a schedule, and then I can have a feedback to EFA
11 West.

12 MS. FREITAS: I'd like to make a suggestion. If
13 16 hours is the normal amount of time that you usually
14 train RAB members and it gives them an all-over view --
15 overview, then why don't we set it up for two Saturdays
16 after we have the tour and/or whatever date that's best
17 for everybody else, and work it out on an eight-hour
18 schedule, because there's so much information that we are
19 trying to disseminate? And I think we need kind of an
20 all-over, you know, quick class participation thing, you
21 know, to pick things out.

22 And we can't just focus on landfill or just
23 focus on one thing, because then the next thing is going
24 to be something different that we're doing on these
25 documents. So I think we need a broad spectrum.

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1 other things, but you need to tell us, because then we
2 can try to set up -- we have people from Washington and
3 San Diego and parts in between that would be able to
4 conduct that, but we've got to know.

5 And the obvious reason is that if you want it
6 two hours a night over a two-month period, that's pretty
7 tough, because if you're flying someone in from
8 Washington or San Diego, it's a little hard. But that's
9 enough. You guys know what you need to do.

10 MR. PONTEMAYOR: David.

11 MR. COOPER: If I could just toss something in
12 here as well. Marcus, you're saying that perhaps people
13 don't know exactly what they want to know about to be
14 trained on. Maybe they don't know what the soil or
15 extraction system is. That's less important than putting
16 down on your list the things that you are concerned
17 about.

18 You might say, for instance, "I'm concerned
19 about the things that are inside the landfill." And what
20 the Navy can do is go, "Oh, in order to understand that,
21 we need to teach you about X, Y, and Z." And then the
22 Navy will come back in and say, "From what you have said,
23 we think these are the things you want to learn about."
24 And they can bounce it back.

25 So don't be concerned with, "Gee, do I need to

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1 MR. PONTEMAYOR: Sure.

2 Marcus.

3 MR. O'CONNELL: This is not -- actually, this is
4 a report, so we're not supposed to be making decisions on
5 this necessarily. But let me suggest that we get
6 together on e-mail, the community members here and maybe
7 the regulators, just put some ideas out, sort of do a
8 round robin a little bit, over the next week, and see
9 what comes out of it. It might be a good exercise for us
10 to do.

11 MR. PONTEMAYOR: It would be good. Thank you.

12 MR. RAMSEY: Maybe I could offer a suggestion
13 anyway, Marcus. For the group starting out, though,
14 still we've heard very -- just very lightly the CERCLA
15 process, understanding what the whole cleanup process is.
16 It's probably a good starting point.

17 But you expand that discussion about what is the
18 RI, the investigation, what's the types of sampling that
19 one does -- soil sampling, groundwater, soil gas,
20 settlement sampling, some of the ecological sampling the
21 military does at the Concord Weapons Station,
22 understanding the kind of data we deal with.

23 And from that, we can start bringing in the
24 sites that this sampling is being applied to. So then
25 you're learning the characterization of how we do this

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1 investigation to assess the chemicals and the
 2 distribution; the Feasibility Study, which is where you
 3 lay out different alternatives and evaluate them for a
 4 selection of a chosen alternative. So that's really one
 5 of the base -- kind of a basic starting discussion, the
 6 surplus super-front cleanup process.

7 And from that, people understand, and you've got
 8 the overall process of kind of how you're collecting
 9 data, what kind of data, what that is, how it's shown.
 10 You apply some of the site-specific information, where
 11 we're collecting these kind of data. So then you get
 12 people's interest up for Concord's specific-site
 13 activities, Ms. Freitas. And I think thrown in there,
 14 typically would be a special little discussion of what
 15 happens.

16 And the EPA has been a part of this on a bunch
 17 of bases I've worked on in the past. And that's giving
 18 the ABC's of risk assessment. Since after we've taken
 19 soil samples, we're oftentimes applying and interpreting
 20 the data, the site-specific sampling data, but we're
 21 applying it over bigger areas. And people need to
 22 understand the science of risk assessment. So those are
 23 kind of two starting points.

24 I've never heard people say it's just 18 hours.
 25 Typically, a RAB -- people kind of get a little training

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1 MR. O'CONNELL: At least for the Tidal Area
 2 landfill --

3 MS. TANASESCU: Right.

4 MR. O'CONNELL: -- the minimum would be to get
 5 out there to see that.

6 MR. PINARD: That would almost have to be a
 7 separate tour, anyway, I think from our previous
 8 conversations.

9 MR. PONTEMAYOR: That's a possibility. We can
 10 concentrate on the Tidal Area Landfill for the first
 11 tour, and then the rest will come out later. What do you
 12 say, John? Do we have enough information?

13 MR. BOSCHE: To make a site tour?

14 MR. PONTEMAYOR: To make a site tour.

15 MR. BOSCHE: Sure. I mean, we can go out there
 16 any time that is convenient for the Navy.

17 MR. PONTEMAYOR: Is February 9th good for
 18 everybody? It's this weekend.

19 MS. FREITAS: But then that gives us time to go
 20 through the information and ask questions.

21 MR. BOSCHE: Are you talking about the 9th?

22 MS. FREITAS: Yes. Is that okay?

23 MR. BOSCHE: How does that sit with the RAB
 24 members? It's fine with me.

25 MS. FREITAS: It's fine with me.

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1 since they're going through the course of the business.

2 MR. PONTEMAYOR: Carolyn.

3 MS. HUNTER: We have a few more action items to
 4 go over, and we're a few minutes over our agenda time for
 5 this topic, just to let you guys know.

6 MR. PONTEMAYOR: Okay. Shall we move on? Thank
 7 you, Carolyn.

8 Tour date, when is a good time for RAB members
 9 to join us in a tour of the various sites?

10 MS. FREITAS: This Saturday.

11 MS. CANEPA: That might logistically be hard.
 12 Logistics might be difficult.

13 MR. PONTEMAYOR: We need to get with our
 14 consultant at EFA West. We need to develop some kind of
 15 an information packet so that you guys are fully
 16 informed. So next week, it's kind of a tight squeeze.

17 MS. FREITAS: The following week.

18 MR. PONTEMAYOR: So my suggestion would be at
 19 least maybe -- the 23rd would probably be good.

20 MS. TANASESCU: The 23rd is too late, because if
 21 these things have to be done by the 1st, I'd like to have
 22 more than just that last week where I'm putting my
 23 thoughts together to be able to contact people and ask
 24 questions about the site visit.

25 MS. FREITAS: Yeah, that's what I was thinking.

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1 MS. CANEPA: I know that Gil Rivera and Tony
 2 Tactay are out of the office all week, and they're
 3 traveling and are not back until Friday. So that might
 4 be hard for them to attend this Saturday.

5 MR. PINARD: Quick turnaround.

6 MS. FREITAS: Can you take his place?

7 MR. PINARD: No.

8 MR. O'CONNELL: Is it that hard, though?

9 MR. BOSCHE: I can go with Rudy.

10 MR. PONTEMAYOR: Yeah, we just meet at the gate,
 11 and then go to the site.

12 MR. BOSCHE: Yeah, I can give a tour of that.
 13 That's fine.

14 MS. FREITAS: Are we just walking that site
 15 then? We're not --

16 MR. BOSCHE: There's a lot of it you won't be
 17 walking on, because it's not safe to walk on because
 18 there's pot marks and things where you can trip and
 19 stumble.

20 MR. RAMSEY: I would be able to make it.

21 MR. PINARD: Just a couple of things.

22 Logistically, that's a secure area, so you need a bus,
 23 and they need you to be all in one vehicle to get on from
 24 a pass standpoint, et cetera, et cetera --

25 MR. BOSCHE: I think Rudy --

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1 MR. PINARD: -- clearances as far as security.
 2 MR. PONTEMAYOR: We have a seven-passenger van
 3 and can possibly get another van, so it's possible we can
 4 go in using two vans. And we just drive there.
 5 Claudette.
 6 MS. ALTAMISANO: You have to get security
 7 clearance from the Army, so you might want to make sure
 8 you get that.
 9 MR. RAMSEY: There's a question about getting
 10 out at the landfill.
 11 MR. PINARD: Yeah, you need to get -- everybody
 12 needs to be secured or be cleared before they go out
 13 there.
 14 MR. RAMSEY: What I was mentioning, Tom, is that
 15 there's -- simply the way we understand this, the way the
 16 Army is loading, people won't be able to get out there.
 17 They may simply keep the people away. So that's one
 18 question, whether there is access or not.
 19 MR. BOSCHE: So it's something that Rudy could
 20 probably check and get back to everybody via e-mail.
 21 MR. PONTEMAYOR: Yes, I will take that action.
 22 And if it's okay with the Army, then we'll do it
 23 Saturday.
 24 MR. BOSCHE: When we submit for visiting, we
 25 usually supply the social security numbers. Would they

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1 MS. FREITAS: Excuse me?
 2 MR. PINARD: Well, I mean, you have a
 3 seven-passenger van and maybe a second one. How many
 4 people are going?
 5 MR. PINASCO: Don't they all need to be cleared
 6 before?
 7 MR. PINARD: Right. They have to be cleared, so
 8 you can't just bring someone.
 9 MR. PINASCO: Right.
 10 MS. CANEPA: Without notice. If you bring
 11 somebody, we should know beforehand.
 12 MR. O'CONNELL: I'm wondering about that because
 13 we have guests here. We have unofficial RAB members who
 14 are actually on the RAB who might like to go down and see
 15 it with us. And I would like to see them have an
 16 opportunity to do it as well and maybe some people
 17 that -- individuals out there who have expertise in this
 18 area, and it might be an opportunity for them to go down
 19 and look at it as well.
 20 MR. PONTEMAYOR: Please let me know, and submit
 21 the names.
 22 MR. O'CONNELL: Okay.
 23 MR. RAMSEY: That's kind of a tradeoff trying to
 24 push it and say in two days, three days, or four days
 25 versus giving the extra two weeks where it's a tradeoff

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1 require that from the RAB members as well?
 2 MR. PONTEMAYOR: Yes. Yes.
 3 MS. TANASESCU: Don't you have that information
 4 on the applications we gave you?
 5 MR. PONTEMAYOR: Do you have social securities
 6 there? If you have --
 7 MS. TANASESCU: I was wondering, because I don't
 8 remember.
 9 MS. HUNTER: No, there wasn't a box for social
 10 security numbers.
 11 MR. PINARD: Rudy, I think if you send that out,
 12 it is a green light as far as the Army at that point to
 13 just say those -- you send it to all the RAB members, and
 14 it's their responsibility to send back the full name,
 15 address, social security number, and back to you. And
 16 with that coming back, you know who is going, and go from
 17 there.
 18 MS. CANEPA: And everybody that attends the site
 19 tour will need to bring a valid ID like a driver's
 20 license.
 21 MR. PINARD: Right, picture ID.
 22 MS. FREITAS: Are we allowed to bring anyone
 23 extra?
 24 MR. PINARD: No.
 25 MR. O'CONNELL: Why not?

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1 of letting these other individuals either know and
 2 potentially schedule that into their weekend calendars.
 3 MR. O'CONNELL: Well, I wouldn't want to make
 4 it -- you know, we're not necessarily getting the three
 5 huge bus tour that they've had in the past, but we could
 6 get -- if we had 15 or 20 people, I don't think that
 7 would be bad.
 8 MR. PONTEMAYOR: Sure.
 9 MR. BOSCHE: And for the most part, I don't
 10 think photographs are allowed. Sometimes they grant
 11 camera passes, but I don't know if they grant that for
 12 this kind of meeting.
 13 MR. PONTEMAYOR: We'd have to ask them.
 14 MS. FREITAS: Why is that?
 15 MR. BOSCHE: Why? Because it's a military base
 16 that deals with weapons.
 17 MR. O'CONNELL: I've had some experience on the
 18 base, and they do allow you to take photos as long as
 19 they can observe that you're not taking photos of
 20 anything that is secure, so often if you were, let's say,
 21 taking a photo of -- it. I don't know that site that
 22 well. If you're --
 23 MR. BOSCHE: Just don't do it without advance
 24 permission.
 25 MR. O'CONNELL: Right.

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1 MR. PONTEMAYOR: Yes.
 2 MR. O'CONNELL: Right.
 3 MR. PONTEMAYOR: You need to get a camera pass
 4 to take pictures.
 5 MR. O'CONNELL: Okay.
 6 MR. PONTEMAYOR: Next item, status of the
 7 repository. I think we mentioned --
 8 MS. TANASESCU: Excuse me, Ray.
 9 MR. PONTEMAYOR: Yes.
 10 MS. TANASESCU: I just want to point out that if
 11 indeed we can't go on the 9th, can we set up an
 12 alternative date to shoot for?
 13 MR. PONTEMAYOR: Okay. What would be good?
 14 MS. TANASESCU: Is the following Saturday
 15 acceptable to everyone?
 16 MR. PONTEMAYOR: Let's see. The 16th, right?
 17 MS. TANASESCU: Uh-huh.
 18 MR. PONTEMAYOR: Would that be a good --
 19 MR. BOSCHE: I won't be in town that weekend.
 20 MR. PINARD: Presidents Day weekend.
 21 MR. PONTEMAYOR: It's a three-day weekend.
 22 MS. TANASESCU: Okay.
 23 MR. PONTEMAYOR: So we have to make it on the
 24 9th.
 25 MS. TANASESCU: Okay.

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1 MS. FREITAS: So tell you that, right?
 2 MR. ANDAL: We have to tell the model of the
 3 camera, what you're going to bring.
 4 MS. FREITAS: What kind of camera?
 5 MR. ANDAL: Uh-huh.
 6 MR. PONTEMAYOR: Okay. Information Repository
 7 Concord, I think Carolyn has good information on that.
 8 MS. HUNTER: At the back of the table, everybody
 9 should have received -- there is a new index, which is
 10 for the litigation area sites, which was not put on the
 11 C.D.
 12 This was something Amado and I went to last
 13 Wednesday and finished up reviewing all the documents.
 14 So we cataloged everything that's on the shelves and have
 15 a list of everything that's not on the shelves. So what
 16 we're going to do now is start to copy them, label them,
 17 and get them in there with an updated index so that it
 18 will be up to date for anybody who needs to look at
 19 documents.
 20 MR. PONTEMAYOR: Status of RAB office
 21 repository, a work request has been submitted to the
 22 facility's department. Money has been provided. So we
 23 are rolling.
 24 MS. TANASESCU: Do we have a target date?
 25 MR. PONTEMAYOR: Hopefully within 60 days.

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1 MR. PONTEMAYOR: Good.
 2 MS. CANEPA: 9:00 a.m., or a time?
 3 MR. PONTEMAYOR: When is a good time?
 4 MR. BOSCHE: As early as you guys want to meet
 5 is fine with me.
 6 MR. O'CONNELL: 9:00 a.m.
 7 MR. PONTEMAYOR: 9:00 a.m. at the main gate.
 8 MS. FREITAS: You'll send --
 9 MR. O'CONNELL: Let's make sure we know what we
 10 need to bring again. We need to have a social security
 11 number.
 12 MR. PONTEMAYOR: Social security number, picture
 13 ID, which is a driver's license.
 14 MR. BOSCHE: If you plan to attend, you might
 15 just want to e-mail Rudy tomorrow.
 16 MS. CANEPA: Yeah, he needs your social security
 17 number in advance before Saturday. So if you e-mail that
 18 to Rudy as soon as you can.
 19 MR. PONTEMAYOR: And I need to get passes for
 20 everybody because security is closed on weekends.
 21 MR. O'CONNELL: Okay.
 22 MS. FREITAS: And let you know if we want to
 23 bring a camera?
 24 MR. PONTEMAYOR: If you want to bring a camera,
 25 I might as well request for a camera pass for you.

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1 That's my optimistic estimate.
 2 You were asking me whether I needed a bed, and I
 3 said, "Well" --
 4 Next item, distribution of documents to RAB
 5 members, I think this was just to make a point or clarify
 6 a point that the Navy is providing all documents to the
 7 RAB members.
 8 Pass expenditure by site, I believe we have that
 9 in the handout.
 10 MS. CANEPA: You should have a copy in your
 11 handout of past expenditures by each set. That was put
 12 together by Gail. So any questions should be directed to
 13 Gail.
 14 MR. PONTEMAYOR: All right. Last item on my
 15 action list is the Tidal Area fire. I think there was a
 16 request during the last meeting for some sort of facility
 17 map.
 18 Dean.
 19 MR. McLEOD: I respectfully would like to say
 20 that that fire is placed in the wrong place on the map.
 21 I live above it. And two of the RAB members, community
 22 RAB members went to this -- to look at the site, and the
 23 fire goes south of Wharf Drive. I took pictures from
 24 Levee Road. If you look at your map of the front of
 25 houses specifically showing very large trees in the back

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1 of those houses on Levee Road, then went around on Port
 2 Chicago Highway and took pictures showing the big trees
 3 again, and -- yes.
 4 MR. BOSCHE: Perhaps, I could explain it. This
 5 is the extent of the fire within the RASS 4 area.
 6 MR. McLEOD: Okay. So it's not really relevant
 7 to our question, which was, where was the fire?
 8 MR. BOSCHE: It is relevant to the question,
 9 where was the fire within the area of contamination,
 10 which I thought was what the RAB was concerned about.
 11 MR. McLEOD: Well, if I recall, when we brought
 12 up the fire, we were concerned about what happened, where
 13 it happened, when it happened, how it happened, and what
 14 were the consequences. And what you presented us there
 15 was a -- is not a picture of where the fire was. And if
 16 you --
 17 MR. BOSCHE: It's only meant to be a picture of
 18 where the fire was within the RASS 4 area, and I cannot
 19 address where else the fire was. The reason why we
 20 mapped it within this RASS 4 area was because there was
 21 some concern about potential releases from the fire as a
 22 result of any residual contamination at the site.
 23 MR. McLEOD: Well, the important thing -- I
 24 think the important fact that we're talking about was,
 25 were there houses near the fire. That's what is in the

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1 close was it to the houses?
 2 MR. RAMSEY: But Dean, if it's not on Navy
 3 property, it's not relevant to --
 4 MR. McLEOD: It was on Navy property.
 5 MR. BOSCHE: Yeah, I don't know where the actual
 6 facility line is.
 7 MR. McLEOD: I do. We took pictures. And
 8 unfortunately, the one-hour photo place didn't finish
 9 them, and I'll bring them next time. We'll put them in
 10 the records.
 11 I want to bring up one other thing in relation
 12 to this, and it has to do with the security thing we're
 13 talking about on the base. And in this age of terrorism
 14 and concern and security and so on, when I went out at
 15 6:30 in the morning a week ago to take pictures, the
 16 gate, which just happens to be where the fire -- the edge
 17 of the fire was, was wide open. And the signs say
 18 "Secured Area," so on and so on, "No Trespassing Except
 19 for Authorized Persons."
 20 And I called Gil Rivera, left a message. I went
 21 back the next day, and there were two padlocks on it. So
 22 just -- you know, we are talking about this trust
 23 account.
 24 As we walked along those railroad tracks, we
 25 came along this (indicating), which seems to be pretty

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1 minutes. That's what we were discussing. And we walked
 2 over to the gate and saw the burnt brush and paced it
 3 off. And it's 50 paces to the houses that are on Levee
 4 Road. And your statement was that that wasn't the case.
 5 MR. BOSCHE: And our statement was that wasn't
 6 the case because we thought you were talking about the
 7 area within RASS 4 where there were potential
 8 contamination issues regarding the fire's ability to
 9 release those contaminants into the atmosphere. And this
 10 is the extent in RASS 4. So that's the extent of the
 11 problem with regard to contamination issues.
 12 MR. McLEOD: Well, that's a moot point, isn't
 13 it? You identified RASS, but what do we know about the
 14 land that burned that's just to the south of it?
 15 MR. BOSCHE: I'm not aware of any environmental
 16 issues there with regard to the contamination of soil.
 17 MR. McLEOD: This was the whole point, because
 18 those who watched the fire burn -- despite the fact that
 19 water was being sprayed on it for a very long period of
 20 time -- some people said as long as two days.
 21 That's the point that we're talking about. If a
 22 fire -- a brush fire stays in one place and burns for two
 23 days, is that not what we're concerned about? Whether or
 24 not it's inside the boundary that you've determined is
 25 not the issue. The issue is where was the fire, how

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1 new. It's not old and out of the junk pile. But it
 2 looks very much like what the car used when the kids
 3 broke in and started the fire. And it doesn't evoke a
 4 whole lot of confidence in me. It looks very violent to
 5 me. And I --
 6 MR. PINARD: Someone in the community destroyed
 7 a sign, broke into Federal property, started a fire. You
 8 came by a couple of days ago, saw a gate open. Someone
 9 broke a lock on Federal property.
 10 MR. McLEOD: They didn't break the lock. The
 11 lock was not there. It was not there. The gate was not
 12 locked. It was wide open.
 13 MR. PINARD: Where was the lock? Laying on the
 14 ground? Was the chain there? I mean, did you
 15 investigate the --
 16 MR. McLEOD: I don't recall precisely whether
 17 the lock was left unlocked.
 18 MR. PINARD: Did you call security?
 19 MR. McLEOD: No, I called Gil Rivera.
 20 MR. ANDAL: That gate is always being
 21 vandalized, because on the other end of the field on the
 22 row, the Delta Diablo Sanitation District has a treatment
 23 plant on the back of the railroad there. So we are
 24 always putting chains on that gate, and someone always
 25 cuts it.

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1 MR. McLEOD: So all and all, it really gives me
 2 the impression that the Navy really is not keeping much
 3 watch on the place. No. 1. And No. 2, this map is
 4 completely useless. And you've taken a picture looking
 5 out towards the Bay. If you turn around and look the
 6 other way, you see all the houses that are 50 paces from
 7 the fire.

8 MR. PONTEMAYOR: Excuse me, Carolyn.

9 MS. HUNTER: We're 20 minutes over our time
 10 limit. We only have ten minutes allotted for our
 11 presentation, if we stay on this schedule. So you've got
 12 until 8:20 for the presentation.

13 MS. FREITAS: Can I just make one more comment
 14 on this, though? Since I went out there when this first
 15 happened and took pictures -- and if you'll look at the
 16 background on the train, the biggest problem was when the
 17 fire started and the EPA had not been notified. These
 18 are the chains of the events and why we're worried,
 19 because of the terrorism and other things, the Federal
 20 facility agreement, that's not being addressed.

21 When I went out there originally after Phil
 22 Ramsey had told me about the fire and he told me that the
 23 gate had been broken down, the gate -- my husband and I
 24 went out, and we took pictures. The gate had been broken
 25 in.

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1 Tidal Area Landfill ROD.

2 It has a long, long history of investigation,
 3 and I'm just one person of a larger group that was
 4 involved in working on this including for the surrounding
 5 areas, human health and ecological risk assessors. Also
 6 it involves legal review to make sure that we're
 7 following the relevant and appropriate requirements. So
 8 there's -- I'm just one person in a larger group that's
 9 studied this.

10 And the study started back in 1983. That was
 11 the first investigation that was published for the Tidal
 12 Area Landfill. And they described in that report its
 13 operational history as the major disposal area for Naval
 14 Weapons Station from 1944 until its use was discontinued
 15 in 1979.

16 They described the contents as household garbage
 17 from the base and surrounding communities. Plus my own
 18 observations were, you can see a lot of construction
 19 debris in that landfill. You see a lot of wood. Plus
 20 they also say that solvents, acids, paint cans, creosote
 21 timbers, asphalt, concrete, asbestos, and ordnance
 22 materials, including inert munitions were disposed of in
 23 this landfill. An estimated 33,000 tons of waste is
 24 present.

25 In the 1983 study, they also indicate that it

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1 And if you -- where the gate goes is a warning
 2 sign to me to curb terroristic activities, because it
 3 goes right over to the railroad tracks. So you know,
 4 this could be youths wanting to start a fire, but on the
 5 other hand, since this is Navy property and there are
 6 things around there you're saying in the Tidal Area that
 7 could be of ammunition and such, then I would think we
 8 need more security in that area, because maybe somebody
 9 is watching the trains. Maybe that's a direct line for
 10 some sort of contact.

11 There were four fires, five fires, actually,
 12 that I've been told of and numerous different stories.
 13 And the area has been a source of contamination. So you
 14 know, it's not just one area of concern. Even though I
 15 know we've ripped this thing apart for three different
 16 months, but I think it still needs to be completely
 17 addressed, because it's an area of concern for a lot of
 18 different reasons.

19 MR. PONTEMAYOR: Okay. I guess that concludes
 20 my list.

21 And let me introduce John Bosche from Tetra Tech
 22 who will present to us the Federal area landfill
 23 documents.

24 MR. BOSCHE: Okay. I'm the project manager --
 25 my name is John Bosche. I'm the project manager for the

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1 was used for disposal of a tritonal filler from a
 2 750-pound general purpose bomb. And they described that
 3 it has a wide variety of different types of waste,
 4 including shipboard waste that is both industrial and
 5 nonindustrial.

6 The area is about 13 acres. On this plan -- I'm
 7 not sure if you can all see it, but I'll just outline it
 8 with my finger. This is the Tidal Area Landfill. It's
 9 surrounded on the east by this Johnson Road here, over
 10 here by Froyd Road, and on the west by the R Area, which
 11 is an area that was investigated for other waste disposal
 12 practices that were mostly reported to have occurred up
 13 in this area.

14 It's also adjoining the wood harbor site in this
 15 area, which was an area where they chipped wood, which
 16 became a site because of potential contaminants in the
 17 wood mostly, and also an area in here called the Froyd
 18 and Taylor Road site. So these four sites constitute the
 19 Tidal Area sites.

20 Site 1 is the landfill site. Site 2 is the R
 21 Area. The wood harbor site is site -- what is it? --
 22 11. And 9 is Froyd and Taylor.

23 This area -- the first activities in this area
 24 were up here in the north where there were shipbuilding
 25 operations and also what Mr. McLeod has been telling us

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1 about, the smelter operations up here. And it was
 2 accessed by a road in this area. Otherwise, this area
 3 was a marshland setting, and it's a marshland setting
 4 which is a -- the marshland is made up of a bay mud soil,
 5 which is very, very fine grain soil with a very low
 6 permeability.

7 Prior to any development on this site, this was
 8 an area that would flood during high tide and drain off
 9 during low tide. And then when development started
 10 occurring here -- I'm not sure exactly when levees were
 11 built around this area, but this is no longer an area
 12 that is subject to natural tidal inundation, flooding,
 13 and drainage.

14 And as a result, what's happens is this area
 15 pretty much dries out in the summertime, doesn't have
 16 flooding. And in the wintertime, this area for long
 17 periods of time is completely inundated in the R Area,
 18 which is lower than the Tidal Area Landfill.

19 Now, the Tidal Area Landfill, because it's about
 20 13 feet in overall height above the sea level at its
 21 maximum site, it never goes under water except at its
 22 perimeter where it's next to the R Area.

23 The process of how this was filled is not a very
 24 technical thing. Basically they went and they end-dumped
 25 material off of trucks, used bulldozers, and spread these

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1 you can see there's a little more disturbance in this
 2 area. I don't know how thick the materials are here. It
 3 doesn't look too much like a dump right here. So I'm not
 4 sure what the disturbance is there yet. So you can see
 5 this adjacent building has been built. It's still
 6 there.

7 Then in this 1974 photograph, you can see it's
 8 an active -- much more active landfill. I think this was
 9 probably the initial area that was filled from the last
 10 photograph. It's a little more grown over now, and this
 11 is the active landfill. And the most active area looks
 12 like in here. That's the area that's being dumped in
 13 this time frame.

14 Can you guys see okay?

15 MR. O'CONNELL: Yeah.

16 MR. RAMSEY: Sure.

17 MS. TANASESCU: Uh-huh.

18 MR. BOSCHE: And then the last photograph is
 19 from 1984. Again, this landfill stopped operations in
 20 1979. So it's gone through a prolonged period of
 21 inactivity. And the extent of the landfill here just
 22 five years after they ceased operations is out through
 23 here.

24 All these photographs look like they were taken
 25 during the summertime, when -- either the summertime or a

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1 materials out onto the surface of the marsh. So what you
 2 end up with are piles that are working their way -- I
 3 hope you guys can see -- that work their way out towards
 4 the limit of the landfill. And the dotted line
 5 underneath is the surface of the marsh.

6 The marsh is a very compressible material. So
 7 it's a muddy material. If you -- you can drive on it
 8 when you lay a layer of fill like that, but that's why
 9 the trucks drive on the marsh to dump -- excuse me, they
 10 drive on the old waste in order to dump their contents,
 11 because if they drove out on the marsh they would
 12 probably sink up to their axles and get stuck.

13 So they go on the landfill material, either
 14 trucks or bulldozers and dump out, and the material gets
 15 spread out onto the marsh. So in that fashion, the
 16 landfill went through expansion over the years.

17 This is a photograph from 1952. And I think
 18 I'll just use this here. This is the beginning of
 19 landfill here. This is an apparent -- that's another
 20 fill area, but it's not the landfill area. And this is
 21 the R Area. And these are various railroad tracks that
 22 are out in the Tidal Area Landfill -- excuse me, in the
 23 Tidal Area. And then they're building development over
 24 here. So the marshland covers all of that area.

25 There's another photograph from 1959 here. And

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1 time when it wasn't flooded, because this is the area
 2 that floods, the whole area, all the way up to Outer
 3 Smooths, which is up here.

4 It turns out that this kind of disposal practice
 5 is something that was quite commonly done in the Bay
 6 Area. I would say that the majority of our landfills are
 7 on marshlands, probably because it's not a very good area
 8 for building buildings. So people way back when didn't
 9 consider it of much value. So those areas were often
 10 used for dumps.

11 Some examples, the Berkeley Marina is a huge
 12 dump with water on three sides. As you drive down
 13 Highway 80, you can see it to the west, and it's quite
 14 tall. That's currently -- I think they've renamed it to
 15 Caesar Chavez Dog Park, and that currently has
 16 recreational use.

17 I think just from looking at some other
 18 shoreline areas -- I think I've identified some other
 19 areas that I haven't really confirmed to be landfilled,
 20 but the Point Isabel has land that looks suspiciously
 21 like landfill area.

22 I know that there's waste materials in much of
 23 the Emeryville waterfront area. The Alameda County Dump
 24 near Davis Street is a huge dump that is near the shores
 25 of the Bay. I don't know if that was deposited on

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1 marshland material. I'm aware of a landfill that I
 2 worked on that ended up being constructed upon. They
 3 built a movie theater on it, and it was also an abatement
 4 setting. The Contra Costa County landfill somewhere in
 5 Richmond -- I've never been to that landfill, but I know
 6 it's built on bay mud because of the kind of problems
 7 that they've had with bay mud.

8 When you put a very, very high landfill on bay
 9 mud, it squeezes it down, and you can actually -- it's
 10 sort of like a tube of toothpaste. You can squeeze the
 11 bay mud laterally, and they've had some problems at the
 12 Contra Costa County landfill as a result of some of the
 13 lateral movement years ago, I heard. The Mare Island
 14 landfill is another rather tall landfill in the bay mud
 15 setting.

16 So those are just some examples of landfills.
 17 The difference between those landfills -- some of those
 18 landfills and the Tidal Area Landfill is that the Tidal
 19 Area Landfill, although it covers 13 acres, it's very
 20 low. There's not a lot of waste there. The kind of
 21 potential for lateral squeezing of bay mud -- not
 22 vertical compression, but lateral squeezing -- is one
 23 where that's not likely because the materials are not
 24 piled up very high.

25 MS. FREITAS: Maybe you already said it, but to

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1 about?

2 MR. BOSCHE: It sort of bothers me too. You can
 3 either come to learn or not.

4 MR. McLEOD: I am. I'm here to learn.

5 MR. BOSCHE: So the Tidal Area in this area, as
 6 I mentioned before, is an area that was diked, and it's
 7 no longer subject to tidal inundation. And as a result,
 8 the monitoring wells that are placed throughout this area
 9 are -- we've used them to collect data on the surface of
 10 the groundwater to determine which way groundwater flows
 11 through this area.

12 And through measurements throughout the various
 13 seasons of the year, we found that groundwater flows
 14 towards the R Area. The reason that the water flows
 15 towards the R Area is because that area is diked and
 16 because there's a lot of evaporation that goes on there
 17 during the summer.

18 And the trend actually follows all the way
 19 through into winter months. Even though it's inundated,
 20 it is a depression of groundwater. It's a depression of
 21 surface water relative to the measurements that surround
 22 it.

23 So the idea of studying landfill is to consider
 24 how you do this with almost any environmental type of a
 25 problem. You try and consider what's the environmental

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1 put it in perspective, how close is that to the Bay, or
 2 did you say that?

3 MR. BOSCHE: I could answer that question, but
 4 not very precisely until I get a chance to pull out a
 5 different map.

6 MS. FREITAS: Oh, you are going to show that
 7 one?

8 MR. BOSCHE: I wasn't planning on showing that,
 9 but I've got other things to tell you about, about the
 10 geology and how things -- as a matter of fact, maybe I'll
 11 go that way right now.

12 This drawing has a scale. So the Bay is up here
 13 somewhere, Suisun Bay. So if we were to approximate it,
 14 you know, it's about a hand and a half. Well, this here
 15 is 600 feet. Okay. So it's pretty far.

16 Did you have a question?

17 MR. McLEOD: Yeah, I'm afraid my little thing is
 18 bothering him. Is it okay if I move that over here? It
 19 seems to be bothering him, so I'll put it over here.

20 MR. BOSCHE: Is that a kitty litter box?

21 MR. McLEOD: No, that's the Presumptive Remedy.

22 MR. BOSCHE: Is that your preconceived idea of
 23 what a Presumptive Remedy is?

24 Actually, it sort of bothers me too.

25 MR. RAMSEY: Is there something we should know

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1 threat and what's its potential to get elsewhere, what's
 2 its potential to affect human health, what's its
 3 potential to affect ecological receptors.

4 And we come up with what's called a conceptual
 5 site model for contaminant transport to other receptors.
 6 So that includes -- for a landfill-type situation that
 7 includes the landfill itself, which is depicted by the
 8 red surface here.

9 It's contained on the bottom by bay mud. And
 10 the downward arrows would be rainfall. And when the
 11 rainfall hits the landfill, if the landfill is rather
 12 impervious, the water is going to flow off the landfill.

13 It turns out that this landfill is not what I
 14 consider to be impervious. You cannot see any drainage
 15 resilience, any stream activity that occurs off of this
 16 landfill, because there's a lot of depressions that
 17 actually collect puddles of water.

18 So if you have puddles of water, the only thing
 19 that that water can do after the puddles is either be
 20 absorbed or evaporate. So my belief is that quite a bit
 21 of it is absorbed into the landfill.

22 So this particular arrow here would represent
 23 anything that hits the edge of the landfill, and it rolls
 24 off. So if there were contaminants on the surface of the
 25 landfill, they could be spread on the adjoining marsh

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1 surface here as a result of erosion. I don't think
 2 that's a particularly big component of this landfill
 3 because mostly it's an absorber.
 4 And as I said, the rainfall that comes down on
 5 the majority of the surface landfill, it can either be
 6 absorbed and go into groundwater, or it can be absorbed,
 7 and then in daylight as a surface water out of the edge
 8 of the landfill, actually. So it would be weeping out of
 9 the landfill, if there's a leak shape that weeps out. So
 10 that's the conceptual site model for contaminant
 11 transport here.

12 And the way we look to see what this landfill's
 13 effect is on the neighboring area is we sample the
 14 surface of the marsh, and we drill groundwater monitoring
 15 wells on the surface of the marsh. So we sample water,
 16 and we sample soils on the outside of the landfill to see
 17 if there's been any effect of this landfill on the
 18 surrounding marsh.

19 And one of the things that you don't do in a
 20 concerted fashion is, if we apply the Presumptive Remedy,
 21 which is EPA's presumption, that what you do with most
 22 landfills is you cap them, if you choose to -- if you
 23 determine that it's appropriate that the landfill should
 24 be capped, then you don't really need to figure out
 25 what's in the landfill, because that's just about

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1 MR. PINARD: Well, he's in his time limit,
 2 because we were over on the other.
 3 MS. HUNTER: Uh-huh.
 4 MR. PINARD: So you're not out of your time.
 5 MR. BOSCHE: And I don't mind answering a few
 6 questions as we go along, but --
 7 UNIDENTIFIED FEMALE: Is there water flow coming
 8 in from the landfill from the right of your picture?
 9 MR. BOSCHE: It turns out that there is -- as I
 10 said, the R Area is an area of net evaporation. So the
 11 groundwater table is distressed in the R Area. So the
 12 surrounding areas feed a water flow to the R Area, and
 13 part of that flow passes underneath the landfill.

14 So by applying the Presumptive Remedy guidance
 15 and also the Presumptive Remedy concept, it's impractical
 16 to really investigate thoroughly the landfill, because
 17 you can't really determine everything that's in the
 18 landfill. So the EPA says we don't need to try to figure
 19 out what's in the landfill when we're basically going to
 20 cap it with a cap anyway.

21 So rather early on in the investigative
 22 process -- I mentioned earlier that in 1983 that an
 23 initial assessment study was the first report that was
 24 prepared. That was followed by a site investigation in
 25 1992.

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1 impossible anyway.
 2 The landfill is this heterogenous mix of
 3 materials. So if I was to sample over here, I
 4 guarantee -- I can tell you what was in that boring, but
 5 it might not have anything to do with what's 10 feet over
 6 or 100 feet over.

7 So for the most part, picking up landfills and
 8 relocating them to other sites is judged by the EPA to be
 9 impractical. So it's generally not done.

10 MS. WILLIAMS: John.

11 MR. COOPER: You had someone who about two
 12 minutes ago had a question over on this side, but your
 13 head was turned.

14 MS. WILLIAMS: I just wanted to ask, how deep do
 15 you drill?

16 MR. BOSCHE: In the marsh surface about ten
 17 feet.

18 MS. WILLIAMS: Ten feet.

19 MS. HUNTER: Just to let you know, we're 15
 20 minutes over at this time.

21 MR. BOSCHE: Okay.

22 MR. COOPER: There's another question back here.

23 MR. BOSCHE: Well, if I need to stay within my
 24 time limit, I'd actually like to continue on. So it's up
 25 to you guys.

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1 They did do some characterization of the
 2 landfill contents in 1992. And then after that, there
 3 were no further attempts to try to characterize what was
 4 in the landfill by sampling. However, after that time,
 5 there was very careful consideration of the extent of
 6 looking for contamination in this area of the R Area
 7 primarily.

8 Let's see. In the R Area, we have a draft, a
 9 final remedial investigation that was prepared by Tetra
 10 Tech dated August 6, '99, and that report is being
 11 revised currently. But in its draft final phase, it did
 12 not identify any ecological or human health risk
 13 associated with anything that may have come from the
 14 landfill. So the R Area appears to be a very clear area
 15 in general.

16 MS. FREITAS: That's not true. The ROD itself
 17 states that, but it's not true. How could Tetra Tech
 18 write that?

19 MR. BOSCHE: I'm afraid I don't know what you're
 20 alluding to.

21 MS. FREITAS: There is -- if they said that,
 22 they're going to have to put signs around this area
 23 saying you cannot walk on it, you cannot be -- excuse me.

24 MR. RAMSEY: You may have missed one of John's
 25 comments about the R Area, which is the adjacent landfill

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1 site.
 2 MS. FREITAS: Are you talking about the adjacent
 3 site?
 4 MR. RAMSEY: Yeah, you're talking --
 5 MR. BOSCHE: I said that -- what I said was that
 6 they have not found evidence surrounding the landfill
 7 that anything has escaped the landfill to the point where
 8 it constitutes a threat to environmental receptors, which
 9 are the animals, or human receptors.
 10 So although this landfill has been uncapped
 11 since 1979 and unused since 1979, and although the
 12 landfill has been receiving rainfall over that many
 13 years, the rainfall that's gone into the landfill and
 14 migrated out of the landfill has not -- we can't find any
 15 contaminants that suggest that there's a threat to human
 16 health or ecological receptors in the R Area. So it's --
 17 MR. O'BRIEN: What kind of vegetation is in the
 18 R Area?
 19 MR. BOSCHE: Pickle leaf, mostly pickle leaf.
 20 MR. O'BRIEN: Is that natural or introduced?
 21 MR. BOSCHE: That's natural; although, it may
 22 not be quite in its natural environment, because it's now
 23 longer subject to normal tidal inundation, and most
 24 pickle leaf areas are.
 25 MR. O'BRIEN: Are plants considered receptors?

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1 Now, the only way that we can do that is to take
 2 some of the waste at the boundary and move it back into
 3 the landfill itself. And you do that by digging up the
 4 waste at the periphery and removing some of the bay mud,
 5 because some of the waste will be mixed into the bay mud
 6 to a certain extent. And that waste that's excavated and
 7 removed from the perimeter will be redeposited in areas
 8 of the landfill where the landfill surface needs to be
 9 raised.
 10 Now, the reason that you need to raise the
 11 landfill surface in certain areas is because when you're
 12 done replacing the cap you no longer want it to pond
 13 water, as it does now. You want rainwater to generally
 14 flow right off of the surface of the landfill as quickly
 15 as possible.
 16 So the design is for a three-percent slope
 17 post-settlement, which means that after you place the new
 18 fill in the middle of the landfill and after that waste
 19 has had a chance to settle, both itself and also in the
 20 underlying materials, you want to have a three-percent
 21 slope.
 22 So you probably have to build a slope that is
 23 slightly steeper as you construct this landfill cap. So
 24 after you dig this out -- so you have this configuration
 25 like so -- then you can come in and start building your

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1 MR. BOSCHE: Yeah.
 2 MS. CANEPA: Yes.
 3 MR. BOSCHE: So in this conceptual site model,
 4 we've looked for contamination in the R Area outside of
 5 the limits of the Tidal Area Landfill. Despite the fact
 6 that we're not finding threats to human health or in the
 7 environment outside the limits of the R Area -- excuse
 8 me, outside the limits of the Tidal Area Landfill within
 9 the R Area, we do have exposed waste that's not capped.
 10 And it's required to have that material physically
 11 removed from contact with humans or ecological
 12 receptors.
 13 So you cannot -- this site requires a physical
 14 barrier between the existing waste, which you can see on
 15 the ground surface, and any kind of ecological receptor
 16 primarily because for the most part humans don't go out
 17 on this landfill because it's controlled Navy property.
 18 So applying the Presumptive Remedy to this landfill means
 19 that a cap needs to be placed.
 20 So this is what the landfill looks like.
 21 There's a wetlands boundary, and the waste comes all the
 22 way to the wetlands boundary. It overlies bay mud
 23 material. And in the process of capping this landfill,
 24 we don't want to destroy any wetlands to cap the
 25 landfill.

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1 landfill cap. And what that looks like is this. What
 2 that looks like is this.
 3 Now, this greenish, grayish material is the
 4 refuse that you've removed, and this was the excavation
 5 contour where you took all this and moved it back. And
 6 then what's proposed is a cap of about a
 7 three-and-a-half-foot thickness to cover the refuse. And
 8 since it has a three-percent slope, it turns out that the
 9 toe of -- the geometry of this tells you that the toe of
 10 this slope needs to be about 80 feet, you know, give or
 11 take, about 80 feet back from the old excavation to make
 12 room for your three-and-a-half-foot cap.
 13 So the new cap has about 80 feet of perimeter of
 14 the landfill where you build a cap where there's no waste
 15 underneath it. And then it goes with a uniform
 16 three-and-a-half-foot thickness all the way over the rest
 17 of the cap.
 18 UNIDENTIFIED FEMALE: What happens to the
 19 groundwater that's still pouring into that area? Is
 20 there like a dam on the other side, or does it just
 21 accumulate under the cap?
 22 MR. BOSCHE: Well, some of that waste is going
 23 to be under water probably further back in where there's
 24 more settlement in the waste. But at the perimeter -- at
 25 the perimeter of the landfill, if you're talking about --

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1 are you talking about construction or postconstruction?
2 If you're talking about during the construction activity,
3 you do it in the summertime, and your construction site
4 will be dry enough so that you can work your materials
5 and build your cap. If you're talking about in the
6 future after you place your cap, it's going to shed most
7 of the rainfall.

8 As a matter of fact, I'll be talking a little
9 bit about how the cap sheds rainfall, maybe now, but
10 maybe in a minute. I've got to think about that.

11 But the cap is designed to shed rainfall.

12 That's one of its primary functions. It has two
13 functions. It's designed to shed rainfall, and it's
14 designed to provide that physical isolation of the waste.

15 MS. TANASESCU: John, are we talking essentially
16 a 13-acre concrete slab?

17 MR. BOSCHE: No, this is a soil cap that is
18 proposed.

19 MS. TANASESCU: So what happens to the rest of
20 of the mound that goes over? It's a 13-acre area, isn't
21 it?

22 MR. BOSCHE: It's a 13 acre.

23 MS. TANASESCU: So what happens to the rest of
24 the 13 acres?

25 MR. BOSCHE: This cap goes on and covers the

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1 MR. BOSCHE: Actually, bay mud is one of the
2 more studied soils in the Bay Area, and there's a lot
3 known about the permeability of bay mud. But specific
4 yield was not calculated for those wells because they
5 don't produce enough water to measure that. The bay mud
6 is such a -- although it's a marsh and spongy and soft
7 material, in our lingo sometimes we call it tight because
8 water doesn't go through it very well.

9 MR. McLEOD: But right above it, doesn't it say
10 that the fill goes down below the water table, down below
11 the mud?

12 MR. BOSCHE: Yeah.

13 MR. McLEOD: Isn't that what it says here?

14 MR. BOSCHE: Right. And I guess the way I can
15 describe that is like this. If this is the surface of
16 the marsh and you put a big old pile of bay mud in here
17 like here -- excuse me, a big old pile of waste like so,
18 what's going to happen to the bottom of the waste,
19 because it is spongy material, is that it's going to
20 sink.

21 MR. McLEOD: So therefore, in the wetlands, in
22 the flow of water, the water is going to be moving in and
23 out. Am I understanding it wrong?

24 MR. BOSCHE: What you can assume here is that
25 the water is -- may be at the same level as the wetlands.

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1 whole 13 acres. It's a 13-acre cap.

2 MR. McLEOD: As I was reading this, I wasn't
3 quite understanding, because I don't know too much -- I
4 don't know anything about hydrology. It says, "Ground
5 water consistently falls beneath the landfill during both
6 the wet and dry seasons except the northern portion of
7 the landfill where groundwater locally flows northward
8 towards Suisun Bay. The available data did not indicate
9 the groundwater mounds we use in the landfill.

10 "However, the refuse in the landfill extends
11 down to and below the groundwater table. Ground water
12 flow rates in the area are extremely low because the
13 silicone clay that makes up the bulk of the bay mud does
14 not readily transmit water.

15 "Ground water flow velocity is up to 2.2 feet
16 per year estimated from hydraulic parameters measured in
17 1998. Specific yields of the monitor in wells have not
18 been measured principally because of the difficulty in
19 carrying out pumping tests in wells screened in bay mud."

20 I don't understand that. It sounds to me like
21 you haven't really checked. Am I reading it wrong?

22 MR. BOSCHE: Well, basically, what happens in a
23 bay mud well -- and actually, I --

24 MR. McLEOD: The way I read it, it says it's
25 very slow, but you really haven't measured it.

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1 It may actually mound slightly within the landfill. So
2 there will be water probably in the waste.

3 MR. McLEOD: And there will be transference of
4 that water?

5 MR. BOSCHE: I don't think there's going to be a
6 lot of transference of that water.

7 MS. FREITAS: But you can't be sure.

8 MR. McLEOD: But you haven't measured. That's
9 what caught my eye, you know, and I --

10 MR. BOSCHE: Well, I can't convince people that
11 already have their minds made up.

12 MR. McLEOD: No, I'm saying that sincerely. I
13 don't understand that. I don't know.

14 MR. BOSCHE: Well, basically what you have in
15 this situation is a pile of waste that's sitting on
16 something that's analogous to a bathtub. The bay mud, it
17 does have hydraulic conductivity, but so does concrete.
18 This stuff does not want water to go through it, and it's
19 pretty darn good at keeping water from flowing through
20 it.

21 Then what we're trying to do with the cap is
22 we're trying to cover the waste with something that's
23 impervious. Not many things are impermeable to the
24 limit, but it's impervious enough to substantially reduce
25 the flow of water into the waste relative to what's been

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1 happening for years out here.
 2 And so the cap that's proposed in conjunction
 3 with the bay mud that already exists there provides some
 4 hydraulic isolation of this material.
 5 MR. GRIFFITH: Is there a confined effort for
 6 that down below the bay mud level there?
 7 MR. BOSCHE: The question relates to whether you
 8 have sand or a permeable layer beneath the bay mud. And
 9 our borings, for the most part, don't go all the way
 10 through the bay mud. So in those situations where it
 11 doesn't, we don't have an answer to that.
 12 MR. PINARD: Think to the Sierras when they were
 13 25 or 30,000 feet, and think of this Bay Area, and
 14 just -- you know, just think of what's come down through
 15 here. It's all bay mud. And to answer your question --
 16 I think to clarify is that those testing wells, they're
 17 not drawing enough water out to conduct a test, because
 18 they've got wells, but wells don't mean that you have
 19 water. You can have dry wells.
 20 MR. McLEOD: Okay. Did you drill cords or
 21 anything like that to see what's in there?
 22 MR. BOSCHE: Here --
 23 MR. RAMSEY: John, could I just maybe -- one
 24 thing that happens is because the groundwater is moving
 25 so slow, Dean, when you try to go out and do this test,

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1 MR. RAMSEY: Go ahead.
 2 MR. BOSCHE: Okay. Just as the demonstration to
 3 how impervious the bay mud is, what we've done is we've
 4 gone out and measured the water level in the groundwater
 5 monitoring well at the same time when the site is totally
 6 flooded. And if there's any reasonable amount of
 7 communication between the soil -- the water and the soil
 8 and the water and the ground surface, those levels will
 9 match. But what we find is, we find that the water in
 10 the mount monitoring wells is permanently depressed
 11 relative to surface water that covers that area.
 12 So you've got a monitoring well. You drill a
 13 hole in the ground. You fill that. This part here is
 14 the marsh surface. And this part here is in the
 15 wintertime when the site is covered with water. This
 16 could be the R Area. You drill a hole like so. You put
 17 this piece of casing in, and then you pour sand in the
 18 hole.
 19 So the sand is meant to conduct water quickly,
 20 easily so that you can measure what the water level is in
 21 this formation here. And then you top the rest with some
 22 Bentonite pellets, which are very impermeable, and some
 23 grout.
 24 And when you measure water at these wells in the
 25 wintertime, the water level inside the well -- although

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1 they drop -- put an object in the well to see how much
 2 water is displaced. That's one of the solid tests, very
 3 crude test.
 4 They have other ones where they run the -- pump
 5 the water, measure it with transducers. They have
 6 down-haul sensors that are measuring the water level, a
 7 lot more precise. But in this low-yielding water,
 8 sometimes the tests themselves -- you just have some
 9 error. You might as well look at a book and say, "Look
 10 in these kinds of clays, you have these kinds of
 11 permeabilities."
 12 They're really low. It doesn't mean -- you
 13 still have monitoring wells. You could look at wells.
 14 It's going to be whatever is in the groundwater. It's
 15 not moving. It's moving very slowly.
 16 MR. McLEOD: So these studies and the EPA's
 17 bottom line are telling us -- are assuring us then that
 18 whatever toxic material is in that dump is not going to
 19 end up in the Bay; is that what you're saying?
 20 MR. RAMSEY: Well, we haven't actually gotten to
 21 the conclusion on where this Record of Decision is going.
 22 So what I'm saying --
 23 MR. McLEOD: But I'm saying --
 24 MR. BOSCHE: I can address that. Let me
 25 continue.

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1 it's only about maybe three feet between the marsh
 2 surface and the bottom of the plug -- you find a
 3 different water level in the well than you do -- you have
 4 to go out there with waders on, you know. So the water
 5 is about up to here. You're in your waders.
 6 You open the cap on the well. You put your tape
 7 measure down, and you don't read the same levels. And
 8 it's because this bay mud doesn't conduct water very
 9 well.
 10 MS. FREITAS: But the water levels aren't the
 11 only issue. Are you testing for chemicals and testing
 12 contaminants when you're doing this also?
 13 MR. BOSCHE: They've been tested for chemicals
 14 and contaminants over a number of quarters.
 15 MR. McLEOD: So let me ask the question again.
 16 If you follow the recommendations of the ROD, can we be
 17 assured that the contaminants that are in the dump are
 18 not going to end up in the Bay?
 19 MR. BOSCHE: Okay. What you can be assured of
 20 is that the cap will be placed. The cap will be
 21 monitored. The groundwater will be monitored for 30
 22 years. And what you can be assured of is, if there are
 23 signs of contamination, which we have not seen to date,
 24 that they will be addressed through the CERCLA process to
 25 figure out whether it's even feasible to do anything

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1 about it. And it's really no different than far more
 2 significant landfills throughout the Bay Area, some of
 3 which are surrounded on three sides of bay water like the
 4 Berkeley Dump.

5 There's two presumptive remedies that were
 6 evaluated in the Tidal Area Landfill Feasibility Study,
 7 and they were compared against the no-action alternative.
 8 The no-action alternative is a CERCLA required comparison
 9 that you make.

10 The first one is the landfill cap that the Navy
 11 is proposing for this site. It's a vegetation layer,
 12 which is just plants, underlaying by 12 inches of native
 13 topsoil. So the plants have a good place to grow
 14 underlaying by compacted clay made of soil and then
 15 underlaying by filter fabric and a biotic barrier, which
 16 is gravel. And then it has an eight-inch thickness of
 17 recompacted landfill foundation.

18 That's the alternative that was judged to be the
 19 best alternative in the Feasibility Study, and it's the
 20 alternative that's proposed by the Navy at this time. It
 21 was compared against this alternative, which is more like
 22 the kind of alternative that would be applicable for a
 23 hazardous waste landfill, one not a municipal waste
 24 landfill, but a hazardous waste landfill.

25 It consists of a layer of vegetation of

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1 characterized. It would have to be characterized as you
 2 go, I think.

3 MS. CANEPA: John, we're running overtime.
 4 MR. BOSCHE: Okay. So two final things. There
 5 are two issues that are unresolved for this landfill
 6 right now, two primary issues and some minor ones as
 7 well.

8 The primary issues relate to the permeability of
 9 the cap. The decreased permeability of the multilayer
 10 cap is considered advantageous by some because it's a
 11 good idea to keep water out of your waste. The native
 12 soil cap -- it's estimated that the native soil cap will
 13 shed about 85 percent of the rainwater.

14 I would make, you know, an educated guess that
 15 the landfill in its current configuration probably
 16 absorbs 90 percent. So we're going to go from 90-percent
 17 absorption to 85-percent shedding if we build Alternative
 18 2. Alternative 3 is a very tight cap, which is probably
 19 around 99 percent effective at shedding.

20 But for a situation like this where you have
 21 waste that's already partially submerged, in my
 22 professional opinion, it's not worth the extra money,
 23 because you have a situation where we've been absorbing
 24 90 percent of the rainfall over more than 20 years, and
 25 we're failing to see any effects in the Tidal Area, R

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1 protective soil, cover, a drainage layer, and biotic
 2 barrier, a low permeable boundary layer, a foundation
 3 layer, and then the refuse. This particular landfill cap
 4 weighs more than the Alternative 2. It also costs more.

5 Alternative 2 is estimated to be approximately
 6 \$2.4 million. Alternative 3 is estimated to be \$3.8
 7 million. In addition to the increased cost of
 8 Alternative 3, there would be some additional weight
 9 associated with it because of its thicker configuration,
 10 that would be judged to push a little more waste down
 11 into the groundwater.

12 So due to the cost and due to the additional
 13 settlement, those are the reasons why the Alternative 2
 14 was recommended for the landfill as the preferred
 15 alternative.

16 The alternative -- the choice for Alternative 2
 17 versus Alternative 3 is an ongoing discussion that's been
 18 talked about ever since the Presumptive Remedy was
 19 suggested for this landfill. By the way, to apply the
 20 Presumptive Remedy, it's worthwhile to know what it costs
 21 outright to ship everything away, and that's probably
 22 something more like about \$13,000,000.

23 UNIDENTIFIED FEMALE: Is it a hazardous landfill
 24 or a municipal landfill to ship it?

25 MR. BOSCHE: I'm not sure because it's not

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1 Area, Site 2. And I think that Alternative 2 is a
 2 sufficient cap for the site.

3 Let me see if there's anything I neglected to
 4 say here.

5 MS. CANEPA: John, it's 9:10.

6 MR. BOSCHE: Okay. All right. Any questions?

7 MS. TANASESCU: Yeah, I have one. You showed
 8 the landfill coming up to the wetlands boundary. Where
 9 was the wetlands boundary prior to the landfill being
 10 developed?

11 MR. BOSCHE: That would have been the roadway on
 12 the other side.

13 MS. TANASESCU: So in terms of the Navy's
 14 responsibility in restoring the landfill to its natural
 15 condition, that's possible, prior to this occurring?
 16 Shouldn't they -- shouldn't the target be to remove as
 17 much of the land as possible to bring back as much
 18 wetland and habitat?

19 MR. BOSCHE: That's not what's considered the
 20 practical solution. What's considered the practical
 21 solution for this site is to exercise the Presumptive
 22 Remedy. It's gone through public review, and it's gone
 23 through the Feasibility Study, and that's something that
 24 doesn't appear to be really an alternative for
 25 consideration at this point in time.

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1 MR. O'CONNELL: Did the Navy have permits to be
2 dumping things at the wetlands at the time?

3 MR. BOSCHE: I'm not sure exactly what the legal
4 history was, but I can tell you that there were a whole
5 lot less permits required when they started.

6 MR. O'CONNELL: No one has checked, though? Is
7 that it, it's unknown?

8 MR. BOSCHE: I don't know the answer to your
9 question.

10 MR. O'CONNELL: That's good. Has anyone looked
11 at any comments that run with the land here?

12 MR. BOSCHE: I don't know the answer to your
13 question.

14 MR. O'CONNELL: Has anybody looked at any plans
15 or agreements that have to do with the future uses of
16 this land?

17 MR. BOSCHE: I'm afraid I don't know the answer
18 to that question either.

19 MR. RAMSEY: Marcus, we do look at -- like in
20 the Record of Decision, there was an institutional
21 control component for all of these. I'm just trying to
22 see if it has some restrictions. I mean, any of the
23 capping alternatives would have a -- there's a reference
24 to having a description in the base master plan. I see
25 issues that will have to -- you know, there will be

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1 just as a layman -- with the marsh sitting right next
2 door, with the water going up and down six feet over the
3 course of a year seasonally, there has to be some lateral
4 infiltration in and out of that adjacent landfill.

5 MR. BOSCHE: I'm sure there has been lateral
6 infiltration in and out of that landfill over the past.

7 MR. O'CONNELL: Okay.

8 MR. BOSCHE: But the cap should -- the native
9 soil cap is not designed to absolutely prevent lateral
10 migration or vertical migration in the future, but it
11 should substantially reduce it relative to an uncapped
12 landfill.

13 MR. O'CONNELL: Okay. Now, if it's -- right now
14 the ROD says that there's a lot of burrow getting in the
15 landfill, but with the cap, is that prevented in any way?

16 MR. BOSCHE: It depends on what you do, but
17 there is a proposed biotic barrier on both Alternative 2
18 and Alternative 3, which -- and a biotic barrier is a
19 gravel layer, and the rodents really don't make their way
20 through that one.

21 MR. O'CONNELL: Okay. I really don't know if
22 they do. Now, the ROD says this is not a wetlands. It
23 says that it's been -- the wetland delineation has been
24 down and determined that it's not a wetlands.

25 I have a little problem with the idea that you

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1 notifications associated with this property, but because
2 it's an operating base, it's typically done through
3 things like the base master plan, that the base maintain
4 records regarding things like this landfill, so it
5 doesn't disappear at some point in time.

6 MR. O'CONNELL: Well, that's not what I'm
7 referring to. What I mean is, there may be agreements
8 on -- the future land use here is an important element of
9 what we decide to do. And there may be agreements that
10 have to do with the future land use of that area. And if
11 I want to look to see if they exist, it seems like
12 someone should do that almost at the beginning and see
13 what contaminants run with that land. I think I'm
14 just --

15 MR. BOSCHE: I think that the way that military
16 keeps track of Tidals and so forth might not parallel
17 with what happens in the private sector.

18 MR. O'CONNELL: That's fine. The landfill
19 wasn't engineered. There's no evidence of a liner?

20 MR. BOSCHE: No, no liner.

21 MR. O'CONNELL: What about lateral infiltration?
22 We sort of addressed that, but we haven't -- I mean, the
23 water table is going up and down six feet over the course
24 of a year, is my understanding from reading some of the
25 other documents. It seems to me that there has to be --

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1 dump something in a wetlands, but it is a marsh and a
2 wetlands, and then -- I mean, I'm having a problem
3 understanding. You dump something into a marsh, and it's
4 no longer a marsh.

5 I can understand that from one sense, but I know
6 in the city of Concord if somebody dumps something at the
7 edge of a creek, it's still a creek. And it's still a
8 wetlands, and they have to take it out. And I don't
9 understand why that doesn't apply here.

10 Maybe some help on this, but how can it be a
11 wetlands, and then I'm allowed to dump something into it,
12 and it's no longer a wetlands? So maybe you can help me.

13 MR. BOSCHE: It's a matter of financial
14 practicability that the Presumptive Remedy was pursued in
15 the first place.

16 MR. O'CONNELL: I mean, originally --

17 MR. BOSCHE: And what you're talking about when
18 you're talking about wholesale export of a landfill,
19 you're talking about removing the landfill and either
20 leaving the hole that it's created or coming in and
21 backfilling with some wetland materials.

22 MR. O'CONNELL: I don't see -- no penalties have
23 been paid for this, though. I mean, there seems to be an
24 admission here that you did this, but no penalties have
25 been paid for it.

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1 MR. BOSCHE: Not only did this landfill operate,
 2 it operated a long time ago, and a lot of the current
 3 laws on landfills weren't in effect at the time. And
 4 there's no law that I know of -- I mean, the EPA
 5 recommends the Presumptive Remedy as a practical way of
 6 dealing with landfills. And the Presumptive Remedy says
 7 you don't dig it up and cart it away.

8 MR. O'CONNELL: Do they recommend presumptive
 9 remedies on landfills and wetlands?

10 MR. PINARD: Well, excuse me, Marcus, but you're
 11 calling it a wetlands, but I think it's been established
 12 that many years ago it ceased to be a wetlands, much like
 13 the Financial District of San Francisco ceased to be a
 14 wetlands back -- you know, they're still digging up old
 15 ships that are buried underneath when they go to build a
 16 new building.

17 So if you want to present or pursue your case,
 18 your argument, you almost have to go to San Francisco and
 19 use that same quote. I mean, if San Francisco Financial
 20 District wetlands --

21 MR. O'CONNELL: I know they didn't have permits
 22 at that time.

23 MR. PINARD: Okay. Well, at this point, when
 24 they built what they built there, you know --

25 MR. O'CONNELL: I don't know.

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1 therefore, they do not transport water into the Bay. How
 2 is it determined that they don't interconnect?

3 MR. BOSCHE: Well, you determine geology by
 4 drilling borings.

5 MR. O'CONNELL: How many borings were drilled?

6 MR. BOSCHE: Well, I'd have to review the number
 7 of borings, but there were about nine wells, I think,
 8 that surrounded it.

9 MR. RAMSEY: It was actually a lot more than
 10 that because the cross sections -- Marcus, they have
 11 cross sections in the RI for the landfill, that actually
 12 one transects going all the way across, I think, two
 13 vertical. You know, it's a number of borings. Nine is
 14 probably the underrepresenting how many borings.

15 To do the geologic cross sections, they use
 16 diagrams when they do it three dimensional. Look at the
 17 different lithologies three dimensionally in applying and
 18 determining these geologic blocks.

19 MR. O'CONNELL: So there was like a concerted
 20 effort to make sure that the sand and the peat and gravel
 21 lenses were not interconnected or were just very isolated
 22 pieces?

23 MR. BOSCHE: Well, you look at your cross
 24 sections, I mean, and you make your judgment.

25 MR. O'CONNELL: I would find that in the

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1 MR. PINARD: Right.

2 MR. O'CONNELL: And that's something that has to
 3 be determined, I mean, what permits there were that were
 4 required in the '70's or not.

5 MR. PINARD: Well, in the '70's, that's when we
 6 stopped.

7 MR. O'CONNELL: That's correct, but let's say in
 8 the '60's. I don't know. It just strikes me as odd.

9 MR. COOPER: I think that Evelyn had a question
 10 too.

11 MR. O'CONNELL: The Presumptive Remedy, where is
 12 it documented? Where is the decision, the determination
 13 to make that -- to use a Presumptive Remedy? Where would
 14 that be documented in the process? Where would that be?

15 MR. BOSCHE: I'm not sure exactly when that
 16 decision was made, and I'm not sure that it required some
 17 formal decision document; although, we did go through a
 18 Feasibility Study. And you know, we've been following
 19 the CERCLA process all along, and that's pretty well
 20 established.

21 MR. O'CONNELL: And there's mention of gravel
 22 and sand and peat lenses throughout the area. And it
 23 said that they don't interconnect; so therefore, there's
 24 no way that these are underground continuations, I
 25 guess. It says, "Lenses." They do not connect; so

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1 remedial investigation essentially?

2 MR. BOSCHE: You can find the cross sections in
 3 the Feasibility Study.

4 MS. HUNTER: It's 9:15, guys, and we have --
 5 there's a couple more things on the agenda.

6 MR. O'CONNELL: I have one more question. I was
 7 going to ask if the evacuation had been considered, and
 8 you mentioned that it could cost \$13,000,000. I wonder
 9 where that was calculated, or where I can go look and
 10 review that?

11 MR. BOSCHE: It was in the responses to
 12 comments. I can't tell you --

13 MR. O'CONNELL: Was it in the last two years,
 14 would you say?

15 MR. BOSCHE: I'm not sure when it was, but I
 16 know it exists. I have it.

17 MR. O'CONNELL: Okay. Thank you.

18 MR. COOPER: Marcus, there's a question behind
 19 you. Evelyn has also had one for a while.

20 MS. CANEPA: I just wanted to propose, we're
 21 going to be visiting this site on Saturday. Perhaps
 22 possibly if it's okay with the Army and the base -- that
 23 we're on the base -- so I wanted to suggest that we think
 24 about the presentation tonight and we bring our questions
 25 to the site visit and move on with the agenda.

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1 MS. FREITAS: I don't know if this is actually
 2 the appropriate time for this part, but I'm going to do
 3 it -- interject it anyway. I've just given Laurent, and
 4 I gave a copy to the EPA and to Rudy. I've been going
 5 around, and I asked some of the other members on the
 6 route to get together a petition for water quality.
 7 We're asking the Regional Water Board to do an
 8 investigation on the water over there. I'm not going to
 9 go through the whole document.
 10 "Listing each pollutant causing impairment and
 11 water body affected. A TMDL is to be done for each
 12 pollutant going from the Tidal Area. We're asking the
 13 State Water Resources Control Board to develop water
 14 control plans, known as basin plans, which set out water
 15 quality standards to provide an implementation program to
 16 meet the standards. The RWQCB has entered into a
 17 cooperative agreement with Bay Area Storm Water
 18 Management Agencies to fund the studies, and the
 19 groundwater is not being tested sufficiently in the Tidal
 20 Area, nor is the stormwater being done on a widespread
 21 basis." And there is more.
 22 "We're asking for a stay of action until a full
 23 investigation and sampling of all needed areas of
 24 affected water resources be tested and results made to
 25 the public. Also we're being asked to make decisions on

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1 sounded like she was representing more than one RAB
 2 member as she talked.
 3 MR. O'CONNELL: I think has -- she has a page
 4 with signatures, with more than one RAB member signature
 5 on it.
 6 MR. PINARD: Okay. Then I would suggest,
 7 though, if you're following any sort of rhyme or any
 8 rules, that it's under new business, and it's brought to
 9 the floor as a motion and then seconded and then
 10 discussed. And if you vote on it, fine, but it's
 11 something --
 12 MS. FREITAS: Well, since we're not really --
 13 we're not really set up as a voting session yet, that I'm
 14 aware of --
 15 MR. McLEOD: Aren't you a RAB?
 16 MS. FREITAS: Well, have we voted on anything
 17 yet?
 18 MR. O'CONNELL: I'd like to defer to the chair
 19 to this section of the meeting.
 20 MR. MEILLIER: I'd like to give a very quick
 21 response. The first thing is that there is currently in
 22 action a water control plan known as a basin plan for
 23 that area for Suisun Bay.
 24 Second is that the area is actually yearly
 25 monitoring of sewer out calls that, actually, Rudy has

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1 a Tidal Area that can affect the lives of endangered
 2 species, fish, plant, and bird life. We are looking at
 3 the protection of floodplains and wetlands, protection of
 4 surface water quality, and hazardous waste management.
 5 This is one site that we are addressing, and we will have
 6 more in the future."

7 MR. PINARD: This letter, is this under new
 8 business, and are you --
 9 MS. FREITAS: It probably is, but I apologize --
 10 MR. PINARD: Are you proposing it as or making
 11 it in the form of a motion to the RAB so that the RAB can
 12 then have a second to discuss it? I'm just suggesting --
 13 it sounded like you were making it as the RAB, but
 14 certainly RAB hasn't had it as a formal motion or
 15 whatever that is -- what it is.
 16 MS. FREITAS: Well, actually, by law, I can do
 17 it as mine, but there have been several members that
 18 have --
 19 MR. PINARD: So you have to bring it as a motion
 20 then.
 21 MS. FREITAS: Okay. I make a motion then that
 22 it --
 23 MR. O'CONNELL: Just a second.
 24 MS. FREITAS: Excuse me?
 25 MR. PINARD: She's made a pronouncement, and it

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1 come and viewed as the public as part of the Water
 2 Quality Control Board. And I have the data set available
 3 to the public. That is available to the public that the
 4 Board would be glad to present upon request.
 5 Then thirdly, I would bring this, Ms. Evelyn, if
 6 you are giving me a copy -- is this the original copy
 7 you're giving to me?
 8 MS. FREITAS: Yes, and you have signatures right
 9 here, yes.
 10 MR. MEILLIER: Okay. And I will bring this to
 11 my supervisor, and we will take -- you know, we will take
 12 action from there.
 13 MS. FREITAS: Thank you.
 14 MR. MEILLIER: I mean, I just want you to make
 15 sure that you understand that there is already a
 16 list, and there is already -- the list of Suisun Bay is
 17 actually well-tailored to that body of water.
 18 MR. PINARD: Again, a point of order. I think
 19 this is important. Before you guys -- I'm only here for
 20 a few months. And before you get off on tangents, if a
 21 bunch of members of the RAB signed the document and
 22 turned it over to a State agency, did they turn it over
 23 as a RAB or as individual people who happen to serve on a
 24 RAB? And I think this is a very important point. If
 25 it's a RAB document, then it has to be voted on by the

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1 RAB.

2 MS. FREITAS: No, this is an individual.

3 MR. PINARD: Did you mention -- are all those --
4 see, I haven't seen it, but is it a RAB document? Are
5 you saying you're RAB members?

6 MS. FREITAS: I am a RAB member, but I'm
7 representing myself as a citizen.

8 MR. PINARD: Okay. And you expect that all
9 those people --

10 MS. FREITAS: And I went around door to door
11 talking to many --

12 MS. TANASESCU: There's no affiliations on any
13 of this, is there?

14 MR. PINARD: No, no affiliations. So it did not
15 come up at a RAB meeting?

16 MS. FREITAS: No.

17 MR. PINARD: We just spent four or five
18 minutes talking about it, but it's just citizens going to
19 the State agency?

20 MS. FREITAS: It's outreach.

21 MR. PINARD: It has nothing to do with the RAB?

22 MS. FREITAS: It is outreach, community
23 outreach.

24 MR. PINARD: Then there's no reason for a motion
25 or a second.

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1 the document. There are elements to the components that
2 are outlined in my comments letter that will need to have
3 to be quality followed in order for the State to sign the
4 ROD.

5 MR. O'BRIEN: And can you highlight your
6 comments letter for us?

7 MR. MEILLIER: Sure. I mean, one of them is
8 the -- presented in her letter is a well-organized
9 characterization as well as the V-shape characterization
10 in the Tidal Area Landfill. Another one is design,
11 design of the cap. Another one is a set of ALRs that are
12 applicable requirements that are under Title 27. That
13 needs to be followed in order for the approval of the
14 Regional Water Quality Control Board on that.

15 MR. PINASCO: I have to second those comments.
16 Those comments are very much mirrored in terms of design
17 quality, water monitoring, et cetera.

18 MR. O'BRIEN: What are your concerns with the
19 cap?

20 MR. MEILLIER: The cap -- I think the cap needs
21 to be -- the different layers of the cap need to be
22 potentially reassessed in terms of their underlying
23 sequence.

24 MR. O'BRIEN: Because of what potential
25 problems?

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1 MR. BOSCHE: I'm not sure if I fully addressed
2 this other -- there are basically two outstanding issues.
3 I'm not sure if I said both of them or just one of them.
4 One of them relates to the permeability of the cap, and
5 the other relates to the groundwater monitoring plan.
6 And when the details regarding the ongoing groundwater
7 monitoring plan are fully decided, whether it's --
8 whether it would be at the ROD stage, possibly even in
9 another ROD, or community groundwater monitoring plan
10 that's a requirement element of this. So those are the
11 primary agency outstanding issues.

12 MR. O'BRIEN: May I make a suggestion? As long
13 as we have these presentations, I would like to build
14 into the agenda a response from the EPA, the Regional
15 Water Quality, and the California toxics people, so we're
16 right here dealing with this -- dealing with this right
17 now. And I'd like to hear your concerns.

18 MR. MEILLIER: My concerns about what, about the
19 Tidal Areas?

20 MR. O'BRIEN: Right.

21 MR. MEILLIER: The ROD?

22 MR. O'BRIEN: Right.

23 MR. MEILLIER: Well, I can tell you in the state
24 that the ROD is currently written, the State and the
25 Regional Water Quality Control Board would not sign

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1 MR. MEILLIER: Because of -- for example, the
2 presence of the biotic layer -- the biotic barrier, for
3 example, is used to prevent, you know, animals from
4 reaching the waste. The way it is currently presented to
5 the ROD, it doesn't (undiscernible). But ideally -- you
6 know, it is 9:22 or 9:23, and I don't want to take any
7 more time.

8 MR. O'BRIEN: Well, I believe we have a
9 procedural problem here because we need to give
10 sufficient attention to all of these things. We've not
11 been made aware of these until now, and the discussion is
12 going on right now. And I don't want to see this happen
13 again.

14 MR. O'CONNELL: This is an interesting issue.
15 Do we want to stick with the timed agenda, or do we want
16 to take care of the business that's before us? What's
17 more important?

18 So far, I've heard that a timed agenda is very
19 important. It's important for us to run one, two, three,
20 four, five. To me, I'll stay here as long as it takes to
21 get through these issues, and that's what's important.
22 This is new business.

23 MR. O'BRIEN: I would like to propose continuing
24 this to the next meeting and that we actually schedule
25 responses by the other agencies.

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1 MR. O'CONNELL: Let's bring this up then at the
 2 next --
 3 MR. McLEOD: I think it's important to stay
 4 within a certain time frame.
 5 MR. O'BRIEN: There are consequences.
 6 Yes.
 7 MR. GRIFFITH: We didn't -- we weren't able to
 8 get an independent consultant through TAPP yet, or I
 9 don't know if this will help or not. What about the idea
 10 of using the knowledge and expertise of Phillip and
 11 Laurent during times out of our meetings and having some
 12 expertise pass on to the RAB members and say on different
 13 times besides these monthly meetings? Is that possible
 14 given the timeliness of all of this, of the decisions
 15 having to be made?
 16 I think one thing I noticed is that there's
 17 still that trust factor that we need to kind of build. I
 18 think we have competent experts in Phillip and Laurent
 19 and others here. I think we need to utilize that and
 20 take advantage of that.
 21 We're taking a lot time on details and things on
 22 what minutes say and all that, but we're missing a lot of
 23 what the big overall picture here, which is to get
 24 information and help make decisions. And I think if we
 25 utilize the expertise here that we have, we become more

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1 meeting, because, obviously, we can't get their
 2 professional opinions during this tight agenda. So maybe
 3 we can find out if we can meet with them at a separate
 4 time.

5 And what Jim is suggesting is we read the
 6 documentation when they're responding, giving their
 7 professional opinions, research that a little bit, and
 8 maybe bring that knowledge to a meeting with them at a
 9 separate time maybe.

10 MR. MEILLIER: I think it's important for the
 11 RAB to understand, for example, for me and our community
 12 that I'm -- my job -- why I was hired by the Regional
 13 Water Quality Control Board is to bring a critical eye to
 14 those documents and a critical, technical eye to those
 15 documents. I'm -- you know, I represent the State, and I
 16 represent the State in the water quality aspect. And Jim
 17 represents the State in the toxic aspect.

18 We're here to bring that critical eye, you know,
 19 to make sure that it follows the law that protects, you
 20 know, the resources of the State and that it also does --
 21 it is based on science, on a scientific basis. And so I
 22 think the RAB needs to trust that and trust that it is
 23 doing that, and that's critical to bring that critical
 24 eye, as well as Jim, as well as myself.

25 MR. GRIFFITH: Isn't the purpose of this group

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1 efficient, and I think we'll get a lot further. I think
 2 one way of doing that is to utilize their expertise
 3 during different hours, if they're able to do that. I'm
 4 not sure if that's possible or not, but I think that
 5 would be a real valuable way of making some good
 6 progress.

7 MR. RAMSEY: One suggestion I would make is
 8 to --

9 MR. GRIFFITH: Start with that and then use that
 10 as a base for us for further questions such as the ones
 11 being addressed tonight.

12 MR. PINASCO: The easiest way to get that is
 13 with e-mail than phone calls.

14 MR. GRIFFITH: Right.

15 MR. O'CONNELL: What conclusions are you drawing
 16 near?

17 MR. McLEOD: He didn't hear you.

18 MR. GRIFFITH: Who are you addressing?

19 MR. O'CONNELL: What conclusion are you
 20 reaching? Meet more often?

21 MR. GRIFFITH: I don't think there's any
 22 conclusion. I'm looking for a solution to get
 23 information we need in a timely manner. That's all. And
 24 I'm just making a suggestion to utilize the expertise of
 25 the agencies we have now during times outside of this

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1 to take your critical eye and interpret that information
 2 in a more useful way for more of a typical community?

3 MR. MEILLIER: That's right.

4 MR. GRIFFITH: I mean, there's an informational
 5 conduit, yourselves passing on information to us. So
 6 instead of the RAB members taking it upon themselves
 7 individually to become experts on all these technical
 8 terms and difficult things and doing extensive research,
 9 which a lot of us may not have time to do, we need to
 10 rely more on the experts and trust their judgment a
 11 little bit more.

12 MR. O'CONNELL: Why don't we just get a big
 13 rubber stamp, and we can just put okay, and we won't
 14 have to --

15 MR. McLEOD: I'd like to make a comment about
 16 the trust issue. I think that's a very important issue.
 17 And I'm not a technical person, but I do know the history
 18 of the land here quite well. And I know a pretty good
 19 history of the Navy here. And I have perfect trust,
 20 because I know the way they will behave. But it doesn't
 21 necessarily act in the behest and the benefit of the
 22 community, as the history of the Naval Weapons Station in
 23 this area amply demonstrates.

24 There's no relationship between the safety of
 25 the community and what the Navy's mission and actions

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1 are. So I trust the Navy to act the way it's always
 2 acted.
 3 MR. GRIFFITH: You don't see the other agencies,
 4 the EPA and the Water Quality Board, as barriers to that
 5 problem?
 6 MR. O'BRIEN: That's not the -- the issue that I
 7 have is we're not hearing them. If I hadn't brought it
 8 up, we would not hear what the concerns of the agencies
 9 are.
 10 MR. GRIFFITH: That's just what I'm saying. We
 11 need to draw that out of them.
 12 MR. O'BRIEN: It's not part of the way the
 13 program is set up.
 14 MS. FREITAS: Didn't we talk about that before,
 15 where they're going to give us their input, and it's
 16 going to go to Rudy?
 17 MR. McLEOD: Yeah, so that's a problem to be
 18 solved.
 19 MR. O'BRIEN: Yeah, that's another problem then.
 20 We -- Jim, we should have your documentation before this
 21 presentation, so we can bring our questions that you've
 22 raised to this presentation. We don't have that.
 23 MR. McLEOD: I think we've already worked out
 24 the problem. It's time to go home. We know what to do.
 25 MS. FREITAS: But also, on the other hand, I

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1 THE REPORTER: Thank you. I will need to change
 2 my paper soon. I will need a break soon, if we don't
 3 take one.
 4 MS. FREITAS: Marcus, I think it's time to go
 5 home.
 6 MR. O'CONNELL: No, we need to get to this
 7 agenda, a request for an extension. I'm not going home
 8 before that get's done. I'm going to make this quick.
 9 It's a multi-page letter, and I need to get one for the
 10 court reporter, unfortunately. I'm going to go over this
 11 quick, and I'm going to paraphrase. I'm going to read
 12 some of it. I'm going to paraphrase a lot of it.
 13 It begins that we're basically asking for an
 14 extension of the review periods for documents relating to
 15 the cleanup, the toxics at the Station. The letter
 16 begins with a background that I won't go into, and then
 17 I'm going to begin quoting a little bit here.
 18 On page one, "The community once again asked for
 19 extensions based on the following factors: 1, the
 20 inadequacy of efforts to involve the public in the CERCLA
 21 process; 2, the Navy's unmet obligation to provide
 22 training for RAB members; 3, the Navy's as yet
 23 unfulfilled obligation to provide information on
 24 technical assistance opportunities; 4, the voluminous
 25 number of supporting documents to be reviewed; 5, the

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1 think we have -- we're supposed to come forward with our
 2 remarks on March 1st, correct? Without this background
 3 and being able to get a little more of this information
 4 from Water, et cetera, I don't feel we can make -- and I
 5 really think we need to get out there and talk to more
 6 people in the community.
 7 I walked door to door at Bay Point. I think we
 8 need to get more outreach out there. So I really feel
 9 that we need at least a 30-day extension, and I don't
 10 think I've heard that we're getting that. And I know Gil
 11 has been back, and I really don't feel that there's any
 12 reason we shouldn't have been able to be given that
 13 extension.

14 MR. O'CONNELL: That's the next item on the
 15 agenda. Should we just go into it?
 16 MS. FREITAS: And then I think we should just go
 17 home.
 18 MR. PONTEMAYOR: Thank you, John. Thank you.
 19 So that's the next item on the agenda.
 20 Marcus.
 21 MR. O'CONNELL: This is a letter that
 22 requests --
 23 MS. HUNTER: I have a quick question. Since
 24 we've been going for two and a half hours, I just want to
 25 know if the court reporter needs a break.

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1 limited hours of access to the Information Repository; 6,
 2 the information Repository has not been maintained and is
 3 incomplete."
 4 We go on, and we talk about each of those issues
 5 in turn and in detail. And I want to talk
 6 particularly -- I think it's important -- about the
 7 inadequacy of efforts to involve the public. Let me
 8 enumerate.
 9 "The Community Relations Plan is demonstrably
 10 ineffective, yet has not been updated for six years. 2,
 11 the Navy has not ensured appropriate opportunities for
 12 involvement in a wide variety of site-related decisions,
 13 including site analysis and characterization,
 14 alternatives analysis, and selection of remedy. The Navy
 15 did not inform the community of the availability of
 16 technical assistance grants prior to commencing field
 17 work for the remedial investigations. The Navy allowed
 18 the prior RAB to languish without making a good faith
 19 effort to rejuvenate it. Requests for records have been
 20 ignored. A search of the Administrative Record shows few
 21 public notices of fact sheets have been issued in the
 22 history of the CERCLA process here."
 23 No. 2, "The Navy's obligation to train RAB
 24 members. We need an orientation and ongoing training
 25 program in order to function effectively." And that

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1 is -- that's according to -- that's not only the case,
 2 but it's also -- that's what the Navy's directed to do so
 3 by the Department of Defense Guidance.
 4 "Failure to inform the RAB of technical
 5 assistance opportunities." Essentially the public had to
 6 inform the Navy of the TAPP grant, the fact that the TAPP
 7 grant was administered by the Navy, whereas they should
 8 have been telling us."
 9 4, "The voluminous nature of documents to be
 10 reviewed. The Administrative Record is 90 pages long and
 11 contains references of approximately 550 documents. The
 12 Information Repository, even in its currently incomplete
 13 state, occupies approximately 45 linear feet of shelf
 14 space."
 15 5th item, "The limited hours of access to the
 16 Information Repository." The Information Repository has
 17 been moved from Pleasant Hill to Concord. The number of
 18 hours has declined markedly. It's gone down by a third
 19 to the point where a working person now has ten hours a
 20 week to access the Repository, and that's at the outside.
 21 That's the best case scenario. And when you're at the
 22 Repository, copies cost us RAB members 15 cents apiece
 23 out of our pockets. There's no sheet feeder. We end up
 24 paying the bill."
 25 No. 6, "The Information Repository has not been

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1 Remedy was being considered before work on the Remedial
 2 Investigation/Feasibility Study work plan was initiated.
 3 "At the commencement of the remedial
 4 investigation phase, the Navy didn't publish a notice of
 5 the availability of the Administrative Record file.
 6 "The Community Relations Plan was a
 7 demonstrative failure. According to the Tidal Area
 8 Landfill Record of Decision's appendix, only two members
 9 of the public showed up for the hearing on the proposed
 10 plan. One was the community co-chair of the RAB. The
 11 other so-called community member was an employee of the
 12 Naval Weapons Station, who often performed community
 13 relations duties.
 14 "The remedial investigation was not available in
 15 the Information Repository during the review period, that
 16 is June 1st to July 15th, 1999, for the proposed plan.
 17 Instead the remedial investigation was issued on August
 18 6th, 1999, and apparently placed in the Information
 19 Repository in April of 2000."
 20 The Tidal Area Landfill -- excuse me, the
 21 voluminous nature of the documents, there are over 195
 22 separate documents on the Tidal Area Landfill in the
 23 Administrative Record. They range from single pages to
 24 thick, multi-volume binders.
 25 "The incomplete Administrative Record and

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1 maintained and is incomplete." The Navy acknowledges
 2 this tonight and at the previous meeting. One of the
 3 most glaring issues from the Administrative Record and
 4 the Repository is the complete lack of documentation
 5 regarding the site being put on the Superfund list in
 6 December 1994. There's absolutely nothing about it, no
 7 reason given."
 8 I'd like to make an example of the Tidal Area
 9 Landfill Record of Decision that we discussed earlier
 10 tonight, and we chose this as an example solely because
 11 we discussed it this evening. The review period between
 12 September 29, 2001, and November 28, 2001, we requested
 13 copies of the ROD days after the review period started
 14 and did not receive any until well after it closed
 15 despite repeated requests, both verbally, by person --
 16 verbally in person, by phone, and by e-mail.
 17 "In addition, based on a review of the
 18 Administrative Record, there were numerous failures of
 19 public process prior to the ROD.
 20 "There was no public involvement in the site
 21 analysis and characterization, remedial investigations,
 22 or feasibility studies.
 23 "The public was not informed of the availability
 24 of technical assistance grants.
 25 "The public was not notified that a Presumptive

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1 Information Repository -- the Repository was not only
 2 incomplete, it was completely unavailable during the
 3 review period to the Record of Decision because of the
 4 Repository's move from Pleasant Hill to Concord."
 5 No records related to the Tidal Area Landfill or
 6 at least identified as such have been entered into the
 7 Administrative Record for over a year and a half, yet we
 8 know numerous records exist. Such records exist.
 9 The availability of site-specific references
 10 listed in the bibliography of the revised draft Tidal
 11 Area Landfill Record of Decision are either not listed in
 12 the Administrative Record or are missing from the
 13 Information Repository.
 14 Seven out of nine of the site-specific
 15 references are either not listed in the Administrative
 16 Record -- we don't know if they exist -- or they're in
 17 the Administrative, and they're not in the Information
 18 Repository, seven out of nine. There's no way that
 19 one -- we as members of the public could go and verify
 20 any of the facts -- the supposed facts that are put forth
 21 in the Record of Decision.
 22 So we're requesting a record -- an extension
 23 on -- of the review period for basically all the sites.
 24 We've listed and enumerated them here. They're the same
 25 ones that we've been requesting an extension on for a

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1 number of months.
 2 Specifically, we requested the Navy take the
 3 following actions before closing a review period: 1,
 4 "Implement a new Community Relations Plan in order to
 5 ensure effective public involvement in the cleanup
 6 process; 2, issue another draft of the Tidal Area
 7 Landfill Record of Review that addresses all agency
 8 comments received so far, including a corrected
 9 bibliography. This draft should be subject to public
 10 review; review all projects to date to ensure that public
 11 outreach has been legally adequate. Correct all
 12 deficiencies, including those described," that I already
 13 described.
 14 "Provide comprehensive orientation and training
 15 for RAB members in accordance with the DOD guidance;
 16 provide information to the RAB about the TAPP grants.
 17 Provide assistance in completing the application and
 18 complete processing of an application; 6, establish a
 19 complete repository for RAB use, including an
 20 office-quality workspace. At a minimum, it should be
 21 accessible during normal waking hours; 7, ensure that the
 22 Concord Library's Information Repository is complete,
 23 current, and maintained; 8, collaborate with the RAB's
 24 community members in creating a realistic, balanced
 25 document review schedule."

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1 extension. And that's no problem. You want an
 2 extension, go for it. But don't use some of those things
 3 because they're not factual. We have tried, and we're
 4 working on it. And I think we've done a heck of a job,
 5 you know, and I really take exception to some of the
 6 comments tonight about the Navy. Excuse me, I've been
 7 around the military for 40 years.

8 MR. McLEOD: You haven't read the history of the
 9 Navy here?

10 MR. PINARD: Well, you know what? You've got a
 11 beautiful big piece of open space that you in Concord can
 12 relax and enjoy in the fact that you don't have homes
 13 built on 4,000 -- excuse me. Excuse me. You slap the
 14 Navy's face at meetings. I don't think it's fair. And
 15 I'm not one -- I'm here for six more months, and I'm not
 16 going to sit back in a meeting and have someone slap my
 17 face.

18 Excuse me, but you're more than welcome to put
 19 your letter in and fight for an extension. I have no
 20 problem with that, but understand that we have tried.

21 And I want it on the record that we have people there --

22 MR. O'CONNELL: I would like to correct you,
 23 that we were not -- no one ever approached us and asked
 24 us to go to Treasure Island. We independently approached
 25 the Navy and said, "We heard that you're having a meeting

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1 I have this letter signed by six of the eight
 2 community RAB members, and I'm going to submit that to
 3 the Navy at this point. With that, I'll be quiet.
 4 That's all I have to say.

5 MR. PINARD: Before we close, for the record, I
 6 take exception to the fact that the Navy does not try and
 7 in more than good faith to provide an educational base
 8 and training for the RAB.

9 When I first was notified and found out that
 10 this group over here, the community of Concord, wanted to
 11 reestablish a RAB, I extended an invitation, and we had
 12 potential RAB members. I've got this young lady -- a
 13 picture of her and me that has been documented and put
 14 out to the world standing at a meeting at Treasure
 15 Island. So there are two or three. We have done what we
 16 can in the time that we have.

17 And I take exception to the fact that -- I know
 18 you're trying to build a case, and you put it in the
 19 record. I'm putting it in the record right now. The
 20 Navy has done a good job in trying to get this RAB
 21 established based on the fact that members of this
 22 community, Evelyn and others, came forward and asked us
 23 to get a RAB started again. We're four months in, and I
 24 take exception to the tone of the letter.

25 You're using it, I know, to try to get an

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1 there, and we want to go." We even put in applications
 2 for it to be on the RAB, and no one had contacted us at
 3 that point.

4 MR. PINARD: Patricia Ryan called me and said,
 5 "There are people out at Concord, and you're having the
 6 workshop at Treasure Island. Will they be able to go?"
 7 And I said, "Yes."

8 MR. O'CONNELL: But we initiated the contact.
 9 That's how it was. The contact wasn't --

10 MR. PINARD: Well, the -- excuse me. When the
 11 Navy found out you wanted to go, I said yes. It was a
 12 RAB workshop, a bract rack RAB workshop, and I had people
 13 calling me on the phone saying, "Wait a minute. Concord
 14 isn't on the bract list. Why are they coming?" And I
 15 said, "Because they need to be there."

16 MR. O'CONNELL: The point is --

17 MR. PINARD: I don't want to argue.

18 MR. O'CONNELL: -- you didn't contact us. We
 19 contacted you.

20 MR. BOSCHE: There's a lot of factual errors in
 21 this that I recognize too. It's not worth it. We have
 22 business that needs to be attended to, and we can spend
 23 the whole time worrying about, you know, who said what,
 24 and --

25 MR. O'CONNELL: And we will.

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1 MR. BOSCHE: Well, if that's the way you want to
2 run the RAB, have at it. It's yours to run that way.

3 MR. O'BRIEN: Well, John, we have not had a
4 complete survey of the Tidal Area tonight. You have got
5 to admit that. We have not heard from the other agencies
6 in sufficient detail.

7 MR. BOSCHE: I respect your request. I respect
8 your request entirely, and I believe it's an appropriate
9 request.

10 MR. PINARD: It would have been great to have
11 three other --

12 MR. O'BRIEN: The problem I have with that now
13 is the tail is wagging the dog.

14 MR. RAMSEY: Well, I'm sorry. There are -- you
15 know, the EPA has been silent in the way we didn't have
16 an opportunity to comment on the agenda. I have had
17 discussions with the Navy, because it was EPA's
18 discussion with the Navy -- since they have a half hour
19 to give their presentation, bring everyone up to speed,
20 summarize what the agencies have said also. That was
21 really letting John, you know, go through his
22 presentation.

23 And the fact is I have no time on this agenda to
24 assert EPA's comments. I would be more than happy at a
25 drop of a dime, Mr. O'Brien, to summarize EPA's comments,

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1 we're trying to make this last step to finish on these
2 projects.

3 We thought there was a lot of things short of
4 waiting until the community has their TAG grant. You
5 have your consultant now. You can provide your own
6 layer. We would be more than happy to, you know, work
7 with the Navy, work with you to explain to you where we
8 are.

9 That's why during the presentation on the ROD,
10 you kind of only got part of the story because the
11 agencies have already followed along with a comment, and
12 we have provided our input. And there is some
13 significant changes being discussed right now, and we
14 were hoping -- John did a good job of identifying what
15 those two big issues are -- the type of cap and the
16 groundwater issue.

17 And you have our letters, and you may be able to
18 read the letters and see things. And if not, we can
19 either separately or what have you, you know --

20 MR. COOPER: Can I propose for next meeting when
21 there is a presentation like this that the agenda -- all
22 of us include a time for the regulator to be built into
23 the agenda to provide their feedback, their comments,
24 their issues and concerns for the next presentation.
25 This presentation is already done. You know, you've run

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1 but there's really no time in the agenda.

2 MR. O'BRIEN: I understand that.

3 MR. RAMSEY: I'm more than happy to --

4 MR. O'BRIEN: That is a problem, and we cannot
5 go forward without having your input.

6 MR. RAMSEY: Yeah, right, and that's why all
7 this stuff is going to happen. That's the thing is if it
8 hasn't been well communicated with all these discussions
9 about -- since we've been -- we kind of lumped all the
10 projects into a big discussion, and I think everyone gets
11 confused really fast.

12 We're dealing right now with true Records of
13 Decision. And it is EPA's hope -- and we've had
14 discussion with the Navy -- that we are going to have
15 disclosure by this discussion on the landfill. It would
16 have been nice to have more time, but it's -- you know,
17 we weren't party to the discussions for establishing this
18 agenda. And I can only -- you know, we can only jump in
19 and speak so much when we're given the opportunity. And
20 it would be our pleasure to do that. You know, that's
21 what we're thinking.

22 I've heard the suggestion from the City also --
23 that's what always was my idea -- that because we're
24 trying to move these projects along and it had a long
25 history in there -- there has been a long history, so

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1 out of time. And so for the next one --

2 MR. O'BRIEN: We have to forget about the Tidal
3 Area?

4 MR. COOPER: No, not at all, but for the
5 purposes of this meeting tonight, it sounds like you
6 folks want to quit. So we should note on the next agenda
7 time for all of these comments, particularly if the
8 regulators are going to be out in five days at the Tidal
9 Area during the tour, that may be a time for them to take
10 10 or 15 minutes apiece at the beginning saying, "These
11 are some things that we're looking at. We're looking at
12 the ROD. We're looking at this landfill. These are the
13 issues and concerns."

14 And that way, when you go out and you complete
15 the tour, you'll know what it was you wanted to say
16 tonight and not simply run out of time. And in the
17 future agendas, you should always have time for the
18 regulators.

19 MR. O'CONNELL: I share this part of the
20 discussion, and we are running over time here, and I'm
21 sensitive about time, keeping in the time period. And
22 this is actually going on the agenda for setting the next
23 item -- setting the next agenda. So if anyone has
24 anything, I think we have submitted our comments on the
25 schedule. We probably don't need to belabor that any

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1 more tonight.

2 We have a couple more issues on the -- a couple
3 more items on the agenda, and I suggest we just case
4 through those.

5 MR. PONTEMAYOR: Anybody have any other issues
6 to deal with?

7 MR. O'CONNELL: I have one piece of new
8 business, really kind of an old business. It will be
9 short. I would like to know the sense of the RAB about
10 whether we need a court reporter here at the next
11 meeting?

12 MR. McLEOD: I propose that we have one.

13 MR. O'BRIEN: I second it.

14 MR. O'CONNELL: Well, I guess we should ask for
15 a vote then, our first vote. Who would like a court
16 reporter here? I take it that the community members are
17 the ones that count; is that right? Who would like a
18 court reporter here?

19 MR. COOPER: I count five, six, seven.

20 MR. O'CONNELL: What community members would not
21 like a court reporter here?

22 MR. GRIFFITH: I raised my hand.

23 MR. O'CONNELL: Well, I guess we feel we should
24 have a court reporter here at the next meeting. That was
25 the consensus. That's the only piece of new business

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1 for March 1st.

2 MR. McLEOD: Isn't that the deadline?

3 MR. O'CONNELL: No, the deadline -- we have
4 asked for an extension on the deadline. Somebody has
5 artificially -- seems to have implanted the idea that the
6 deadline is that date. It ain't so.

7 MR. McLEOD: Okay.

8 MR. O'CONNELL: Things have to be done to make
9 things right.

10 MR. PINARD: I think that's important. I think
11 you were mentioning a very valid point about the
12 regulatory agencies getting their inputs into this, and
13 they didn't really have a chance. So why not put that as
14 soon as you get the agenda going next time, let them have
15 a chance to get that flow in. You guys then discuss it
16 as a RAB.

17 You know, we've had presentation from the Navy.
18 Let the regulators get in. You're going to have a chance
19 to see it. Now, you discuss it, and that's your first
20 item of business, and then you make a vote. You put
21 something together that goes forward to the Navy as a
22 RAB.

23 And like Marcus is saying, there's a deadline,
24 but there's no deadline. If two of the agencies --
25 they're gone now -- have not bought off on what the Navy

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1 that I'd like to bring up.

2 (Recess taken.)

3 MR. O'CONNELL: We need to set the next meeting.
4 This will be -- we need to set the next meeting agenda.
5 So any ideas? What do we want on the next meeting
6 agenda?

7 MR. McLEOD: What's the date of the meeting?

8 MS. TANASESCU: I suggest putting -- revisiting
9 the training schedule to see what we come up with in the
10 meantime between meetings.

11 MR. McLEOD: I think we should be looking at
12 the next item that is coming down the pike. It looks
13 like a freight train. The next Record of Decision or the
14 next thing that we've got to be -- after the fill area,
15 we've got a whole list of other things coming down the
16 pike at us, and we should start looking in that
17 direction.

18 MR. O'CONNELL: I think we need to talk about
19 communications and how we're going to communicate with
20 the community.

21 MR. PINARD: Have you decided -- have you
22 finished in your conversation anything to do with your
23 ROD down here at the landfill, or are you going to bring
24 it up March 1st at your meeting?

25 MR. O'CONNELL: We should have it on the agenda

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1 is proposing -- come on.

2 MR. O'BRIEN: The deadline is automatically
3 postponed.

4 MR. PINARD: Sure. I'm not speaking for the
5 Navy. That's common sense. So March 1st you guys will
6 be able to make your inputs.

7 MR. McLEOD: Is that enough on the agenda?

8 MR. O'CONNELL: Is there anything else?
9 I'd like to call the meeting adjourned.

10 MS. WILLIAMS: Wait a minute, Marcus. I'd like
11 to make a motion -- and somebody better second it -- to
12 thank our court reporter. So far tonight, she's done a
13 real good job.

14 MR. O'CONNELL: Yes.

15 (Whereupon, at 10:04 p.m., the proceedings were
16 concluded.)

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1 STATE OF CALIFORNIA)
2) SS.
3 COUNTY OF CONTRA COSTA)

4

5 I, DONNA L. ARCHULETA, a Certified Shorthand
6 Reporter in and for the County of Contra Costa, State of
7 California, do hereby certify:

8

9 That the foregoing proceeding was taken before me
10 at the time and place therein named; and

11

12 That the same was taken in shorthand by myself, a
13 Certified Shorthand Reporter, and was thereafter under my
14 direction transcribed into computer-assisted
15 transcription.

16

17 And I further certify that I am a disinterested
18 person to said action and in no way interested in the
19 outcome thereof nor connected or related to the parties.

20

21 IN WITNESS WHEREOF, I have hereunto set my hand and
22 affixed my official seal of office this 25th day of
23 February, 2002.

24

25 _____
DONNA L. ARCHULETA, CSR. 11828

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