

Restoration Advisory Board

Concord, California

Meeting of February 3, 2003

Reporter's Transcript

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NAVAL WEAPONS STATION
SEAL BEACH, DETACHMENT CONCORD
RESTORATION ADVISORY BOARD

REPORTER'S TRANSCRIPT OF MEETING

February 3, 2003

Willow Pass Community Center
2748 East Olivera Road
Concord, California

Reported by Christine M. Niccoli, RPR, C.S.R. No. 4569

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CERTIFIED SHORTHAND REPORTERS SERVING THE BAY AREA

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1 OTHER ATTENDEES [Cont.]:
2
3 HARRY M. BYRNE - Concord citizen
4 JOANNA CANEPA - Tetra Tech EM Inc.
5 DAVID COOPER - U.S. Environmental Protection Agency (EPA)
6 TOM FREITAS - Concord Resident
7 DON GOSNEY - Point Molate RAB community cochair
8 CAROLYN HUNTER - Tetra Tech EM Inc.
9 TOM PINARD - United States Navy
10 KELLY RYAN - Tetra Tech EM Inc.
11 PATRICIA RYAN - Calif. Dept. of Toxic Substances Control
12 GREGG SMITH - United States Navy
13 TONY TACTAY - United States Navy
14 ---oOo---

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1 PARTICIPANTS
2
3 COCHAIRS: THERESA L. MORLEY - United States Navy
4 EVELYN FREITAS - Concord resident
5
6 RAB MEMBERS
7
8 DAVID L. GRIFFITH - City of Concord representative
9 LAURENT M. MEILLIER - San Francisco Bay Regional Water
10 Quality Control Board
11 MARIO M. MENESINI - Walnut Creek resident
12 RAYMOND O'BRIEN - Bay Point resident
13 MARCUS O'CONNELL - Concord resident
14 JIM PINASCO - Calif. Dept. of Toxic Substances Control
15 (DTSC)
16 PHILLIP RAMSEY - U.S. Environmental Protection Agency
17 IGOR O. SKAREDOFF - Martinez resident
18 GAY TANASESCU - Bay Point resident
19 ---oOo---
20
21 OTHER ATTENDEES
22
23 PAUL ADLER - Supervisor Federal Glover representative
24 CLAUDETTE ALTAMIRANO - Weston Solutions, Inc.
25 AMADO C. ANDAL - Weston Solutions, Inc.

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1 CONCORD, CALIFORNIA, MONDAY, FEBRUARY 3, 2003, 7:05 P.M.
2 ---oOo---
3 MS. FREITAS: I want to welcome everyone, and
4 we'll start with introductions. I'm Evelyn Freitas,
5 community cochair.
6 And we'll go around this way to my right.
7 MS. MORLEY: I'm Theresa Morley, the Navy
8 cochair.
9 MR. GRIFFITH: David Griffith, City of Concord.
10 MS. FREITAS: Marcus? Marcus.
11 MR. O'CONNELL: Oh, hello? Marcus O'Connell,
12 community RAB member.
13 MR. O'BRIEN: Ray O'Brien, Bay Point resident.
14 MS. TANASESCU: Gay Tanasescu, Bay Point
15 resident.
16 MR. RAMSEY: Good evening. I'm Phillip Ramsey
17 with the United States Environmental Protection Agency.
18 MR. MEILLIER: Good evening. I'm Laurent
19 Meillier with the Regional Water Quality Control Board.
20 MR. TACTAY: I'm Tony Tactay, RPM with EPA
21 West.
22 MR. SKAREDOFF: Igor Skaredoff, Martinez
23 resident.
24 MR. SMITH: I'm Gregg Smith. I'm the Public
25 Affairs Officer for the Naval Weapons Station.

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1 MS. FREITAS: Out in the audience?
 2 MS. CANEPA: I'm Joanna Canepa. I'm with Tetra
 3 Tech. We're a Navy consultant.
 4 MR. BYRNE: I'm Harry Byrne, Concord resident.
 5 MR. PINARD: Tom Pinard, Navy Public Affairs,
 6 San Francisco Bay Area.
 7 MR. GOSNEY: I'm Don Gosney, the community
 8 cochair for the Point Molate Restoration Advisory Board.
 9 MS. ALTAMIRANO: Claudette Altamirano, Weston
 10 Solutions, Navy contractor.
 11 MR. ANDAL: Amado Andar, Weston Solutions . . .
 12 [unintelligible].
 13 THE REPORTER: What did you say after "Weston
 14 Solutions"?
 15 MR. ANDAL: Amado Andar.
 16 THE REPORTER: Yes.
 17 MR. ANDAL: I'm with Weston Solutions. I'm a
 18 Navy contractor.
 19 THE REPORTER: Thank you.
 20 MR. FREITAS: Tom Freitas, Concord resident.
 21 MS. FREITAS: We have somebody else that just
 22 came in.
 23 MR. ADLER: I'm Paul Adler. I represent
 24 Supervisor Federal Glover.
 25 MS. FREITAS: Okay. We have public comments.

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1 We have two people that would like to speak, the first
 2 one, Harry Byrne.
 3 MR. BYRNE: I'm Harry Byrne, Concord resident.
 4 And I just want to make a couple comments and ask a
 5 question or two.
 6 The residential area around Concord High, both
 7 north and south, is very close -- it -- it goes right up
 8 to the boundary of the Weapons Station. Site 22 is
 9 right near there and a lot of residential wells in the
 10 area.
 11 And two large uses of groundwater would be
 12 Concord Boulevard Neighborhood Park and also Denkinger
 13 Swim Pool. And I'm just curious as to whether anybody
 14 has ever looked at the possible contamination of any of
 15 these wells or if they are going to in the future.
 16 That's basically what I want to know.
 17 MS. MORLEY: Joanna, is there groundwater
 18 sampling in the IR Site 2? Twenty-two. Twenty- -- I'm
 19 sorry.
 20 MS. CANEPA: Twenty-two. There hasn't been
 21 groundwater sampling off site of Navy property. It's
 22 all been -- Groundwater sampling for that site has
 23 been --
 24 MS. MORLEY: Site 22 has been sampled? The
 25 groundwater has been sampled?

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1 MS. CANEPA: Right. Groundwater has been
 2 sampled for organic contaminants.
 3 MR. O'CONNELL: Where do we find the results of
 4 that?
 5 MS. CANEPA: The results of the groundwater
 6 sampling were presented in two reports: One was a
 7 remedial investigation report, and it was produced in
 8 1995. It was for Sites 13, 17, 22, 24, and 27. So it
 9 was an RI. It's a lot of sites in it.
 10 And there was a Phase 2 RI in which there were
 11 additional groundwater results presented, and that was
 12 published in 1997 --
 13 MR. O'CONNELL: Did --?
 14 MS. CANEPA: -- and it's called the Phrase 2 RI
 15 for Segment 2.
 16 MR. O'CONNELL: Did I hear correctly that those
 17 were off site -- off --
 18 MS. CANEPA: No.
 19 MR. O'CONNELL: -- base?
 20 MS. CANEPA: No. Those are from wells at
 21 Site 22.
 22 MR. O'CONNELL: Okay.
 23 MS. CANEPA: The Navy has not conducted
 24 environmental testing of wells off site the Navy
 25 property.

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1 MR. O'CONNELL: Okay.
 2 MS. FREITAS: I'd like to go on record also. I
 3 have some other ones that I'll address later tonight.
 4 But I think that's one site that definitely
 5 needs to be checked for the chemical percolate [sic] --
 6 I may be saying it --
 7 MS. MORLEY: Perchlorate.
 8 MS. FREITAS: Perchlorate. I'll -- I'll learn
 9 this chemical.
 10 And there's some other sites close to that
 11 area, Site 23A. And I'm not quite sure where 24A and
 12 24B are because of the explosives and some of the things
 13 that were in that area.
 14 Also Building 97, which was Site 21 -- I'm not
 15 sure, since Site 21 and 22 are so close, if those are in
 16 close proximity; but that had rocket motor fuel also.
 17 So this is something that I want to go on
 18 record, and then I'll go through the other ones at a
 19 later time. But I think that these definitely need to
 20 be reinvestigated, and the new chemicals that has not
 21 been checked for definitely need to be checked for on
 22 and around that property.
 23 MS. MORLEY: Evelyn, can I just say one thing?
 24 I'm looking over your shoulder at Building 97. Is JP-5
 25 the chemical that you're concerned with?

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1 MS. FREITAS: Yeah. It's a rocket motor field.
 2 MS. MORLEY: Actually, it's an aviation field.
 3 It's not a rocket field. It was only used for aircraft,
 4 right.
 5 MS. FREITAS: Well, the documents all say
 6 rocket fuel, and it says that in several different
 7 areas.
 8 MR. SKAREDOFF: That one doesn't have any
 9 perchlorate.
 10 MS. MORLEY: Right. It's just -- it's --
 11 MR. SKAREDOFF: It's like a diesel --
 12 MS. MORLEY: Exactly.
 13 MR. SKAREDOFF: -- likeness.
 14 MS. MORLEY: But for aircraft.
 15 MS. FREITAS: Well, there's still explosives in
 16 that area and/or --
 17 MS. MORLEY: In --? At Building 97?
 18 MS. FREITAS: No, not at that one.
 19 MS. MORLEY: So 22, 23A and B and 24A?
 20 MS. FREITAS: Right, and B. 24A and B.
 21 And is 16 in that proximity also, or is that
 22 over towards 17, the block pit and red rock site?
 23 MS. CANEPA: That's near Site 17.
 24 MS. FREITAS: Okay. So we'll put that off.
 25 But those areas around there definitely --

1 don't think Site 22 has been given enough remedial
 2 investigation and/or testing, and that's why I'm asking
 3 for the maps so I can put them together to get a better
 4 look at what's around in that area and what we're
 5 missing, because I don't think arsenic and some of these
 6 other chemicals are the main problems.
 7 I think we need to be checking the perchloride
 8 [sic] and some of these other things that maybe haven't
 9 been tested for. We've got residents living close by.
 10 We've got a high school there. And this is a big
 11 concern for me because I live right in that area.
 12 And as Mr. Byrne said, I -- I really think this
 13 needs to be on a high priority list. This is one of the
 14 ones that happens to be close to a residential -- heavy
 15 residential area.
 16 MS. MORLEY: I just also want to add that we
 17 are not going to sign the ROD and either of the agencies
 18 because we're going to be doing perchlorate sampling at
 19 Site 17. So --
 20 MS. FREITAS: But I'd like it also added, as
 21 Mr. Byrne has added; and he's president of the Dana
 22 Estates Neighborhood Association. So I'd like to have
 23 that on record for testing on 22 also.
 24 Don?
 25 I'm sorry. Go ahead.

1 MR. SKAREDOFF: Well, I had a question for
 2 Mr. Byrne.
 3 You mentioned a swimming pool. Does the
 4 swimming pool gets its water from the wells in that
 5 area?
 6 MR. BYRNE: No. Just used for landscape
 7 irrigation.
 8 MR. SKAREDOFF: Okay. So it's not actually
 9 used for consumption.
 10 MS. FREITAS: Thank you.
 11 MR. MEILLIER: And you mentioned another area?
 12 MR. BYRNE: Adjacent to the high school, and
 13 the high school is right on the property line over at
 14 the station but adjacent to the high school on the
 15 southern side of Concord Boulevard, and they use all
 16 their -- they use wells to water the plants.
 17 MR. MEILLIER: So the irrigation.
 18 MR. BYRNE: Yeah.
 19 MR. MEILLIER: So there's no -- none of those
 20 wells are used for consumption, for human consumption?
 21 MR. BYRNE: Well, not in that case. But I
 22 don't know what goes on with all these residential
 23 wells. There's a lot of them.
 24 MR. MEILLIER: Okay.
 25 MR. BYRNE: But, you know, it's hard to find

1 out because the county and state apparently didn't keep
 2 records on these until about 1990.
 3 MR. MEILLIER: I see.
 4 MS. FREITAS: And this is also why I had a
 5 concern with the Willow Pass corridor with them wanting
 6 to put a -- a well at the -- you know, the Concord Naval
 7 Weapons Station area and pumping that out into the --
 8 for the landscaping, because that water needs to be
 9 tested all around.
 10 We have one other person that wanted to speak.
 11 That's Don Gosney. Did I say that right?
 12 MR. GOSNEY: Again, my name is Don Gosney.
 13 Past six and a half years, I've been the community
 14 cochair for the Point Molate Restoration Advisory Board,
 15 which is on the west coast of Richmond.
 16 And I -- it's only recently that we have been
 17 made aware of these -- the meeting dates and the
 18 locations of some of the other RABS, and I just want to
 19 thank you all for the opportunity to come here and --
 20 and learn from you, see how it's really supposed to be
 21 done. I would like you all come to our RAB meeting day
 22 after tomorrow.
 23 MR. O'CONNELL: Could I . . . ?
 24 One of the things that we need very much in the
 25 Bay Area that Don mentioned is for chairs and interested

1 members of the RABS to actually meet together in -- by
2 themselves in an informal setting to have some
3 back-and-forth.
4 Have you heard --? You've been si -- involved
5 for six years. Have you heard of any efforts to do that
6 in the past?
7 MR. GOSNEY: Yes. There was an effort about a
8 year and a half ago by -- at the Alameda RAB, and the
9 Navy supported it wholeheartedly. And the next thing
10 you know, the -- the Navy was completely in charge, and
11 the RABS were pretty much shut out of it. They -- It
12 was hosted at Treasure Island October of a year and a
13 half ago.
14 MR. O'CONNELL: Correct.
15 MR. GOSNEY: It wasn't as informative as we
16 would have liked. It was not -- We did not have the
17 kind of interaction with each other that we would
18 have -- would have liked.
19 It was a nice gesture on the Navy's part. They
20 went to great -- great extent. A lot -- a lot of
21 bigwigs from -- from back East on it.
22 I agree with you. It's something we have been
23 pushing for for a long time. It's very difficult,
24 though, to -- to have any kind of interaction when you
25 don't even know who is involved with the other RABS.

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1 It would be nice if we had some way of -- some
2 kind of a clearinghouse where we could -- we could learn
3 who the RAB members were, who the cochair members were
4 and all the contact information so we can talk to each
5 other.
6 MS. MORLEY: We're supposed to have a Web site.
7 MR. O'CONNELL: Could you provide that
8 information, Gregg?
9 MR. SMITH: I could --
10 MS. MORLEY: No, Marcus. We're supposed to
11 have a Web site DoD-wide that you're supposed to --
12 we -- it doesn't have all the RAB members, but it has at
13 least the community cochair. And if they sign that
14 release form, that really puts their name and
15 information. So I need to check on the status of that,
16 because --
17 MR. GOSNEY: Actually, it's -- it's not as
18 nearly as informative as you might imagine.
19 MS. MORLEY: Oh, you think you've seen it?
20 MR. GOSNEY: Oh, at great length.
21 MR. SMITH: Well, Marcus, what I'd like to do
22 on this is basically try and get you some information so
23 you guys can start networking and then have the Navy
24 just step out of the process --
25 MR. GOSNEY: Yeah.

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1 MR. SMITH: -- and let you guys do what you
2 want to do.
3 MR. O'CONNELL: That's actually what we want to
4 do.
5 MR. SMITH: And I can probably get that
6 information. Again, it's Privacy Act concerns with
7 giving out personal information to other people, as
8 Theresa sort of mentioned.
9 MS. MORLEY: But they are supposed to sign that
10 form every --
11 MR. SMITH: But I'd like to get -- start off by
12 getting your business cards at some point, and -- and we
13 can work together, the three of us, or with -- with
14 Evelyn and start trying to get the cochairs, at least,
15 all together and talking.
16 MR. GOSNEY: Absolutely. And as a matter of
17 fact, I know that our RAB -- we're not alone, that we
18 have a roster with our address -- names, addresses,
19 phone numbers, contact information; and it's part of the
20 public repository.
21 And as -- many other RABS are -- are very
22 similar. The one problem we have is: We -- we never
23 knew where those public repositories were. But
24 definitely before I leave, I'll -- I'll give you my
25 information.

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1 MR. SMITH: Please do. Okay. Great.
2 MS. FREITAS: Okay. I guess that concludes the
3 public comments, and I'll turn it over to our -- our
4 Navy cochair, Theresa Morley.
5 MS. MORLEY: Did everybody get the January 6th
6 transcript?
7 Okay. Does anybody have any comments or
8 questions?
9 MR. O'BRIEN: Yeah. "Bay Point" should be
10 spelled as two words. And Mr. Dean McLeod should be
11 listed as Contra Costa County Historical Society. I
12 brought this up before, but it hasn't been clarified.
13 MS. MORLEY: Well, we have a new court
14 reporter, so . . .
15 MR. O'BRIEN: Okay.
16 And then on page 9 -- page 11, No. 24,
17 "MR. ATTENDEE" could be listed as "MR. MCLEOD" speaking.
18 And I need a little clarification because the
19 sentence embodied in lines 2 through 8 does not read
20 coherently. "I know the Board has -- the community
21 members have requested information about the other
22 processes of studying going on around the Naval Weapons
23 Station." That's fine.
24 "I think there -- there were at least three:
25 One's environmental, to clean up the spills, joint

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1 use -- future use of the Navy property . . . , and
 2 according to Mr. McLeod, this should read ". . . and
 3 cultural resources being done." That word "district"
 4 has no meaning.
 5 MS. MORLEY: So it's "cultural resources"
 6 instead of "district"?
 7 MR. O'BRIEN: "And" -- The -- the word
 8 "district" should be "'and' cultural resources being
 9 done."
 10 MS. MORLEY: And I'm sorry. What page and line
 11 was that?
 12 MR. O'BRIEN: That is line 7 on page 9.
 13 MS. MORLEY: Okay.
 14 MR. O'BRIEN: Page 12. I'm sorry.
 15 MS. MORLEY: And those four changes?
 16 MR. O'BRIEN: Mm-hmm.
 17 MS. MORLEY: Thank you.
 18 Is there -- anybody else have changes?
 19 Okay. We'll make those, and then it would --
 20 till you guys approve the transcripts of those changes.
 21 Okay. With that, we'll get into our
 22 presentation on the CERCLA process with Kelly Ryan.
 23 KELLY RYAN: I'm going to just leave one of
 24 these lights down and see if that makes it a little --
 25 is that all right with those?

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1 Okay. For a start, does everybody have a copy
 2 of the handout? The copy of the presentation, and on
 3 the back, the la-- very last page, is a color version
 4 of this up here [indicating]; and it might be easier for
 5 those of you that are little further back to look on the
 6 handout. You may not be able to read some of the
 7 smaller fine print on this guy up here.
 8 Okay. Good evening. My name is Kelly Ryan.
 9 I'm with Tetra Tech. I'm going to be doing CERCLA
 10 training tonight. I have about a twenty-minute
 11 presentation. I'm going to give you a brief overview of
 12 it in a moment.
 13 If you can, we have space for you to jot down
 14 questions as we go, and I'll try to do questions at the
 15 end. It may be that as I go through the presentation, I
 16 might answer the question that you have; and if not,
 17 we'll get to it at the end for sure.
 18 Okay. This is the overview of the
 19 presentation. What I want to do here is actually just
 20 walk you through; these are the steps that are in the
 21 CERCLA process. I'm going to go over first the
 22 regulatory background on CERCLA, and then these are the
 23 individual steps that are -- that compose the CERCLA
 24 process.
 25 So looking at that color handout or up here, if

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1 you can, the first step is preliminary assessment, or
 2 PA. The next step is site inspection, or SI. Those are
 3 often combined.
 4 Next step, well, you can have basically at any
 5 point a removal action. That's what I'll cover next in
 6 the -- in the presentation, and you'll see that down
 7 here, "Removal Action."
 8 Next step after PS -- PA/SI is remedial
 9 investigation, or RI. Following step, feasibility
 10 study, or FS; then a proposed plan, or Record of
 11 Decision, which is the step here, followed by remedial
 12 design, remedial action, long-term monitoring, and
 13 five-year review.
 14 Throughout the presentation, I'm going to be
 15 highlighting specific areas of community involvement;
 16 and then at the very end, I'm also going to sum up some
 17 additional items.
 18 Okay. Regulatory background: CERCLA was
 19 passed in 1980. It stands for Comprehensive
 20 Environmental Response, Compensation, and Liability Act;
 21 and it's often called Superfund. It's a lot shorter.
 22 Basically, this law is our overall umbrella for
 23 the work that we are doing under the Navy Installation
 24 Restoration Program. It was modified significantly in
 25 1986 . . . in 1986 by SARA, or Superfund Amendments and

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1 Reauthorization Act.
 2 I'm going to talk a little bit more about both
 3 of those things, but I want to just bring to your
 4 attention the NCP.
 5 This is something that you'll often hear, the
 6 National Contingency Plan. Basically, this item is what
 7 wraps in all forms of federal laws and basically is the
 8 blueprint for the federal government or the agencies
 9 that are implementing these laws to go out and do
 10 cleanups or implement the regulations that are --
 11 implement regulations that are set out in these laws.
 12 So talking a little bit first about CERCLA,
 13 CERCLA authorizes the cleanup of closed or abandoned
 14 sites. The key thing here is to understand CERCLA
 15 addresses inactive sites. These are not sites that
 16 there's currently work going on; there's a current
 17 management of hazardous waste either being used to
 18 produce materials or being generated as a process.
 19 MR. O'CONNELL: Is that Concord? Where do we
 20 fall?
 21 KELLY RYAN: You fall in inactive, inactive,
 22 closed or abandoned sites. So CERCLA would be -- yes,
 23 CERCLA is -- CERCLA is the IR Program at Concord.
 24 MR. O'CONNELL: Okay, because we're closed.
 25 We're closed.

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1 MR. SMITH: One -- I think one -- There's a
2 difference between a base and a site, Marcus. I think
3 you can have sites --
4 MS. MORLEY: Oh.
5 MR. SMITH: -- that are on active bases. It's
6 the site itself where the hazardous waste, or what have
7 you, has been found that has to be inactive. A base
8 by -- can be either active or inactive.
9 For instance, at Seal Beach, we have a fully
10 active base; and we have a bunch of sites that also fall
11 under CERCLA because there is no work at those
12 particular sites on the base. So site, first, is just
13 an area on base, not a whole base.
14 MS. MORLEY: In addition -- Additionally, for
15 the Navy, it has to have been before 1986. Then it
16 falls under the IR Program. Otherwise, the base has to
17 pay for it out of current operational funds.
18 KELLY RYAN: The example being, you know, maybe
19 a, you know, metal plating shop that is operating right
20 now; they're in business down the street versus what we
21 would be looking at on a naval base, could be a metals
22 shop and operating 20 years ago.
23 That's the kind of site that would be a typical
24 example of a CERCLA closed site. The work -- Whatever
25 was done was done many years ago, and now we are going
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1 back to address hazardous waste at that site.
2 Just one important thing to note with hazardous
3 waste: They don't include petroleum compounds. And
4 that's something that -- you know, that distinction is
5 in the law, and petroleum is handled basically under IR
6 programs.
7 So under CERCLA, CERCLA establishes the
8 liability for hazardous waste, how you're going to
9 management -- manage waste when you're cleaning it
10 up . . . I'm sorry. Sorry. That's the wrong page. So
11 CERCLA, inactive sites. Okay.
12 The next one is SARA. SARA, these are
13 important lessons that were learned the first six years
14 of the Superfund program. It identifies the importance
15 of permanent remedies and the use of innovative
16 technologies and considers standards or requirements
17 found in other federal and state environmental laws.
18 And just to give you an idea of what I'm
19 talking about, this is just a list of some other federal
20 laws that could be considered or be applicable: Clean
21 Water Act; Clean Air Act; Emergency Planning and
22 Community Right-to-Know, also called EPCRA; Federal
23 Insecticide, Fungicide, and Rodenticide Act called
24 FIFRA; and some others up there.
25 SARA also encourages greater community
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1 involvement, and it brought the federal facilities under
2 CERCLA.
3 MR. RAMSEY: That's what Marcus was asking
4 about. It's actually SARA brings in these military
5 bases.
6 MR. O'CONNELL: Getting back to that one
7 question, CERCLA covers sites where hazardous wa --
8 waste has not been characterized yet, but it is still
9 under investigative phase.
10 So I'm a little unclear on if it only applies
11 to IR sites, that -- that indicates to me that that's a
12 site where hazardous materials have already been
13 identified.
14 What about --? Why -- why --? Does it
15 cover --? This is a technicality. I realize that. But
16 it applies all the time to -- to Concord.
17 KELLY RYAN: I might answer your question when
18 we start the CERCLA process, because I think what you're
19 talking about is basically the first determination
20 that's made in CERCLA. You have a site, and we just
21 jump right to it.
22 It's a preliminary assessment. You have a site
23 where there's a possibility that hazardous waste was
24 used, could have been there, might have been released.
25 It's not known, but it's a possibility.
Page 23

1 So in the preliminary assessment, you basically
2 do a limited effort to collect readily available
3 information. Pretty much it's a paper search. You're
4 looking for evidence that, okay, well, there's a metal
5 shop here. What kind of materials did they handle?
6 What kind of things did they produce? What kind of
7 things would that lead you to believe might be at that
8 site and could have been released?
9 And basically, at this step that you're trying
10 to distinguish between is sites that pose little to no
11 threat that you could basically write off at that step.
12 You say, Well, we thought this was a hazardous waste
13 storage area; but come to find out later, it was a
14 janitor closet. We write it off. We don't usually do
15 any further work.
16 And then your -- the other side of it on these
17 sites that may pose a threat and require further
18 investigation. Does that kind of . . . ?
19 MS. MORLEY: Actually, Kelly, can I say
20 something?
21 KELLY RYAN: Sure.
22 MS. MORLEY: I think, Marcus, what you might be
23 asking is: When -- Out in the private sector where the
24 term "Superfund" is used, the actual facility is the
25 Superfund site, 'cause it's normally like a chemical
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1 plant or whatever.
2 Whereas, the Navy, the whole base, is not a
3 Superfund site. It's actually called an NPL, a National
4 Priorities List, base. But there's actual sites on the
5 base, so . . . But it's not like the whole base is
6 designated as the site. Just these potential areas that
7 you might -- that you know are suspect may have been
8 contaminated become Superfund, or IR sites, on that
9 base.

10 Does that -- does that answer your question?
11 MR. O'CONNELL: Phil, do you agree with that,
12 that the entire --?

13 We have been through this before. On numerous
14 occasions, the question's been asked: Is the Concord
15 Naval Weapons Station as a whole a Superfund site?

16 And when I go back and read the original
17 designation as an NPL site, it seems to indicate the
18 whole base to me.

19 MR. RAMSEY: Well, it's kind of a legal --
20 legal distinction. But you're correct, it is fence
21 line. A fence line is generally the Superfund sites.

22 MR. O'CONNELL: Okay. So --

23 MR. RAMSEY: So there are areas that for
24 purposes of priorities, we are focusing on known areas
25 of the Navy that originally identified screened. And,

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1 you know, other agency PA involvement previously has --
2 tend to agree, and we focused on those areas.

3 And we've -- we kind of talked about what about
4 these other lesser sites, sites that the Navy has
5 screened out? And I believe I talked about that a while
6 back.

7 But my general thought is: What we are trying
8 to do is basically focus, you know, now, Marcus, on
9 high -- we have kind of gone through a priority scheme,
10 and we're trying to work through those. We've all
11 agreed upon the agencies and the Navy as the priorities
12 at the base at this point.

13 Now, we recognize there is a greater universe
14 in environmental sites at the station. And I've
15 generally expressed to the effect that at some point
16 when the Navy gets to the position of delisting, we feel
17 we have our opportunity to look at all the sites and
18 assure that everything's been done in the protection of
19 human health and environment.

20 KELLY RYAN: Okay. So we're really just here
21 in this first part, preliminary assessment, and then
22 site inspection. Now, these steps are often combined.

23 Another thing that EPA learned in doing
24 Superfund for a few years was that there is the
25 opportunity to streamline some of the processes, and one

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1 of them was to combine the preliminary assessment and
2 site inspection into one step, and you often see that.
3 And this was done under what they call the Superfund
4 Accelerated Cleanup Model, or SACM.

5 So most of the time that's how you'll see
6 reports presented is the PA/SI.

7 So SI, or site inspection, this is when you're
8 actually going to go out and collect samples. You've
9 done your paper work. You've decided that this site is
10 a question. You're not sure. Maybe there was a release
11 of hazardous substances. You need to actually take a
12 couple samples in those obvious locations to see if
13 there was actually release.

14 So you're taking some samples. You're going to
15 determine that these substances could have been released
16 in the environment. You might have a situation where
17 something was limited to a concrete pad. It wasn't ever
18 actually released in the environment. There could be a
19 lot of different scenarios of what you could come up
20 with in this initial sampling.

21 So you need to know: Do you have a release,
22 and then is it actually able to adversely affect human
23 health or the environment?

24 So is it being released? Say, if you use the
25 example of something being -- like PCBs, or

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1 polychlorinated biphenyls, being released to a concrete
2 pad, what if those were to wash off? You could have a
3 release of PCBs down to maybe adjacent soil. That could
4 be an example.

5 Then this information is used -- can be used to
6 prepare what's called a Hazard Ranking System score, or
7 HRS score. So you actually need to have some chemical
8 data information to do an HRS score.

9 HRS scoring: Basically, in the early days of
10 the Superfund program, HRS scoring was used to determine
11 whether or not a site goes onto the NPL site.

12 Federal facilities present a challenge. They
13 are not one site. Really what was envisioned when
14 Superfund started off is: You are talking about that
15 metal plating shop down the street. It's an individual
16 site. Whereas, a federal facility could be a collection
17 of sites.

18 So it's difficult to do the HRS scoring. And
19 as a result, EPA hasn't really continued to necessarily
20 score sites.

21 So when it comes to federal facilities, you
22 can't necessarily compare one site as an HRS score and
23 another doesn't, when it's impaled and another isn't.

24 EPA made choices about, you know, dealing with
25 federal facilities in a different way, because

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1 basically, the model they had set up was for the one
 2 site kind of model, and it was for them to prioritize
 3 what sites did they want to spend money on and their
 4 attention on and focus on. Whereas, federal facilities
 5 is -- has its own beast, and the Navy has or DoD has the
 6 lead with doing the work with oversight from EPA.
 7 MR. SKAREDOFF: Excuse me, Kelly. Is this
 8 system used to prioritize sites within a facility?
 9 KELLY RYAN: EPA uses it to -- I'll answer it a
 10 little bit and maybe add to it, but to prioritize their
 11 own list.
 12 So EPA is responsible for sites that have been
 13 completely abandoned. There's nobody left. The Navy
 14 cleaned it up. So they use it themselves to prioritize
 15 do I clean up this leather shop --?
 16 MR. SKAREDOFF: And so it's -- it's not used to
 17 distinguish among the different sites on the Concord
 18 Naval Weapons Station as to which are prioritized?
 19 Okay. That's fine.
 20 KELLY RYAN: In fact, what there is for Concord
 21 is: There's just one overall score for the whole base.
 22 So that's where it gets kind of hard, because you're --
 23 it's mixing a whole bunch, you know, individual sites
 24 into one score.
 25 And basically, what happened was: Enough
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1 federal facilities were done that way; and, you know,
 2 this doesn't really work well for what we need to do.
 3 We'd just rather address the federal facilities, you
 4 know, narrow program. We don't really need to do this
 5 step. But I want to go over it because it was done for
 6 Concord.
 7 MR. RAMSEY: What I would just clarify, one,
 8 is: The HRS's are not public information. So the EPA
 9 doesn't -- the public cannot see how it's scored.
 10 It is important to distinguish, I think, that
 11 Concord is on the Superfund sites. A lot of BRAC, the
 12 closing bases, some of them have been put on the list.
 13 Alameda in the last -- I think 2000 was put on the list,
 14 kind of unusually added to the Superfund site list.
 15 In general, what they feel is the -- I mean,
 16 you're kind of looking at BRAC bases. The sentiment
 17 there was: These bases are closing. We don't want to
 18 hit the community with both the Superfund stigma that
 19 was associated with the Superfund site and the closing
 20 impact on the community.
 21 So we have a lot of bases are being closed.
 22 Don's Point Molate is not on the NPL site list; but they
 23 are all considered -- all the closing bases, regardless
 24 of the NPL list, are considered NPL-caliber facilities.
 25 Just important, I think, to recognize, Concord
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1 was -- is on the Superfund site list, was listed in
 2 1994. And that was done primarily a result of the
 3 contamination in the marsh area that was high enough to
 4 warrant there is numerical calculations done, and it
 5 reached that threshold.
 6 KELLY RYAN: Right. And just to clarify to
 7 that, I want to add, the reason Concord was put on the
 8 NPL was because of the property that they purchased at
 9 the tidal area that was contaminated by other entities,
 10 chemical companies that owned the property prior to the
 11 Navy buying it; and they bought it as a buffer zone and
 12 basically inherited this problem. That's what caused
 13 the listing.
 14 Pat? Oh, I'm sorry. Marcus and then Pat.
 15 Marcus.
 16 MR. O'CONNELL: There's a Web site called
 17 scoreboard.org which rates Superfund sites according to
 18 severity, and rates Concord Naval Weapons Station -- it
 19 says California has got some of the worst Superfund
 20 sites in the nation, and it rates Concord Naval Weapons
 21 Station as being the 14th worst most contaminated
 22 Superfund site in the state of California.
 23 With this scoring system, have any done the
 24 origin of that score?
 25 MR. RAMSEY: I'm not sure what your question
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1 is. I'm actually surprised of being 14th of all the
 2 Superfund sites in the state.
 3 MR. O'CONNELL: Within the state of California,
 4 yeah.
 5 MR. RAMSEY: Yeah, even within the state of
 6 California.
 7 But, I mean, I'm not familiar how, since these
 8 HRS scores aren't -- I mean, I'm kind of surprised,
 9 because there are issues like really impacts of
 10 groundwater or -- if the drinking water supply is used
 11 by the public. Since Concord isn't --
 12 MR. O'CONNELL: Well, see --
 13 MR. RAMSEY: It's kind of an interesting
 14 discussion on --
 15 MR. O'CONNELL: No one's bothered to check, but
 16 we were told that the Navy does -- public, as a matter
 17 of fact, does use the water immediately adjacent to the
 18 base for drinking water, but nobody's bothered to take a
 19 serious check.
 20 The -- the Web site's scoreboard.org. So it's
 21 easily accessible if you'd like to take a look at it,
 22 but it does -- does rate this to be 14th worst for the
 23 state of California.
 24 KELLY RYAN: Then Pat and then I'm going to try
 25 to just maybe get through the steps in the CERCLA
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1 process before I totally lose my voice. I have a bit of
2 a cold.

3 PATRICIA RYAN: I'm Patricia Ryan with DTSC. I
4 just wanted to mention that the NPL list -- there are a
5 lot of bases that are not on the NPL list but Treasure
6 Island and Mare Island, and those typically are not on
7 the NPL list. They have state lead for that. DTSC is
8 the lead versus the federal EPA.

9 However, relative to public involvement, all of
10 them, because they are federal facilities, fall under
11 Superfund -- Superfund rules and SARA, regardless of
12 public involvement, whether they are NPL or not.

13 KELLY RYAN: Okay.

14 Just to wrap up on the HRS scoring, basically,
15 the information is used taking that chemical data that
16 you have and looking at those contaminants in
17 groundwater, surface water, soil, air, and then
18 evaluating the likelihood of a natural release and then
19 what receptors might be harmed, what people, what
20 communities, or what environment might be affected.

21 So an example of the PA/SI at Concord is --
22 area of concern was the Site 31, which, if I can find
23 it, is on this map here, this site.

24 It's a 17-acre site of a former fertilizer
25 plant. This is an example of one of those sites out in
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1 something as simple as fencing, draining an existing
2 tank, digging up soil. These are all examples of things
3 that could protect people or the environment from
4 hazardous waste.

5 It could even be the final action for the site,
6 but it may not be. It may be just an interim action.
7 You might go out to a removal action to fence a site and
8 then later go back and do a full remedial action to
9 clean up the site.

10 Community involvement at this step: You have a
11 public meeting and public comment period required for
12 the non-time-critical removal actions, and they would
13 actually be a responsiveness summary where the public's
14 comments would be answered.

15 So an example of this is Site 31 again. So
16 based on those findings in that PA/SI report, removal
17 action was completed to remove soil that was
18 contaminated with lead, mercury, and selenium. The site
19 was backfilled with clean soil, revegetated with native
20 grasses and shrubs.

21 And a report on the -- on that removal action,
22 the draft version, will be coming out in the spring of
23 2003.

24 All right. Next step, remedial investigation.
25 And the remedial investigation is: You determine you
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1 the area that the Navy bought as part of their buffer
2 zone. The Navy acquired it in 1983, and PA/SI that was
3 done indicated unacceptable risk to birds from metals on
4 the site. And that document, the PA/SI, was issued in
5 1999.

6 And we are going to talk a little bit more
7 about the site. Again, it's going to come up as an
8 example in the next -- the next slide, because based on
9 this information, it went to a removal action.

10 So our next slide is on the removal action.
11 And the point here is that the removal action, once you
12 have information about the site, you can decide to do a
13 removal action as early as this PA/SI step, and you can
14 do it later on in the process. And some of these steps
15 we are going to talk about: remedial investigation or
16 the feasibility study state.

17 Basically, a removal action would happen before
18 the ROD. And it's -- as you see up here, it's a
19 response intended to protect people in enviro -- and the
20 environment from hazardous waste.

21 There's two types: There's time critical and
22 non-time critical, and the distinction between the two
23 is six months. Shorter than six months, time critical.
24 Longer than six months, non-time critical.

25 Sometimes a removal action can be a --
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1 have a site that is potentially a risk. You're going to
2 char -- You want to characterize the site and assess
3 is there a risk and if it's unacceptable to human health
4 and the environment.

5 At this step, you could again determine if an
6 interim action is needed. And I want to break it down
7 into two parts, first talk about the scoping of an RI,
8 and then the actual site characterization.

9 So the first step is scoping the RI. You have
10 your results from the PA/SI. You need to determine the
11 decisions that need to be made and the data that's
12 needed to answer -- to make those decisions. I want to
13 know, how far does this contamination that I found in my
14 PA/SI extend? I want to know if this contamination may
15 have traveled down a storm drain and affected a nearby
16 wetland.

17 Those are the kind of questions that you would
18 generate, and then you would try to build a sampling
19 plan around that.

20 You want to understand what's the nature of the
21 waste. Sometimes it's important to know what type of
22 metals do I have, what type of protium do I have would
23 be a good example. You want to know how far that
24 contamination may have gone, what kind of receptors or
25 pathways should be considered. You might do -- as part
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1 of an RI, go out and do a bird survey. You might go out
2 and do a survey of plants to get that information.
3 You want to understand what happens to those
4 contaminants when they are released to the environment.
5 Do they hang around for a long time? Do they break down
6 quickly? Do they break down to something that might be
7 more toxic than the original compound?
8 So that's the first step in the RI, generating
9 those questions and deciding how would we get the
10 information to answer them.
11 Second step: identifying the applicable or
12 relevant and appropriate requirements, called ARARS.
13 These are the laws that will guide the cleanup and what
14 numbers do we need to be concerned about, what
15 regulations do we need to factor into the remedial
16 investigation.
17 And then you would prepare plans. And these
18 are the plans that are required for an RI: a sampling
19 plan, a Quality Assurance Project Plan, a Health and
20 Safety Plan, and Community Relations Plan. And they are
21 pretty much a family of documents.
22 Now, one thing, with a federal facilities site,
23 often you'll have documents, like the quality assurance
24 plan, Health and Safety Plan, or the Community Relations
25 Plan, that are basically basewide. They take into

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1 account a whole picture of the installation and aren't
2 necessarily specific to individual sites.
3 The sampling plan is going to be very specific
4 to individual sites. And there may be needs based on
5 certain -- you know, a very specialized site that you
6 would actually generate separate documents. But they
7 are often basewide.
8 So the second step of the RI is the site
9 characterization. Now you've generated all those
10 questions. You've written a plan. You go out and do
11 the work. And you're going to summarize all that
12 information that you collected.
13 Again, what is -- kind of waste are we talking
14 about? How far do the contamination go? What receptors
15 are potentially affected? What pathways do we consider?
16 And what is the fate of these contaminants once they got
17 into the environment? And based on that, what do we
18 think that the risk is to human health and the
19 environment?
20 And you should -- I just want to add here that
21 there is -- whoops -- some very specific guidance on
22 risk assessment, not only how you do calculations,
23 format, it's very detailed in guidance on both of these
24 risk assessments: human health and ecological.
25 So when you're looking at some of those

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1 compendiums -- compendiums of information, 'cause it is
2 quite a significant part of the remedial investigation
3 reports, those are generated from guidance.
4 MR. O'CONNELL: Where does the presumptive
5 remedy fit into the scheme of the flow?
6 KELLY RYAN: I'm coming up to that next.
7 All right. Take my papers here.
8 And here is just a couple of pictures, some
9 activities that might go on in the remedial
10 investigation sampling.
11 This is collecting -- Sometimes we think a lot
12 about just the chemical data that's being collected if
13 you're testing for metals or solvents. This is a
14 geologist actually looking for soil types, trying to
15 decide do we have very downgrade soils? We have very
16 Bradley soils in which would make a very difference to
17 how contaminants might move through soil or groundwater.
18 More sampling going on here, and then some more
19 testing actually going on in the wetland, looking at
20 water quality, things -- what does the water look -- you
21 know, what kind of water do we have, what kind of
22 animals might be inhabiting those waters.
23 Example of an RI is the tidal area Sites 2, 9,
24 and 11. This is a 100-acre area used for wood-chipping,
25 disposal of debris, such as wood crates, steel banding,

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1 paint cans, and scrap metal. And this -- these group of
2 sites are -- right here -- the remedial investigation:
3 The Navy's findings were no significant risk, and this
4 information was -- will be re-presented in a revised
5 draft final RI report in the spring of this year.
6 Feasibility study.
7 MR. O'CONNELL: Have we got the presumptive
8 remedy yet?
9 KELLY RYAN: Let me get there.
10 MR. O'CONNELL: Okay.
11 KELLY RYAN: What I'm going to do is: I'm just
12 going to go over the feasibility study, and then I'll
13 talk a little bit about presumptive remedies.
14 Feasibility study: Now you've characterized
15 your site. You know what kind of risks you're looking
16 at. You're going to then identify in the feasibility
17 study your remedial action objectives: what numbers
18 you're going to clean up to or what sort of broad --
19 more broader objectives might you have, might you have,
20 like restoring a weapon. That also could be a remedial
21 action objective.
22 You're identifying treatment technologies that
23 can be used to meet those RAOS, and then you're going to
24 screen these technologies or all -- or alternatives
25 based on nine criteria.

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1 And at this step, you might also do a
2 treatability study to evaluate a potential performance
3 and costs of the proposed treatment.
4 Before I get into the specifics of the nine
5 criteria, which is my next slide, I want to talk a
6 little bit about presumptive remedies.
7 The EPA basically has presumptive ready --
8 remedies for four types of sites. They are
9 wood-treatment sites, landfills, volatiles or solvents
10 in soil, and groundwater contamination.
11 And what presumptive remedies are is: About
12 60 percent of the sites that are on the NPL fall into
13 those four categories of sites. So EPA has had a lot of
14 experience with these types of sites.
15 The idea with a presumptive remedy is to
16 improve the remedy selection. It is not to go back, you
17 know, and basically reinvent the wheel from the
18 beginning. It's to say, hey, we have learned a lot
19 having dealt with this many sites on the NPL, and we
20 have gone through this full FS process, and we keep
21 ending up with these same short list of remedies.
22 So the idea with a presumptive remedy is -- it
23 is to improve the remedy selection, but not to undermine
24 it.
25 MR. O'CONNELL: Well, one of -- one of the --

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1 one of the things we have been told is that site
2 characterization, for instance, was not necessary at the
3 tidal area landfill because they used presumptive
4 remedy. So at this point, we have no idea what's in the
5 landfill, and yet we're going to cover it over.
6 So it seems like this really doesn't belong in
7 the feasibility study. It belongs with the remedial
8 investigation, because for all practical purposes,
9 much -- much of what passes for remedial investigation
10 was never conducted at the tidal area landfill.
11 KELLY RYAN: Part -- well, I'll speak a little
12 bit to the landfill example.
13 Part of what is in the presumptive remedy for a
14 landfill, which is containment -- and this can be
15 containment of soil; groundwater can be a combination,
16 can be institutional controls. You can have a lot of
17 things that factor into containment, and you may have
18 one or all of those at any given site.
19 With a landfill, the streamlining of the
20 process actually does start at the RI stage. Basically,
21 what -- landfills, when they get closed, there's a
22 certain set of rules that have to be followed. And
23 those rules for closure of a landfill have to be
24 followed. And in some ways, many cases, additional data
25 doesn't change what you're going to do in terms of the

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1 remedy.
2 So the idea in this presumptive remedy guidance
3 is that you don't really need to collect lots and lots
4 of information, because you have to do certain things
5 according to regulation on how you close a landfill.
6 The other thing is: Part of it is the learning
7 that has gone on that landfills are very heterogeneous.
8 You can sample, sample, sample and not really come to
9 great understanding of -- you know, you can't know it
10 because it's so heterogeneous. You can get a general
11 idea of things, and -- but exhaustive sampling is
12 probably not going to improve your understanding of the
13 landfill be -- just because of the nature.
14 MR. O'CONNELL: Well, my understanding is --
15 KELLY RYAN: So what ends up happening is --
16 is: It's a streamline sampling, streamline risk
17 assessment, and then often just based on size alone
18 going to the presumptive remedy of containment.
19 MR. O'CONNELL: My understanding was: The
20 presumptive remedies for landfills are based on a study
21 of six landfill situations around the country for
22 review. I think it was six. It was not -- not a large
23 number. A very small number. And they came up with the
24 idea of capping being a presumptive remedy in these six.
25 However, none of the six involve dumping trash,

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1 more than trash, solvents, ammunition, et cetera, in
2 tidal area wetlands. And I -- my understanding is that
3 the presumptive remedies are actually -- are not
4 supposed to be applied in that situation.
5 What we have been told here is "Oh, it's not a
6 wetland because we filled in," which is rather a
7 disingenuous CERCLA argument.
8 KELLY RYAN: I can't speak to the specifics of
9 this situation, but what I can tell you is -- is: The
10 presumptive remedy fact sheet that I'm familiar with
11 from EPA actually was a study of about 60 landfills that
12 were looked at. It does go through a more detailed
13 discussion of about five or six examples out of that 60.
14 But the presumptive remedy recommendation came out
15 looking at about 50 or 60 landfills.
16 MR. O'CONNELL: I have to go back and look.
17 KELLY RYAN: Again, the idea being that having
18 gone through the Superfund process, that with so many
19 sites basically falling into those four categories --
20 it's not just landfills. There's other -- three sites
21 are also in there too -- that they kept coming up with
22 the same remedy selection.
23 So the thought was: Well, let's streamline the
24 process, learn from what we -- speed things up from what
25 we have learned without compromising anything.

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1 So that's the -- the basic tenet was that we
 2 are going to improve the remedy selection, not undermine
 3 it.
 4 MR. GRIFFITH: Quick question: Could you
 5 clarify that? Phil, has -- has that -- that site been
 6 classified as non-weapons site? Or that landfill, is it
 7 sitting on a wetland or not? That's --
 8 MR. RAMSEY: Well, no. We would actually -- I
 9 mean, what we really -- I didn't even appreciate the
 10 segue and raises the question, David.
 11 What -- what I believe the Navy and the
 12 agencies owe the RAB is -- is kind of a present --
 13 there's really a presentation on this Site 1 Record of
 14 Decision.
 15 Navy's in the process of redoing -- we have had
 16 several -- several dispute resolution meetings to get
 17 through this -- the Record of Decision and the closure
 18 laws that apply to that landfill. We're waiting for the
 19 Navy to get the money to revise the document.
 20 And as we have talked about this in the past to
 21 the RAB members, once we reach agreement with the Navy,
 22 I think it would be very good for the Navy, agencies, to
 23 sit up and present the decisions and defend what has
 24 been decided for that site.
 25 And -- and, I mean, you know, to answer your
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1 question, David, the Site 1 landfill itself is not a --
 2 it's -- it's all out in a flood plain. It's considered
 3 a grass kind of habitat. It is adjacent to what would
 4 be official designated wetlands, pickleweed, which is
 5 the adjacent Site 2 R area, disposal area, disposal
 6 site.
 7 MR. GRIFFITH: Thanks.
 8 KELLY RYAN: Okay. I hope -- If you can't
 9 hear me, let me know. I'm kind of losing my voice here.
 10 Let me now talk about the nine criteria in the
 11 FS. This is the feasibility study and basically the
 12 methodology that is used when you're not going to a
 13 presumptive remedy to select the remedy for a site.
 14 These are the nine criteria, and the first two
 15 are bold -- are in bold because these are -- are
 16 basically the statutory requirements. These are the
 17 overriding elements that any remedy that's selected
 18 needs to meet.
 19 And that's overall protection of human health
 20 and the environment and for compliance with ARARS,
 21 again, remember, ARARS being the term for regulations
 22 that apply to that site.
 23 There is a -- I should note, though, in this
 24 you can get something called an ARAR waiver. So it's
 25 not always that you -- that this compliance with ARARS
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1 is met. There might be other reasons why a remedy might
 2 be selected that doesn't meet a s- -- a specific law or
 3 regulation. But it still is overall protective of human
 4 health and the environment.
 5 So those first two are the most important
 6 criteria.
 7 MR. SKAREDOFF: Who grants the waiver?
 8 KELLY RYAN: The way -- well --
 9 MR. RAMSEY: Depends on -- depends on the ARAR.
 10 Depends on the law.
 11 KELLY RYAN: Right.
 12 MR. SKAREDOFF: Okay.
 13 MR. RAMSEY: Can be a state, can -- we've had
 14 some landfill examples --
 15 MR. SKAREDOFF: Environmental agencies? The
 16 Supreme Court? Who is it?
 17 KELLY RYAN: Well --
 18 MR. RAMSEY: Department of Toxics or Regional
 19 Water --
 20 KELLY RYAN: Phil's right. It's whoever is
 21 the --
 22 MR. RAMSEY: -- Quality Control Board.
 23 KELLY RYAN: -- the agency in charge of that
 24 law. Remember, this is just a list of federal laws, and
 25 there's agencies that deal with all of those different
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1 laws. So it would be that, you know, whichever
 2 specific --
 3 MR. SKAREDOFF: Whichever particular agency
 4 that aspect applied to, they would be the ones who would
 5 be in a position to grant a waiver for ARAR?
 6 MR. RAMSEY: Correct, yeah. If it's being --
 7 MR. SKAREDOFF: Whichever regulation it is
 8 that's being involved here?
 9 MR. RAMSEY: Right.
 10 I -- Just real quickly, I mean, in the case of
 11 a landfill we are dealing with, there are federal laws.
 12 We have had ARARS variances issues that apply to, I
 13 believe, the Water Quality Control Board, to the
 14 Integrated Waste Management Board, you know, that deals
 15 with landfills and also county -- county regulations
 16 regarding some sampling requirements for closure
 17 sampling variances.
 18 KELLY RYAN: Now, the next seven are basically
 19 a balancing act. So you want to pick something that
 20 does meet these two. Hopefully, you will be able to
 21 compile the ARARS, and then the remaining seven get
 22 balanced.
 23 An important part of this overall -- and I
 24 think this term sometimes gets -- people hear it, and
 25 they don't like the term "cost effective." But I want
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1 to share with you how BPA defines "cost effective," and
2 that's that the costs are proportional to its overall
3 effectiveness.
4 It's a very effective remedy, and the costs are
5 high. Well, proportionately it's still going to look
6 good, but it's a very expensive remedy; and if its
7 effectiveness is not very good, that's where you get
8 that disproportionate between those two; and that might
9 be considered, then, not as cost effective.
10 And in these you have long-term effectiveness
11 and permanence, reduction -- and this means: Is this a
12 solution that's going to last 5 years? 30 years?
13 Forever? If you remove the waste and treat it and the
14 waste is gone, that's obviously a very permanent
15 solution. If you put a fence around the waste, maybe
16 not such a permanent solution.
17 Reduction of toxicity, mobility, or volume:
18 You might have a site where you have, say, an oil pond.
19 And you remove the heart of the matter, the worst of the
20 oil; or maybe you try to do some sort of treatment that
21 immobilizes that oil and prevents it from moving
22 further.
23 Short-term effectiveness: Well, if there's an
24 imminent problem and you want to deal with it right
25 away, short term could be very important. If you're

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1 having -- it's an actual effect to the environment right
2 now rather than a potential threat, then that could be a
3 very important criteria.
4 MR. COOPER: Could I add to the short-term
5 effectiveness? I'm sorry. This is David Cooper of U.S.
6 EPA.
7 In talking with my other project managers over
8 the year, short-term effectiveness also includes the
9 ability of the remedy to get to your cleanup goals in a
10 reasonable period of time.
11 If you have a cleanup goal of so many parts per
12 billion and the remedy would take 100 years to reach
13 that, well, that short-term effectiveness is not very
14 good. If you would reach that in five years or six
15 years, then that might make it a very attractive remedy
16 irrespective of the cost of it.
17 So they definitely factor that in as well as
18 the safety of doing the remedy as you're -- the safety
19 to the workers and the community as the remedy is being
20 put in place.
21 So those are the kinds of -- are additional
22 things they look at when they look at short-term
23 effectiveness.
24 MR. O'BRIEN: Can I ask you a question?
25 KELLY RYAN: Sure.

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1 MR. O'BRIEN: At what point do you decide to
2 what level or degree you're going to clean up to
3 residential standard, to drinking-water standard? Where
4 does that come into this process?
5 KELLY RYAN: That's in the -- let me back up
6 just a little bit in -- whoops -- in the feasibility
7 study. This is where you're establishing your remedial
8 action objective, objectives. And those are those
9 numbers: I'm going to clean up to 10 parts per million
10 of what.
11 But again, that can also be a more broad
12 objective, like going to restore a wetland. That can
13 also be an objective.
14 MR. RAMSEY: Kelly, it's also the ARARs, which
15 are like closure laws. So for dealing with groundwater,
16 it's -- the issue is: Is it a drinking water supply, or
17 what are the beneficial uses of the groundwater?
18 Typically to indicate what the -- what the cleanup level
19 is.
20 KELLY RYAN: So in that example that Phillip's
21 using, if you have a drinking water, then your RAO would
22 be something called the maximum contaminant level, an
23 MCL. And those are the numbers that regulate drinking
24 water. So it would be actually very easy in that
25 circumstance to know exactly what your RAO is.

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1 Often it's not necessarily that clear-cut. So
2 you have groundwater that's not being used for drinking
3 water. Well, there has to be another way to come up
4 with that RAO, and it's usually just a risk-base
5 calculation to come up with a number.
6 But in that it is really important to
7 understand that drinking water would be a determination
8 versus just plain groundwater. If your area's going to
9 be used for residential versus industrial, that would
10 make a very big difference in the RAOs what numbers
11 you're going to select. Obviously, people living there
12 are going to need things that are much lower level than
13 people working there.
14 Okay. Think we're down on implementability.
15 You may have a great solution for a certain problem, but
16 perhaps a certain site is just not going to be feasible
17 to implement.
18 Example might be if you were going to remove --
19 do removal of soil, but the only way for you to remove
20 the soil was to drive through a wetland. You would then
21 harm the very area that you're trying to clean up. So
22 implementability has to do with how would that specific
23 remedy work at that specific site.
24 Cost and then state acceptance and community
25 acceptance. State acceptance being under CERCLA, we are

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1 working under federal law. State acceptance is: How
2 does it work with the state laws? And then community
3 acceptance is: How does the community feel about the
4 selective remedy? Are there ways that perhaps something
5 could be tweaked or modified that would make it more
6 attractive to the community?

7 An example of that might be if you were going
8 to do some sort of removal, perhaps doing something like
9 loading thing -- loading soil on trains versus trucking
10 things on -- you know, trucks through the community
11 might be more acceptable, although the ultimate remedy
12 was still the same. It's a soil removal.

13 An example feasibility study is Site 27. And
14 Site 27 is -- here it is -- Buildings IA-20 and -36, a
15 chemical laboratory and boiler house. Contaminants that
16 are there are chlordane, which is a pesticide, and
17 petroleum.

18 The remedial investigation found risk from
19 chlordane to something that was going to be living
20 there, like, say, this was to be used for housing in the
21 future. I don't want to live there. But were to be
22 used for housing in the future. Doesn't look very nice.

23 That picture there.

24 The draft final FS report is coming out in the
25 spring. So you've already seen the draft. This would

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1 community input and comments and respond to those. And
2 then based on the plan that's put out as well as the
3 comments from the state and other appropriate regulators
4 in the community, then a Record of Decision is put
5 together.

6 So the way it's phrased, I'm sure it's just
7 semantics, but it feels, as I read it, that the ROD is
8 actually prepared prior to the proposed plan. And
9 actually, the plan comes first. The ROD comes separate,
10 and they are actually separate documents.

11 A proposed plan will come to the community as a
12 fact sheet, and that will go out to the community
13 explaining all of the possible remedies that had been
14 considered and made it through the FS process, the
15 feasibility study process; and request is made that the
16 public comments on that.

17 Those comments come back. The lead agency --
18 in this case, the Navy -- looks at those. The
19 regulators look at those. And based on that, you move
20 to the -- to the ROD phase where you actually write a
21 decision; and that's ultimately memorialized, as Kelly
22 was saying.

23 So I don't know if that made it clearer, but it
24 makes it clearer for me to say it anyway.

25 KELLY RYAN: Yes. And David explained what I

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1 be the next version of this report.

2 All right. So we are -- now we have PA, PA/SI,
3 remedial investigation, feasibility study. Now we're on
4 to proposed plan and Record of Decision.

5 The Record of Decision is a public document
6 that explains to what level the site will be cleaned up
7 and what cleanup alternative will be used.

8 So this is where the information that you've
9 come up with in the FS is then put into a document that
10 goes out to the public in a proposed plan, and comment
11 is received from the public in a public meeting and then
12 also through written comments. And then these comments
13 are responded to in what's called a responsiveness
14 summary, which becomes part of the final ROD, or Record
15 of Decision.

16 So this is where -- this is basically a paper
17 document that memorializes the decision that has been
18 made through the RI and FS process.

19 MR. COOPER: This is David Cooper. I hate to
20 butt in, but I'm not sure that that last paragraph
21 really captures the process as we run it. But the
22 ROD -- the actual final decision is not presented to the
23 community through the proposed plan.

24 The ROD, or the final decision, is made after a
25 proposed plan is presented to the community, and we get

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1 was going to just add. It's presented a little bit
2 better on your color printout. I was perhaps a little
3 too brief in my summary here.

4 But the proposed plan does come first. That is
5 what goes to the -- to the public, and then out of that
6 comes the -- after the comment period is done and those
7 comments are received, then you have the ROD step.

8 Important thing to note with the ROD is: If
9 there were significant changes during the process coming
10 to a final ROD or after, which can be the case, you
11 might have great plans for what you're going to go out
12 and clean things up to; but when you get in the field
13 and actually try to run your groundwater treatment
14 system and you're just not going to make the numbers,
15 there can be a decision to change what was in the ROD.

16 But if that happens, you go back through a
17 community involvement step, which basically you go back
18 out to the community with more information about what's
19 going on. There's a public meeting and again comments
20 and responses to that.

21 An example of this is on Site 13. Twenty-three
22 cubic yards of contaminated soil and napalm residue was
23 removed in '97. The RI found no significant risk, and
24 the ROD recommended what is called no further action.
25 That means that an action was taken. This contaminated

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1 soil and napalm was removed. But at this point, the
 2 recommendation was for no further action.
 3 And the draft final ROD was issued in 2002.
 4 And this has been -- I'm just using this as an example
 5 'cause I know -- understand there's kind of what was
 6 discussed before about the perchlorate.
 7 MS. FREITAS: Well, and not just that, but
 8 going through some of the documents, I was astounded to
 9 see that the Navy and . . . and Tetra Tech, I guess,
 10 this did not go through the CERCLA removal. They
 11 decided it would be inappropriate because they were
 12 looking at petroleum, hy- -- hydrocarbon, instead of all
 13 of the flares and smoke chemicals and ammunition, et
 14 cetera, that was in there.
 15 So I can't understand how this was not done
 16 through CERCLA --
 17 MS. MORLEY: CERCLA?
 18 MS. FREITAS: -- CERCLA and why EPA, the
 19 Regional Water Board, DTSC, why other agencies did not
 20 step in to say "There's something wrong; there's red
 21 flags with this," not alone asking to be tested for
 22 other problems on that site.
 23 KELLY RYAN: I don't know a lot about this
 24 specific situation, but I'll just maybe use this as an
 25 example.

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1 Often -- you know, this is a process. CERCLA
 2 is a process. We have a list of chemicals that we are
 3 out looking for today. That doesn't mean that tomorrow
 4 there is new information might arrive that says, "Hey,
 5 there's another contaminant that we need to worry
 6 about."
 7 My understanding is -- and I don't know the
 8 situation, but perchlorate -- perchlorate is more of an
 9 emerging issue, at least with EPA. It's not something
 10 that there's even agreement on to put numbers in what's
 11 called the Integrated Risk Information System, or IRIS.
 12 And that's what's used to calculate how you would use,
 13 you know, the numbers that you'd use to do a risk
 14 assessment.
 15 So there's not numbers in there for
 16 perchlorate. There's not really regulation for
 17 perchlorate right now.
 18 So this is an example of CERCLA as a process.
 19 These things -- Information comes out. People start
 20 talking about it. Information gets gathered. EPA does
 21 a lot of pier review on things before they decide on
 22 these are the kind of numbers that we want to use to do
 23 risk calculation.
 24 And my understanding is: Perchlorate's kind of
 25 in that area. It's not actually a compound that's

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1 regulated, like something like lead or PCBs, so . . .
 2 But that's all I know. I don't know the
 3 specifics about this site. I just know about
 4 perchlorate.
 5 MS. FREITAS: No. That -- Go ahead.
 6 MS. MORLEY: Actually, Kelly, can I interrupt
 7 you? We were supposed to have a break about fifteen to
 8 twenty minutes ago. So can we just take a short
 9 five-minute break for the court reporter, and we'll come
 10 back at 8:20?
 11 (Recess 8:14 p.m. to 8:22 p.m.)
 12 KELLY RYAN: Okay. I think we're going to get
 13 started. I'm hoping to go quickly. So if we can really
 14 hold all the questions. They've been really good ones
 15 so far and I appreciate them, but hold the remaining
 16 questions to the end. So I would appreciate that.
 17 The next step is: After the reme- -- Record of
 18 Decision is the remedial design and remedial action.
 19 This is your more long-term cleanups designed to prevent
 20 or minimize the release of hazardous substances and
 21 ultimately reduce the risk and danger to people and the
 22 environment.
 23 Some examples would be groundwater pump and
 24 treat, containment of a landfill, vapor extraction of
 25 solvents from soil.

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1 And of these two things, you have design, the
 2 action. And design is your actual technical
 3 specifications, how are you going to build that
 4 groundwater pump-and-treat system. And the actions
 5 that -- is the actual construction: You go out and
 6 build that pump-and-treat system.
 7 And I'm just going to go really quickly through
 8 this.
 9 Litigation area is an example of this step, the
 10 RD/RA. There's some pictures of the work that was done,
 11 sampling and revegetation.
 12 And then our last step is the remed- -- is the
 13 long-term monitoring and five-year review. Long-term
 14 monitoring is usually specified in the ROD as part of
 15 the cleanup.
 16 A really good example of this would be a
 17 landfill. Often after you do the containment of a
 18 landfill, whether it's putting a cap on it or doing some
 19 sort of slurry wall around it, around the landfill, you
 20 actually do groundwater monitoring for a certain amount
 21 of years after to make sure that that remedy was
 22 protected.
 23 Now, part of this sort of after steps is this
 24 five-year review. And basically what it is, is: SARA
 25 and the NCP requires that a remedial action that results

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1 in hazardous waste remaining at the site at levels above
2 those allowing for unrestricted use -- so that's
3 residential use -- is reviewed every five years for
4 protectiveness.

5 And the idea being, this is part of
6 acknowledging that CERCLA is dealing with something
7 that's a process. As time goes by, we know more about
8 contamination. We might learn that something we thought
9 was a significant problem isn't.

10 I can give you one example of that. Beryllium
11 used to be thought of as a big problem through one way
12 of exposure, inhalation. It was found out, well,
13 actually, it's not that big of a problem at all for that
14 route. And so you might revise your risk numbers based
15 on new information about a contaminant.

16 You also might decide that, hey, there's a new
17 modification we can do to our groundwater pump-and-treat
18 system that actually allows us to go to lower levels of
19 cleanups.

20 So those might be some -- the examples of
21 things that after five years, technology changes,
22 information changes; and you need to go back and look
23 and see is what you're doing still appropriate.

24 Example of that is litigation area. Basically,
25 right now the Navy's just conducted their five-year

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1 review of that area, and the draft final assessment for
2 that work was submitted in October of last year.

3 So I've highlighted some specific spots where
4 you have community or public meetings, public comment,
5 and responses to those comments. I want to summarize
6 some of the other things about community involvement
7 under CERCLA.

8 So the first is the, you know, places that I
9 had in the presentation earlier around removal actions
10 and RODs where you have public meetings and public
11 comments, the responding to public comments to become
12 part of those documents.

13 Another thing is creating an information
14 repository or administrative record. This is where we
15 have one for Concord placed in the library where all the
16 documents are collected so that people in the public can
17 go and look at them in reference to a fact sheet that
18 comes out or if they are just interested about a certain
19 site.

20 Establishing a community advisory group or in
21 this case Restoration Advisory Board. And then, as we
22 talked about before, preparing a Community Relations
23 Plan.

24 I just want to add to this that there are a
25 couple other technical assistance programs that have to

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1 do with CERCLA, and I just want to go over these
2 briefly. Some of these are probably familiar to many of
3 you.

4 Technical Assistance Grants, or TAGs, this is
5 something that EPA does. Technical Assistance for
6 Public Participation, and this is something that DoD
7 does. Technical outreach services for communities, or
8 TOSC. This is a university-based program that provides
9 a similar sort of assistance to communities.

10 Okay. I'm done. Okay. Any additional
11 questions and answers -- well, questions that you have
12 and answers that either I or somebody else can provide?
13 If you have answers, I'll take those too.

14 MR. O'CONNELL: I guess this is probably an
15 ans- -- a question for the EPA, actually.

16 Is there any federal requirement that on
17 military bases, we have a restoration advisory board as
18 opposed to our community advisory board?

19 In other words, could we reform -- re --
20 re- -- change our organization as community advisory
21 board or restoration advisory board?

22 MR. RAMSEY: Well, the whole RAB is -- the RAB
23 itself is kind of a Navy DoD creation --

24 MR. O'CONNELL: Correct.

25 MR. RAMSEY: -- as part of their base closure.

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1 CERCLA doesn't require any kind of formation or formal
2 advisory groups at Superfund sites.

3 So it sounds like your question is, you know,
4 can we create something else.

5 MR. O'CONNELL: Well, I'm asking --

6 MR. RAMSEY: There's no requirements for any of
7 these kind of entities in the Superfund law.

8 MR. O'CONNELL: Well, we just saw on -- on
9 "Community Involvement" slide, it said that "Establish a
10 community advisory group --"

11 MR. O'BRIEN: Can you go back to that?

12 MR. O'CONNELL: -- "or restoration advisory
13 board."

14 That looks like a -- an either/or situation.

15 MR. COOPER: It's not a --

16 KELLY RYAN: No. I just meant it as an
17 example. In this case, if it was a Superfund site, EPA
18 may choose to establish a community advisory group.
19 That CAG is what -- their acronym for them. They may
20 choose to establish one under those for a Superfund
21 site. In our case, we have a Restoration Advisory
22 Board. I didn't mean there's any distinction there.

23 David?

24 MR. COOPER: I'd like to add just a couple of
25 things for that.

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1 Under CERCLA there's no requirement for either
2 of those two entities. The RAB process, which you're
3 all involved with, came about as a part of the Na- --
4 the DoD facilities who have the lead for the work,
5 trying to find a better way to work with the community.
6 The previous way that they had done that was:
7 The technical review committees didn't allow enough
8 public participation. They were heavily criticized for
9 that. So they came up with the RAB process.
10 The CAG is a much more recent attempt on EPA's
11 part to help communities that want to create something
12 that's kind of like a RAB but doesn't have the
13 resourcing that, say, a DoD facility would have.
14 So there's a who- -- there's a series of
15 guidance or there's a guidance piece on CAGs that I'm
16 only now becoming familiar with, because I've had a
17 request at a private site, not at DoD site.
18 And it's actually -- I need to take a -- you
19 know, sort of qualify what you said. It's not actually
20 an EPA body. Whereas, a RAB is actually a DoD body
21 under their guidance and authorities. A CAG is actually
22 a coming together of various community groups and
23 members to work on an issue related to a Superfund site,
24 but it's not an EPA body.
25 Our guidance says -- and I -- again, I've only

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1 just -- I've read through it once, like, this weekend, I
2 think, in preparation for this other site -- we're
3 allowed to assist the group. We can be a convening body
4 to -- to contact various players or various interested
5 parties and say some of these -- some of the groups want
6 to have a CAG. We want to make sure that you're aware
7 of it.
8 They come together. They do all their own
9 work. They set their own agenda. They take their own
10 minutes, if that's what they choose to do. They do many
11 of the things that you do here at the RAB. They do that
12 on their own. And EPA can provide copies; we can rent a
13 room for them and things like that. But it's not -- a
14 CAG is not an EPA-owned activity in the same way that a
15 RAB is a DoD-owned activity.
16 MR. O'CONNELL: But you provide financial
17 support for --
18 MR. COOPER: We don't provide any money at all,
19 nor do we provide like in the case of DoD where there's
20 a TAPP program. The CAG itself has no funding mechanism
21 in it at all.
22 So our services in support of a CAG are, in
23 effect, in kind services in a way. We're doing the
24 work. We're providing the service. But no money
25 exchanges hands.

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1 But what the CAG can do is that there's a TAG
2 recipient that is -- was applied here; but for a regular
3 community group, if they have a TAG, that could be their
4 source of assistance.
5 In the case of the one that I am looking at,
6 that CAG probably will look to the TAG recipient, which
7 is happening almost concurrently, and ask them to be
8 part of the community advisory group so they can get
9 some benefit of that.
10 In the case of the RAB here, you both have the
11 ability to have a TAG, which we have awarded to a
12 community group; and you have the ability for specific
13 documents and use the TAPP program to have DoD -- in
14 this case, the Navy -- provide the service, not the
15 money, but the service to have that document reviewed
16 for you by an independent set of experts.
17 There's more I could probably say about the
18 CAG. And in the interest of your time, maybe it would
19 be good for me to say, well, I'll be here after the
20 meeting ends; and if you have other questions, to the
21 limit that I know, I can try to answer them.
22 MS. FREITAS: Okay. Thank you.
23 KELLY RYAN: Did you have a question?
24 MS. FREITAS: No. I wanted to see if we could
25 open up and go into our open forum before we get too

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1 far.
2 MS. MORLEY: Do you want to just run through
3 the RPM updates real quickly?
4 MS. FREITAS: Well, I think they could probably
5 coincide --
6 MS. MORLEY: Okay.
7 MS. FREITAS: -- with that.
8 MR. RAMSEY: Could I --? I just want to add
9 one other comment regarding the overall CERCLA process
10 and for Concord Weapons Station in particular. Kelly
11 did a good job of going through talking about this whole
12 process, and she identified the NCP and CERCLA and SARA
13 documents.
14 For the Weapons Station, we have one other
15 document. It is important -- it should be, you know,
16 pointed out to everyone, we've all -- I was involved
17 with this -- getting this thing going is the Concord
18 Federal Facilities Agreement.
19 So this is another, you know, important
20 document for this base, given that it's an NPL; and it
21 documents the EPA and the Navy's kind of operational
22 processes, how we handle disputes; and it identified all
23 the -- you know, just lots of specifics in this
24 document. But particularly, you always emphasize the
25 dispute resolution processes are all described in here

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1 and how we establish and work through schedules.
2 So that's why we -- oftentimes you hear us
3 talking about the Site Management Plan as an attachment
4 to this FFA. The SMP, Site Management Plan, is -- comes
5 out of this FFA agreement; and, you know, we annually
6 revisit some schedules, and we are in the process of
7 doing that right now. Just another important document
8 to point out that applies to the Weapons Station.
9 MS. FREITAS: May I ask a question? Theresa
10 has something to say, but I want --
11 Before we get too far into any of the other
12 things, I want to make sure that we have a -- a promise,
13 because that was -- one of the things when we asked --
14 well, when we discussed the meeting tonight was that
15 there would be a promise that this testing was going to
16 be done within a reasonable amount of time, which I
17 think should be done within ten days or less, especially
18 because of the -- the nature of this chemical.
19 And I think that the sites that I said before,
20 13 and 22 and the -- the sites up and around 22, if we
21 need to readdress those, really need to be promised and
22 that we need a commitment that those are going to be
23 tested for the percolite [phonetic] and percolate [sic]
24 and anything else that may be of that nature.
25 The -- the one thing that I'm in disagreement

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1 on is the list of things that -- that seem to be the
2 tested chemicals, but they don't always coincide with
3 what is out there in the landfills or the -- the areas
4 that they are -- the IR sites. And so I think it needs
5 to be expanded and so that we're all feeling better
6 about this.
7 But especially on the 22 and, like I said
8 before, the 23A, the 23B, the sites that affect the Dana
9 Estates area, I want a commitment tonight that that's
10 going to be done and that we're going to have testing
11 done on that -- on the -- the full length of that area
12 and on the perimeters if possible.
13 MS. MORLEY: I will promise you that we will
14 test Site 13. I have to look at the other ones, because
15 what we need to find out is if there was any chemicals
16 that would lead you to believe that perchlorate would be
17 in the groundwater.
18 MS. FREITAS: There are.
19 MS. MORLEY: There's no way I can say in ten
20 days. There's -- That -- We can't even award a
21 contract that quickly.
22 MS. FREITAS: Well --
23 MS. MORLEY: We will do it as quickly as
24 possible, and we have already discussed with Water Board
25 and EPA --

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1 MS. FREITAS: You have explosives that were out
2 in this area too.
3 MS. MORLEY: And I know that. I'm not saying
4 there's not, Evelyn. I'm just saying we have to look at
5 it. So just give us a chance to look at those, okay?
6 MS. FREITAS: But when you say how --
7 MS. MORLEY: If you just want those now --
8 MS. FREITAS: No. I brought it up a week ago.
9 I -- In fact, I'm not sure when I sent the letter to
10 Laurent.
11 I feel that this is something of a critical
12 nature; and I think that if the Navy is not going to
13 listen to the concerns on this or the EPA or the
14 Water -- the Quality [sic], I mean, I am still concerned
15 about this document for the Nichols Road that has --
16 what do you call it -- the imminent and substantial
17 endangerment that was issued in October; and it's still
18 just sitting there. Nobody's doing anything about it.
19 We have some problems here that need to be
20 addressed, and I'm not going to sit on this board if
21 we're not doing the job that's actually going to help
22 the community. Otherwise, I am wasting my time.
23 I have been spending so much time going through
24 documents, talking to people, and trying to make a
25 difference; and if I'm not going to make a difference

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1 asking for these things and no one's going to listen,
2 then tonight's my last night. I'm out of here.
3 MS. MORLEY: All right. Evelyn, I -- as
4 before, if -- if you have comments on those documents,
5 please, if you can get those in writing so then I can
6 respond to them. If -- you know, if you tell me that
7 you're not comfortable with what's been sampled, I
8 can't --
9 MS. FREITAS: All you have to do is go back
10 through the documents yourself. Just go through the
11 blue book and see what -- which ones it shows how
12 explosives --
13 (Simultaneous colloquy.)
14 MS. MORLEY: -- that -- that we're going to
15 look at.
16 MS. FREITAS: -- in that --
17 (Simultaneous colloquy.)
18 MS. MORLEY: I'm saying you said that the
19 other -- you weren't looking, but the full sweep of
20 chemicals hadn't been analyzed.
21 MS. FREITAS: Well, but this isn't my job, you
22 know. I'm not getting paid to do this.
23 And I feel like the regulatory agencies are the
24 ones that should be responsible for going over this
25 material to the point where they are -- they know what

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1 they should be looking for at these sites when they find
2 certain things.
3 When you find explosives, then there should be
4 certain things that you're -- that you're actually
5 testing for.
6 And I'm not a chemist. I'm just, you know, an
7 everyday person that goes out of her way to go through
8 all this material, and I -- you can ask my husband --
9 spend hours with stacks all around me.
10 So it -- this isn't my job. My -- I am
11 working to try and help the community and to try and
12 make this a better place.
13 But I am not comfortable with what's going on,
14 and I feel that we have a real health risk here in a
15 couple of areas and, I mean, a serious health risk; and
16 I think it needs to be addressed.
17 MS. MORLEY: And we will address the
18 perchlorate issue. We've already talked about that.
19 MS. FREITAS: But not just on one site.
20 MS. MORLEY: We talked about -- I agree. We
21 are looking at other ones, and we talked about it
22 Thursday. We talked about doing an abbreviated sampling
23 plan. You get out in the field faster, and we're
24 looking at money. We will address it quickly, but I
25 can't promise you ten days. I will promise that we will

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1 move very quickly on this.
2 MS. FREITAS: What's "quickly"?
3 MR. O'CONNELL: I think we need time certain.
4 MS. FREITAS: I -- Yeah, we need a -- a time,
5 because this is not --
6 MS. MORLEY: Well, because I -- we have to
7 find -- we have to take money from one site, award a
8 contract. I would say within a month. We could
9 probably do it within a month.
10 Do you agree, Tony?
11 MS. FREITAS: I don't -- I don't think that's
12 reasonable. I'm sorry. I don't.
13 I think you need to take money out now, and it
14 needs to be tested now. We have residents living there.
15 We have children living there.
16 MR. RAMSEY: I understand. I -- What I just
17 want to add, Evelyn, we are having discussions. And
18 what EPA has -- you know, how we are thinking about
19 this, anyway, is: I understand you have a lot of
20 concerns for a lot of sites.
21 What the one thing EPA and I think we're in
22 agreement with the Navy with -- with regards to the
23 perchlorate, we believe that Site 13 -- if there was any
24 perchlorate, Site 13 is a -- is a -- would be a -- have
25 a greater potential to have impacts from this material

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1 because of the amount of munitions that were -- that
2 were burned at this site.
3 So -- and I was going to go into my letter. We
4 have agreed -- agreed -- We've written a letter to
5 the -- to the Navy, telling them we are not going to be
6 signing this no-action Record of Decision.
7 MS. FREITAS: But you have munitions that were
8 used in other places and --
9 MR. RAMSEY: Well, I know, but --
10 MS. FREITAS: -- explosives that were --
11 MR. RAMSEY: No, I -- I --
12 MS. FREITAS: -- used in other areas.
13 MR. RAMSEY: I understand. I understand.
14 And the Water Board, as they have indicated --
15 and we have had discussions with the Navy -- we have
16 identified and there's a general agreement that there
17 may be other sites.
18 But we have agreed that Site 13, as I said,
19 would have a great -- has a great -- has the greatest
20 potential -- if there were these materials used on the
21 site or disposed of, Site 13 would be a very likely
22 place that if there was these mater- -- you know,
23 perchlorate was agreed in munitions, given the amount of
24 munitions that were burned on the site, that's the
25 highest probability to find them.

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1 So we'd like to go there --
2 MS. FREITAS: But 22 needs to be addressed too
3 because of the explosives and the things in the area up
4 and around 22.
5 MR. RAMSEY: Okay. Well, we -- we --
6 there's -- you -- you have to -- but, I mean, there --
7 there are things we can talk about 22 because it's still
8 in the RI phase.
9 And the Navy is, in fact, coming out of the
10 arsenic -- the arsenic sampling for soils. There's been
11 a -- discussions about the existence of these monitoring
12 wells; and while they were sampled for volatile --
13 volatile organic compounds, they were originally the
14 source of that site being investigated to begin with the
15 painting operations at this missile fin repair facility.
16 The fact that that study morphed into a study
17 of arsenic and soils, there is a general agreement from
18 the Navy that there will be some sampling done in those
19 wells to address the broader community concerns.
20 What -- I'm just trying to get back now to
21 Site 13 where there's -- I mean, it -- we need to talk
22 about the risk kind of contaminant specific. I think it
23 helps for people to understand what the risk and what
24 the concern is.
25 I'm hearing what you have to say, but it's

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1 import -- I'm trying to elaborate a little bit regarding
 2 perchlorate itself. There's certain things we know
 3 about it that people shouldn't be alarmed about
 4 because --
 5 MS. FREITAS: That's not true.
 6 MR. RAMSEY: -- because it --
 7 MS. FREITAS: It's coming up --
 8 MR. RAMSEY: Well --
 9 MS. FREITAS: -- in the newspapers --
 10 MR. RAMSEY: Well, just --
 11 MS. FREITAS: -- every day --
 12 MR. RAMSEY: Wait.
 13 MS. FREITAS: -- and that's not true.
 14 MR. RAMSEY: Can I just -- Can I finish,
 15 though, at least? I mean, I'm trying to explain
 16 something --
 17 MR. O'CONNELL: I don't think you're being
 18 responsive --
 19 MR. RAMSEY: Well, the --
 20 MR. O'CONNELL: -- at all.
 21 MR. RAMSEY: Marcus.
 22 MR. O'CONNELL: She's asking for -- for
 23 empirical data on the concentration of those
 24 pollutants --
 25 MR. RAMSEY: Right.

1 MR. O'CONNELL: -- at those sites.
 2 MR. RAMSEY: Right.
 3 MR. O'CONNELL: You're ge- -- You're talking
 4 all around the subject. She's asking --
 5 MR. RAMSEY: Well --
 6 MR. O'CONNELL: -- a specific question. I
 7 could -- If we could respond to her question, I think
 8 that would be more --
 9 MR. RAMSEY: Well, no, no. I mean, I don't
 10 think you're --
 11 MS. MORLEY: Simply, I just can't do it in ten
 12 days.
 13 MR. RAMSEY: I don't think you're being fair to
 14 me, Marcus.
 15 What I'm trying to say is: We realize things
 16 don't happen overnight. I'm, in fact -- I mean, I'll go
 17 through my letter. We have asked the Navy -- We are
 18 not going to sign the ROD. We have asked the Navy to
 19 have a meeting within two weeks of me writing this
 20 letter.
 21 We agreed that perchlorate could be in a lot of
 22 areas of the base, but we agr- -- agree right now, given
 23 we are in the process of trying to sign the ROD for
 24 Site 13, that that would be the best place to look first
 25 to go out and find if we see it.

1 I'm trying to explain to Evelyn now that
 2 perchlorate is a -- primarily a drinking-water risk. If
 3 you're drinking the groundwater --
 4 MS. FREITAS: That's --
 5 MR. RAMSEY: -- it would be a risk.
 6 Now, my toxicologists are advising me that it
 7 is not a volatile chemical. So if somebody was spraying
 8 the perchlorate on their landscaping, it would not be a
 9 risk to their health.
 10 MS. FREITAS: It doesn't matter if it's
 11 volatile. I've done enough studying on this and looking
 12 back into the -- the information that's coming out, and
 13 the people -- there is a risk of thyroid problem,
 14 thyroid cancer --
 15 MR. RAMSEY: Right, right.
 16 MS. FREITAS: -- birth defects.
 17 MR. RAMSEY: But it is from people that are
 18 drinking the groundwater --
 19 MS. FREITAS: It is not just the --
 20 MR. RAMSEY: -- because some of the --
 21 MS. FREITAS: -- drinking water. It's going
 22 into the wells; and if people are spraying it and using
 23 it on their vegetables or on their lawn, then there's
 24 another problem.
 25 So, you know, we have to look at this as this

1 is -- and it -- and it can penetrate into the drinking
 2 wells. It's -- I mean to the drinking water. It moves
 3 into the -- in the ground.
 4 So, I mean, this -- this is something EPA has
 5 been aware of for several years, and I don't understand
 6 why all of a sudden it's getting all this publicity.
 7 There are people in Marin or Morgan Hill that
 8 they've put -- shut down I don't know how many drinking
 9 facilities. So, I mean, this isn't something that we
 10 want to sit back and wait on.
 11 And this is what I said when I came to the
 12 meeting tonight. I made it really clear to several
 13 people that if I came to this meeting tonight, it was
 14 under the understanding that we were going to come down
 15 and put things on the table. There were going to be
 16 some definite promises made and some changes, and we are
 17 going to know some things that were going on about
 18 money, some maps, the testing, or I'm leaving this
 19 position, and somebody else can take it over.
 20 So that's where it stands, and you have fifteen
 21 minutes.
 22 MR. O'CONNELL: Okay.
 23 Did you want to add anything?
 24 MR. RAMSEY: Well --
 25 MR. O'CONNELL: I have something to say.

1 MR. RAMSEY: Well, I -- I just apologize,
 2 Evelyn, that, you know, EPA -- I always feel like I try
 3 to speak to -- to try to answer people's questions, and
 4 I feel like I'm -- either I'm -- I'm not doing my job;
 5 I'm somehow -- I'm -- I'm risking the public's health,
 6 and I apologize.
 7 My sense was trying to put things -- keep
 8 things in perspective a little bit. I'm -- I always
 9 try to be frank with this group about where -- right, we
 10 need a -- you know, we need a toxicologist to provide
 11 information better than, and I apologize. I'm not
 12 trying to downplay people's concerns.
 13 MS. FREITAS: I think you are.
 14 MR. RAMSEY: Well --
 15 MS. FREITAS: And I like you as a person, Phil,
 16 but I do. I think you downplay the -- the concerns of
 17 the community. I don't think you've been strong enough
 18 with the Navy on the problems that have come up.
 19 I don't -- I feel like if you're the lead in
 20 this, the EPA is the lead, then they should be taking
 21 the lead, and they should be saying, "These are the
 22 things that need to be done."
 23 MR. RAMSEY: Right.
 24 MS. FREITAS: And I think that the EPA and DTSC
 25 or -- or whoever else is -- is available on this should

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1 be doing some independent studies and that we should be
 2 doing more toxicology and more water studies on this,
 3 and I don't think it's being done.
 4 I don't think the people in the community are
 5 being protected, and I don't like the feeling I'm
 6 getting anymore. I really don't. I don't -- I don't --
 7 It -- it's all a bunch of garbage. All I get is: Let's
 8 have a meeting. Let's talk. Let's do this. Let's do
 9 that.
 10 I'm not getting paid to do this, and I don't
 11 want to be just wasting my time and still people out
 12 there maybe getting sick. There's a risk out there with
 13 the things that we have in the community, and it's not
 14 being taken seriously enough.
 15 Everybody just wants to get out of there.
 16 They -- Everybody wants to walk. They want to walk
 17 away from this without fully testing everything to the
 18 highest point that it should be tested for the
 19 community, and I think it's wrong.
 20 MR. TACTAY: Can I -- can I say something?
 21 I believe when we got the inquiries that you
 22 have regarding about perchlorate and it was submitted
 23 with -- you know, that came from the Water Board,
 24 immediately EPA wrote us a letter within that week to
 25 meet with -- meet with the Navy; and that was last

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1 Thursday, I believe, when we had a meeting. And we're
 2 acting right immediately the time when we receive the
 3 letter.
 4 So we're not really taking that concerns that
 5 you brought up in this board [sic]. We are making
 6 action. But the thing is that your ten days' request is
 7 very impossible for us to meet that. You're looking at
 8 moneywise in here. It's not just --
 9 MS. FREITAS: What's more important, people
 10 or -- or the money? The money should be --
 11 MR. TACTAY: Well --
 12 MS. FREITAS: -- have to be taken from
 13 someplace.
 14 MR. TACTAY: We understand that, but we are
 15 trying our best to get some resources in there in order
 16 to meet your demands. We have to get an AE to do that.
 17 We have to develop a scope for that, develop the plans.
 18 This is what the discussion that we have with EPA and
 19 the Water Board.
 20 We are doing our best to meet your demands.
 21 It's not that we just putting it outside there. We
 22 understand your concern.
 23 MR. O'CONNELL: Can I make a suggestion?
 24 You have wells over at 17, a number of wells
 25 right now. Why don't you call up Sequoia Analytical in

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1 Walnut Creek, ask them to come out here, pay them \$50 an
 2 hour to take a sample? It will probably take about two
 3 hours, and then pay them to process that sample. That
 4 would probably cost you maybe \$300, \$300 total, and
 5 just -- Instead of going through all this rigamarole and
 6 making this like a federal case, just do it.
 7 MS. MORLEY: It is a federal case.
 8 MR. O'CONNELL: It's simple.
 9 MR. SMITH: It is a federal case, Marcus. We
 10 have to follow the law, and you can't just do that.
 11 We'd be breaking the law.
 12 MR. O'CONNELL: Well, I don't have any --
 13 MR. SMITH: Unfortunately, we have to -- we
 14 have to put the process out for bid and go through a
 15 very regimented, you know, process.
 16 MR. O'CONNELL: For a \$300 contract, you have
 17 to put it out for bid?
 18 MR. SMITH: For any contract, we have to go and
 19 get bids from people. We can't just pick one group.
 20 That's the way the federal government works. That's the
 21 law.
 22 MR. O'CONNELL: I thought there were thresholds
 23 of amounts that --
 24 MR. SMITH: I'm not joking. I -- If I buy a
 25 pencil, I have to show that I have gotten three bids for

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1 that pencil. I'm not kidding.
 2 PATRICIA RYAN: Evelyn --
 3 MR. SMITH: It's a joke. So that's the way it
 4 is.
 5 PATRICIA RYAN: -- can we count -- can we talk
 6 to the county counsel or the health department?
 7 Specifically because if there's a outbreak or incidence
 8 of sickness or illness relative to any kind of
 9 environmental reasons, they would be the ones you would
 10 contact to find out. They would be the first to know.
 11 MS. FREITAS: You know what --
 12 PATRICIA RYAN: Well, I'm just wondering if
 13 that had been done, because -- and also, in -- I agree
 14 with your frustration, and I understand how you feel.
 15 MS. FREITAS: No, you don't, because I don't
 16 think any of you are doing the job that you should be
 17 doing. I really don't.
 18 I'm thoroughly disgusted with the things that
 19 have been going on and the runaround that this group has
 20 had for a very long time, and I for one don't care to be
 21 part of it anymore.
 22 MR. SKAREDOFF: Can I offer what might work
 23 here as a reaching solution?
 24 Can the Navy or the EPA or --?
 25 MS. FREITAS: You can let me know how it goes.

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1 (Ms. Freitas exits the room.)
 2 MR. O'CONNELL: I'm at the same point. I mean,
 3 I'm -- my frustration after sitting here plus chair of
 4 this RAB for a year and now sitting here for another
 5 week, adding a couple -- another couple of months, my
 6 frustration is so extraordinarily high because I -- all
 7 I've heard is manana, manana for over a year, for well
 8 over a year.
 9 Things like the administrative record, we still
 10 haven't gotten the administrative record. The
 11 information repository, as far as I know, still isn't
 12 complete. You've been working on this for a year.
 13 These are basic things.
 14 Training. This is the second training we have
 15 gotten in over a year. There's no comprehensive
 16 approach to how we're going to get training yet. That's
 17 part --
 18 MS. MORLEY: I was going to give you an update
 19 on that, but I got preempted, so --
 20 MR. O'CONNELL: We're -- We -- we can't
 21 even -- When -- when property -- When the property was
 22 being spun off to -- to public -- other public entities,
 23 we are not being informed about it, essentially. We are
 24 not brought into the loop.
 25 MS. MORLEY: -- up to --

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1 MR. O'CONNELL: We have a Federal Facilities
 2 Agreement and federal law that says we are supposed to
 3 be part of that process. But we are not even informed,
 4 not even informed.
 5 MR. SMITH: You know that's -- That's
 6 incorrect, Marcus. There's no federal law that states
 7 that you have -- that there is no federal -- there's no,
 8 like, NEPA-type process.
 9 MR. O'CONNELL: There's CERCLA specifically
 10 that addresses --
 11 MR. SMITH: That has nothing to do with --
 12 MR. O'CONNELL: -- the Federal Facilities
 13 Agreement.
 14 You are not a lawyer. I've heard enough of
 15 your assertions that are unfounded. I -- I have CERCLA
 16 right here, the text of it. I have the text of the
 17 Federal Facilities Agreement. We are very much involved
 18 in this in land-use issues and the use of --
 19 MR. SMITH: I disagree.
 20 MR. O'CONNELL: You can disagree all you want.
 21 You're not a lawyer.
 22 Last time I sat in this meeting I asked
 23 specifically for the Navy to go out and get counsel to
 24 look at this issue and to come back to us. Has that
 25 been done? No.

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1 Last time when we went to -- to put together an
 2 agenda, not a single item that we wanted on the agenda
 3 came back that was on this agenda. Not a single item we
 4 asked to discuss.
 5 MS. MORLEY: Marcus, this was approved with
 6 Evelyn. We sat down together just like I used to with
 7 you. So --
 8 MR. O'CONNELL: We're told --
 9 MS. MORLEY: -- those things --
 10 MR. O'CONNELL: -- that we can't discuss all --
 11 all the things that we can't discuss. Again, this is
 12 something you brought up about IR sites.
 13 MR. SMITH: Right.
 14 MR. O'CONNELL: I ask again for -- for some
 15 counsel on this, for your counsel to get back to us with
 16 some --
 17 MR. SMITH: Marcus, if you recall, we --
 18 MR. O'CONNELL: You did not have -- I don't
 19 want your excuses. It hasn't been done.
 20 MR. SMITH: Do you want my response at all?
 21 MR. O'CONNELL: It's manana, manana, manana.
 22 You're -- you're a flack. You're a public relations
 23 flack. You are not a lawyer. And you keep making these
 24 assertions, and I -- I checked them out, and they are
 25 unfounded.

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1 I agree with Evelyn. I -- My frustration was
 2 so high with this. I put in a lot of time on this, and
 3 all I hear is bullshit, to be real plain and frank.
 4 MR. SMITH: Would you like me to respond or
 5 not?
 6 MR. O'CONNELL: That would be great.
 7 MR. SMITH: All right. Let me just say this,
 8 though. We did have an E-mail chain, which everybody in
 9 the RAB was part of it, where you asked for specific
 10 regulations stating the things that I brought up. I
 11 provided those specific regulations to you, and you
 12 never responded back beyond that point.
 13 MR. O'CONNELL: I don't believe you ever did
 14 provide any specific --
 15 MR. SMITH: Well, I got a copy right there.
 16 I'd be happy to pass out to you --
 17 MR. O'CONNELL: Would you --
 18 MR. SMITH: -- and the rest of the RAB if you'd
 19 like --
 20 MR. O'CONNELL: I'd like to see it.
 21 MS. MORLEY: Marcus, I'd like to say one thing.
 22 I understand your frustration, but we have actually done
 23 a lot of things.
 24 When I first came on as cochair, the Navy gave
 25 me a list of things to do, and I have accomplished all

1 of them except for the informational repository. All of
 2 the documents should be in there.
 3 And I just talked to the contractor. They have
 4 finally imported the index into an Excel spreadsheet, as
 5 you asked.
 6 Right now they are doing a quality-control
 7 check to make sure that because the way the index was
 8 done by Bechtel does not have the site number, so it's
 9 not easy to soar on site number, which is one of the
 10 most important things that you're looking for. They
 11 promised to have that done within two weeks.
 12 I know it's taken a long time, but we are --
 13 MR. O'CONNELL: It's taken 14 months --
 14 MS. MORLEY: I --
 15 MR. O'CONNELL: -- since we got support.
 16 MS. MORLEY: But not to me.
 17 MR. O'CONNELL: Fourteen months.
 18 MS. MORLEY: I know, and I'm trying to get
 19 these things done.
 20 MR. O'CONNELL: We put in for a TAPP grant last
 21 May. We were hurried to get a TAPP grant, you know,
 22 instead of we're going to get into the budget cycle.
 23 You -- you need to get this in by me. We
 24 hurried to get it in. What are we told? "We don't have
 25 the money." We're still sitting here. We haven't got a

1 TAPP grant.
 2 MS. MORLEY: I --
 3 MR. O'CONNELL: We haven't got a --
 4 MS. MORLEY: We're -- we're the fifth month
 5 into our fiscal year, and we don't have money either.
 6 MR. O'CONNELL: I can go on and on and on and
 7 on like this, you know. And so as -- I agree with
 8 Evelyn. I understand Evelyn's frustration. She's only
 9 been here a month, and she's already . . . I put up
 10 with it for a year, and that's why I'm sitting here
 11 being very emotional right now and rather pissed off.
 12 I just can't accept it -- any more excuses from
 13 you folks. I've heard them all for too long. I've had
 14 it.
 15 I mean, I -- I wonder myself, what the hell am
 16 I doing here? You know, first of all, I have no
 17 influence over anything that might happen. We can raise
 18 objections, and they are basically just blown away.
 19 I mean, when we say "Okay, there hasn't been a
 20 public process on -- on a Record of Decision," we go
 21 back, and we are told "Oh, well, we think there has
 22 been," but no -- no basis for that.
 23 You know, you saw the letter on February --
 24 about a year ago that was just -- just blown off. That
 25 letter was researched, substantive. And it was just

1 like "We don't care. We are the Navy. You guys are
 2 just a bunch of citizens here," you know. And what do
 3 we have? We have --
 4 I'm -- I'm going to stop. I can go on and on
 5 about this. My frustration -- I share her frustration
 6 level. And I don't know what -- why the hell any of us
 7 are wasting our time in this process, because it's
 8 getting us nowhere.
 9 There is no cleanup going on here. It's
 10 cover-up. There's no restoration going on here at all.
 11 This is -- The name of this group is a complete
 12 misnomer. There is no restoration.
 13 MS. MORLEY: I'm sorry you feel that way. I
 14 think that I -- I admit that there has been a lot of
 15 problems since this RAB got started, and I think that we
 16 are trying to work on it, and I -- it's not as fast as
 17 you'd like to see it, but we are getting there, and we
 18 will keep working.
 19 So I hope that you don't feel that way, because
 20 we actually do care. And I'm sorry that you feel that
 21 you -- that your opinion doesn't matter, because it does
 22 matter.
 23 And if you'd like to, we can get on to our RPM
 24 reports, and I can address some of the things that you
 25 brought up if that's all right with everybody.

1 MR. SKAREDOFF: Well, I had a -- we talked -- I
2 guess we were talking about perchlorate. I have -- One
3 of our things that we did between the last meeting and
4 this time was: We split off into several groups, and
5 several groups worked on different issues; and Mario and
6 I were to work on the SWMUS, and I have -- I'd like to
7 make a report on the work.

8 MS. MORLEY: That's great. Okay.

9 MR. SKAREDOFF: So the SWMUS are not those
10 little white critters that run around -- where was it?
11 In "Li'l Abner"? -- little -- pear-shaped little
12 critters.

13 They are actually the solid waste management
14 units, which are these sites over here, which is pretty
15 much at the heart of the base where a lot of the
16 activity took place to kind of keep the base going, work
17 on the equipment and to clean things and did a lot of
18 that sort of activity there.

19 And so where we are with -- with that
20 particular site is: We have a remedial investigation,
21 which I guess puts us here [indicating] in the process
22 for those guys to where the initial assessment has been
23 done.

24 And now sort of the -- the guts of this thing
25 is now to find out what's really there, what needs to be
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1 done. And that's going to be the foundation for the
2 following decision which are going to be: What are we
3 going to address, how are we going to address it, and
4 then actually going and doing it.

5 So this is a very important step to make sure
6 that we do this in a -- in a complete and comprehensive
7 manner.

8 MR. O'BRIEN: Excuse me. Where is this on the
9 agenda?

10 MS. MORLEY: I guess Evelyn had discussed with
11 you all in open forum?

12 MR. SKAREDOFF: Yeah. This w- -- We were
13 supposed to fill out these little cards and --

14 MR. O'BRIEN: Well, we did, but I don't see
15 this on the agenda. Why are we allowing time for this?
16 What happened?

17 MS. MORLEY: -- hear from your subcommittee
18 report. This is, I guess, a subcommittee making
19 comments.

20 From what I understood from Evelyn, she had
21 talked to you guys about an open forum that would be
22 under the "Committee Reports/Announcements," and this
23 would fall under subcommittee.

24 Gay?

25 MR. SKAREDOFF: We're supposed to be --
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1 MS. TANASESCU: I only heard this about -- on
2 an E-mail today that I got about, well, cards and stuff
3 and reports. That's the first --

4 MR. O'BRIEN: I'm sorry, but this is
5 unrealistic. We are five after 9:00 here. We've been
6 here since 7:00.

7 MR. SKAREDOFF: We are supposed to take three
8 minutes to do this. So I'll get it done in three
9 minutes.

10 MR. O'CONNELL: Really? Really? Wow.

11 MR. GRIFFITH: Go for it.

12 MR. SKAREDOFF: I'll get this done in three
13 minutes. That's the time it's going to take.

14 Okay. This is the map of the SWMUS. These are
15 the various SWMUS areas. And these are -- The little
16 dots on here are all the proposed sample points that
17 were -- were proposed in the plan was to do this -- to
18 do this work, okay?

19 I'll do it in three minutes if the
20 computer . . .

21 Yeah, okay. This is the same map, but this
22 shows what samples actually were taken, okay? If you
23 compare the previous map with this one, you can see
24 there's a lot fewer sites here. And I think it's
25 somewhat notable because, for instance, this site over

1 here stored hazardous materials. This site over here
2 was a burn pit. This site over here dispensed
3 pesticides and -- and fuel. There are buried fuel tanks
4 here and here. There's a sump pit over here.

5 And so for the sump pit, the nearest sample
6 point to it is over here, and that's over a hundred feet
7 away.

8 And so on the basis of the analysis of these
9 samples, we were coming to conclusions as to what was
10 going on here. And here's one of the conclusions out
11 of -- out of this report here [indicating].

12 This is the page that talks about conclusions.
13 Here it says, "Significant unidentified areas of
14 volatile organic carbon [sic] impacted at the Site do
15 not appear to exist, and no apparent data gaps have been
16 identified."

17 I beg to differ. If you don't take a sample at
18 the site and you try to conclude something from what's
19 at the site, I think it's -- the -- the data just
20 doesn't support the conclusion.

21 I have a -- a written report here, which is
22 three pages, plus these two -- two drawings. I'll leave
23 this with you, Theresa.

24 MS. MORLEY: Thank you.

25 MR. SKAREDOFF: And if you like, you can
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1 distribute it however it needs. I didn't get a chance
 2 to make copies for everybody. But that's kind of the
 3 general picture.
 4 I have two pages of tables here of specific
 5 places where there are these kinds of things, and I just
 6 want to conclude just by talking about just one of these
 7 things here, and that is there's a summary of areas
 8 which are -- are not covered.
 9 There's a gas station. No samples taken there.
 10 There's hazardous waste storage. There's a pit,
 11 underground storage tanks, oil storage and dispensing
 12 sites, un- -- more underground storage tanks, even more
 13 underground storage tanks, and then the sump.
 14 And the only thing that was tested for was
 15 hydrocarbon and volatile organic carbons [sic] where a
 16 lot of these other places have other -- other things,
 17 like pesticides being dispensed, and I don't see any --
 18 any being tested for those.
 19 There's battery reclamation being done.
 20 None -- No testing for acid or lead, which are bound to
 21 be there.
 22 There was fluorescent tubes being, I guess,
 23 disposed of. Fluorescent tubes contain mercury. No
 24 testing for mercury.
 25 And so my -- my suggestion is that we go back

1 answer up in a couple of days.
 2 MS. TANASESCU: Okay.
 3 MS. MORLEY: Is that okay?
 4 MS. TANASESCU: Is there any reason you can see
 5 why they wouldn't grant an extension, because they're
 6 going to need a technical advisor report?
 7 MS. MORLEY: No. I think it's a very good
 8 reason. I just don't know what impact that has to the
 9 flight management plan if that has -- or money or
 10 anything. So that -- I just need to clear it with them,
 11 but I don't think so. I think it would be okay.
 12 MR. TACTAY: But what is that?
 13 MS. MORLEY: The -- the --
 14 MR. PINARD: Theresa?
 15 MS. MORLEY: Mm-hmm?
 16 MR. PINARD: Just probably going to be done,
 17 but this report, will that become part of the minutes?
 18 MS. MORLEY: What we'll probably do is make
 19 copies and mail it out with the transcript. But no.
 20 You have to read it into the transcript.
 21 MR. PINARD: Okay.
 22 MS. MORLEY: But it will be mailed out with
 23 that.
 24 MR. PINARD: But that will be good,
 25 because . . .

1 and look at this, and we look at the original plan that
 2 was proposed and, you know, try to understand how we got
 3 from where we -- what -- what plan to get to and where
 4 we actually ended up, because to me there's a
 5 disconnect.
 6 And I don't know how long I was. Probably not
 7 much more than three minutes.
 8 MS. MORLEY: Thank you, Igor.
 9 ATTENDEE: Excellent report.
 10 MS. TANASESCU: Can we all get copies of that,
 11 Igor?
 12 MR. SKAREDOFF: I sent a copy to Evelyn, and
 13 I'll be glad to send you all copies.
 14 MS. TANASESCU: I appreciate it.
 15 MR. O'CONNELL: Good presentation.
 16 MS. MORLEY: So are you interested in hearing
 17 RPM updates or not?
 18 Yes.
 19 MS. TANASESCU: Along the lines of what we're
 20 supposed to be doing right now, the letter that I handed
 21 out earlier asking for 30 days' extension, do you know
 22 if that would be approved or how long it would be before
 23 I'd get an answer on that?
 24 MS. MORLEY: I need to talk to the EPA and
 25 Water Board and Tony, and I would hope to get you an

1 MS. MORLEY: It will go into the informational
 2 repository.
 3 MR. PINARD: Okay.
 4 MS. MORLEY: Then it's Site 13 and 17, the
 5 litigation area, and the tidal area and the landfill.
 6 MS. TANASESCU: And other pertinent documents,
 7 whatever is up for comment.
 8 MS. MORLEY: I think the SWMU and Site 27.
 9 MS. TANASESCU: I -- I don't know what they are
 10 off the top of my head. I'm sorry.
 11 MS. MORLEY: Okay.
 12 MS. TANASESCU: But that was one of the reasons
 13 we were supposed to comment on the litigation area
 14 tonight. That's one of the reasons I decided not to,
 15 because I really do want to have a technical advisory
 16 talk before I do that.
 17 MS. MORLEY: Okay. Yeah, I -- that makes
 18 sense. So I don't -- I don't think it would be a
 19 problem. But I just don't want to say yes and then have
 20 to say . . . you know, so . . .
 21 Does anybody else --? Do you guys want to hear
 22 a quick update, or do you want to go home?
 23 MR. O'CONNELL: Quick update.
 24 MS. MORLEY: We have one vote for a quick
 25 update. Anybody else?

1 MR. GRIFFITH: Sure.
 2 MR. O'BRIEN: Go ahead.
 3 MR. O'CONNELL: Let's do it.
 4 MS. MORLEY: Okay. Just very quickly. I don't
 5 know if you all noticed the Fact Sheet. We finally --
 6 See? We finally got it done. It happens. It's slow,
 7 but it happens. So if you want to pick this up, this is
 8 the latest one.
 9 Remember when Dean was saying that we needed
 10 one with general information and he showed us that
 11 example? This is like that, but it's up to date. But
 12 they are behind you here. And that's one thing.
 13 The training . . . Marcus, I think that was a
 14 good idea. You talked about that last time, the general
 15 training, maybe getting other RABs involved, having a
 16 ba- -- Bay Areawide training.
 17 The problem is, we're the fifth month in our
 18 fiscal year, and because of this situation, I feel like
 19 we still do not have our money. But they promised us
 20 this week.
 21 Once I get the money I can award my RAB support
 22 contract, and that training will be part of it. So we
 23 are planning on that. I just don't have any money right
 24 yet. But we will get there.
 25 The lawyer -- I did send the E-mail to the

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1 lawyer. Hadn't heard from anybody. So I asked the
 2 lawyer regarding the criteria for public acceptance.
 3 Hopefully, I'll hear back from her soon.
 4 And I think that is it for me.
 5 Gregg, did you want to --?
 6 MR. TACTAY: Yeah, that was something again
 7 about the TAPP that you mentioned.
 8 MS. MORLEY: Oh. No, go ahead.
 9 MR. TACTAY: What happens is that I believe
 10 that TAPP was approved by the headquarters way back in
 11 middle of August; and at that time, the funding that we
 12 had for it was ready to be done [sic], which is prior to
 13 that year.
 14 So that TAPP funding is supposed to be included
 15 in that, which is this year. We are waiting to receive
 16 that money.
 17 In fact, I already discussed that back with
 18 people. If the money comes in at EFA West or the
 19 region, then at least we have a contract in place
 20 already.
 21 One thing is that --
 22 MS. MORLEY: You won't have a contract in
 23 place. You have the three contractors to start the
 24 process.
 25 MR. TACTAY: Right. But one thing is that when

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1 I gave the data that you gave to us regarding about the
 2 contractors, I only have two contractors in there. Our
 3 contracting people would like --
 4 MS. MORLEY: No. He gave us a third one. He
 5 gave it to Gil, and I have it. I'll give it to him.
 6 MR. TACTAY: Okay.
 7 MS. MORLEY: Yes.
 8 MR. O'CONNELL: I'd like to add to that, that
 9 those -- our contract -- our -- our interest was in the
 10 litigation area and in the tidal area sites
 11 specifically. And I would really hope that -- that we
 12 don't go forward with approving RODs and things like
 13 that until that TAPP grant is granted and a consultant
 14 has time to do it.
 15 The second thing, when we put in that TAPP
 16 grant, we were very explicit that we want some control
 17 over who -- you know, we want some say over what
 18 contractors are chosen and selected because we don't
 19 want this just to be Na- -- more Navy eyewash.
 20 MS. MORLEY: Right. We have --
 21 MR. O'CONNELL: We want --
 22 MS. MORLEY: -- the three contractors.
 23 MR. O'CONNELL: We want independent review.
 24 MR. TACTAY: Okay. Once we receive the money
 25 from the headquarters, then we will notify you right

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1 away; and we'll -- we'll start, you know, looking at
 2 this thing provided to us. You will be participating in
 3 that discussion there.
 4 MR. O'CONNELL: Okay.
 5 When Gil gave his presentation upon our
 6 involvement with the TAPP grant, actually he ignored
 7 our -- our legal -- when we read the TAPP handbook, the
 8 RAB had a lot of points where we are supposed to be part
 9 of the process for the TAPP. When Gil made his
 10 presentation to us, to -- to the RAB, about the TAPP
 11 grant, he ignored all RAB involvement as if it didn't
 12 exist.
 13 And I hope that you guys go back and look and
 14 realize that the RAB is very much involved in this -- in
 15 this TAPP process, and it's not -- it's not something
 16 the Navy's just going to go ahead and do --
 17 MS. MORLEY: Right.
 18 MR. O'CONNELL: -- and then announce it to us.
 19 MS. MORLEY: Basically, we look at it as we are
 20 the contract mechanism to put your TAPP into place.
 21 MR. O'CONNELL: Okay.
 22 MR. COOPER: I have a process question about
 23 that for the Navy because I'm not clear on it.
 24 Do you have any ability to provide the
 25 community members of the RAB copies of the proposals

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1 that you receive from the three or four -- however many
2 contractors? Because this is a -- this is a resource
3 for the community members of the RAB. The Navy and
4 other entities that sit here have their own resources.
5 So obviously, the community needs to be
6 involved, and it seems to be one of the quickest ways to
7 get up to speed of who might -- which firm might
8 potentially be chosen is saying that the -- that, you
9 know, the response is in the proposal.

10 Isn't that at least some major portion of it,
11 maybe not the cost piece, but at least the credential
12 piece and the propo- -- the rest of the proposal,
13 couldn't that be available to the community members of
14 the RAB?

15 MS. MORLEY: Isn't it also my understanding,
16 Tony, that they make the selection of the three once
17 they get the proposals back?

18 MR. COOPER: Right.

19 MR. TACTAY: I -- That's -- I don't -- I
20 don't know. I don't know anything about that one. I --
21 It has to go to our contracting people. So the
22 contracting people will be working with us and with
23 Marcus together on this one.

24 MR. COOPER: My understanding --

25 MR. TACTAY: I don't know we're starting to

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1 selecting. Are we kind of clear on that, then?

2 MS. MORLEY: That was my understanding.

3 MR. COOPER: Okay.

4 MR. TACTAY: I'll try to find out. I know that
5 I hadn't really --

6 MR. COOPER: I understand, but they just need
7 as much information as the Navy can provide as soon as
8 possible for them to start getting smart on these -- the
9 firms that you've -- that you've cleared.

10 MS. MORLEY: Gregg, did you want to quickly --?
11 I didn't read that --

12 MR. SMITH: No. I'm just going to summarize
13 this.

14 You all should have received this. This is a
15 E-mail that went out from Dave Baillie, the Seal Beach
16 environmental site manager, basically discussing the
17 joint-use EBS.

18 Now, because the joint-use EBS covers a large
19 section of the base and not just specific areas; and
20 because that EBS is covering areas where there are IR
21 sites, that is considered pertinent to both the IR
22 Program and therefore the RAB.

23 And so there's basically two ways that we're
24 going to have for RAB members, both as individuals and a
25 RAB, to become involved in this.

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1 selecting it, whether -- whether it's going to be --

2 MS. MORLEY: I -- I thought it -- I -- My
3 understanding was that it was the public that selected
4 them.

5 MR. COOPER: But what the Navy does is: The
6 Navy --

7 MS. MORLEY: But you're basically just awarding
8 a contract for them.

9 MR. COOPER: -- cuts the co- -- does the
10 award --

11 MS. MORLEY: Right.

12 MR. COOPER: -- but the selection is -- because
13 the Navy has already prescreened. So all three --

14 MS. MORLEY: Right.

15 MR. COOPER: -- assuming it's three, all three
16 contractors are qualified to do the work, fully
17 qualified.

18 So then the community members, after doing some
19 kind of screening process, the sooner the better, then
20 say, "Well, this is the one that we are most comfortable
21 with, and this is the one we want." Then the Navy cuts
22 the contract. But the Navy doesn't select.

23 MS. MORLEY: That was my understanding too.

24 MR. COOPER: Otherwise, the independ- -- the
25 independence would be lost if the Navy was actually

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1 First off, there will be a standard NEPA
2 process, public participation process, for the whole
3 joint-use process with the City and County. And that in
4 itself is going to include comments relating to the EBS
5 as a part of that NEPA process. So as individuals you
6 guys can take part in that process and make comments on
7 the EBS.

8 Because the EBS covers areas where there are IR
9 sites, you can also as a RAB take a look at the EBS,
10 which we should have, I believe, sometime -- earliest
11 time frame March, possibly a little later, have a draft
12 form of that.

13 And as a RAB you folks can comment on things
14 that pertain to IR sites and things adjacent to IR sites
15 in relation to that EBS.

16 So it's a, you know, two-prong process. You
17 guys can do either or both or whatever you want to do on
18 that.

19 And that will be something that will be brought
20 up at a -- at a later RAB meeting once we actually get
21 the draft in a presentable form and we can present it to
22 the RAB for comments at that time. That's for the
23 joint-use EBS.

24 Let's see. There was one other thing I wanted
25 to mention, and it slipped my mind right now.

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1 MS. MORLEY: Coast Guard housing?
2 MR. SMITH: Oh, yeah, thanks.
3 I've got some more information on Coast Guard
4 housing that is not RAB related. Anybody who wants to
5 discuss with me anything about Coast Guard housing
6 issues, please come and see me after the RAB.
7 And Web site update really quick, all the
8 information that was presented tonight on CERCLA in a
9 much more sort of concise form is also available on the
10 Seal Beach Web site with another diagram showing the
11 process.
12 And we are currently still in the process of
13 loading up the Web site with documentation. It's going
14 much slower than I would hope. I'm trying to get
15 anywhere from between five to ten documents per week
16 additional up on the -- up on the Web site.
17 And that's all I've got from this end.
18 MR. O'CONNELL: Why is the Coast Guard housing
19 not subject to RAB review?
20 MR. SMITH: Marcus, I think we have been over
21 this time and time again, and I'm not going to get into
22 it.
23 MR. O'CONNELL: You say it's an IR site.
24 MR. SMITH: No, it's not an IR site.
25 (Simultaneous colloquy.)

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1 MR. O'CONNELL: That's irrelevant. It doesn't
2 matter.
3 I keep asking, come back with counsel. The
4 letter that you handed out is so -- so -- the reasoning
5 on it is not --
6 MR. SMITH: Well, I'm sorry you disagree with
7 the reasoning, but that's -- that's what we are home
8 with.
9 MR. O'CONNELL: So you really need to get back
10 to legal counsel and prove to us that we're -- we're not
11 subject --
12 MR. SMITH: Marcus, the documentation I have
13 proves it, the documentation I've provided to you.
14 MR. O'CONNELL: It's illogical. You're telling
15 me -- It does -- it does not prove it at all. That's
16 why -- that's why it never answered it. This
17 frustration I felt with the --
18 MR. SMITH: We've got a difference of opinion,
19 Marcus, and we are not going to work out this difference
20 now in the next fifteen minutes. I think we need to
21 move on.
22 MR. O'CONNELL: What's that?
23 MR. SMITH: We have a difference of opinion we
24 are obviously not going to work out within the next
25 fifteen minutes --

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1 MR. O'CONNELL: That's correct. So I'm a --
2 I'm -- I'm asking for a legal opinion on this.
3 You can come back with your counsel's legal
4 opinion on it in writing with citations, the same thing
5 I've been asking for since -- for months. I want it to
6 come back here.
7 I wanted it to come back here -- I asked for
8 it at the last meeting. The last meeting I asked for
9 it, and you said that we're going to get it, and it's
10 not here.
11 MR. SMITH: So you want additional citations
12 besides the one that I gave you there?
13 MR. O'CONNELL: You didn't provide the
14 citation. You said --
15 MR. SMITH: There are two citations.
16 MR. O'CONNELL: This -- this citation does not
17 talk about it. I'm sorry. That reasoning doesn't --
18 doesn't obtain for me.
19 MS. TANASESCU: Gregg?
20 MR. SMITH: Yes.
21 MS. TANASESCU: I think what he's actually
22 asking for is not a letter specifically from you, but a
23 letter from legal counsel.
24 MR. SMITH: Sure, and I'd be happy to provide
25 it.

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1 But, I mean, if you're looking -- you're
2 looking for citations, I provided citations is what I'm
3 saying. But if you need a letter from a legal counsel,
4 I'll provide that.
5 MS. MORLEY: Well, quickly, do you have
6 anything for your brief?
7 MS. TANASESCU: Why take a chance?
8 MS. MORLEY: Three-minute time limit.
9 MR. RAMSEY: I didn't know how quickly, because
10 originally I know we had about, you know, fifty minutes
11 was going to be split up by three subject matters, and I
12 thought I had a little bit of time.
13 I know folks originally expressed interest in
14 letters or issues last month that we didn't talk about
15 and -- at the January RAB, and that was a letter about a
16 litigation area of the draft final five-year review and
17 comments on the feasibility study.
18 And of course, you know, January I've also
19 issued -- EP- -- U.S. EPA has issued two additional
20 letters; and maybe just instead of going back, the
21 letters are there. RAB members, we'll provide a copy on
22 the litigation area.
23 It was again my intention to have had a little
24 discussion here. I think what I'd like to do is just
25 reiterate if I have, you know, a short period of time

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1 here, you know, what did U.S. EPA -- what did I do this
2 month?
3 I just want to point out that I probably spent
4 about three hours with Evelyn and Marcus and another RAB
5 member in early January, talking about risk assessments,
6 some of the contaminant issues that she asked to
7 reiterate and raised concerns with this evening.
8 On the 29th of January, RAB members received a
9 copy of my letter. We had written the Navy,
10 notifying -- notifying that we are not signing this
11 Site 13 and 17 ROD.
12 And just to kind -- to clarify a comment
13 U.S. -- U.S. EPA made in our letter and our --
14 expressing our concern about, you know, getting
15 information and doing it in a timely manner, I would
16 just reiterate -- read a quote in here anyways: "In the
17 event --"
18 We're, again, notifying the Navy that we are
19 not prepared to sign the 13/17 ROD per the Federal
20 Facilities Agreement because of this recently identified
21 issue raised by the Water Board regarding perchlorate
22 use at the base and some conversations I've had with
23 toxicologists and the program staff and our legal
24 counsel.
25 And I mentioned in my letter -- and this was

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1 signed by my supervisor -- that "In the event that
2 insufficient sampling --" since we weren't sure if there
3 was -- actually had been sampling done in the past for
4 perchlorate, quote:
5 In the event that insufficient
6 sampling has occurred for Site 13, the Navy
7 should be prepared to propose an aggressive
8 sampling strategy and schedule in order to
9 determine if there are potential human health
10 risks associated with perchlorate at Site 13
11 that warrant changes to the ROD or a need for a
12 Feasibility Study to address potential
13 contamination.
14 And we have asked that -- we request "that this
15 be given the highest priority by the Navy Concord staff
16 and that the requested meeting occur within the next two
17 weeks."
18 So we were trying to be proactive, better late
19 than never, on identifying the perchlorate that the
20 Water Board had raised and we agree with. Short letter.
21 RAB members have a copy of that. So we are trying to be
22 timely in establishing schedules to meet with them about
23 that.
24 The other letter we wrote in January just on
25 the schedules, a Site Management Plan, to respond to

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1 both the Navy request that was issued around
2 Christmastime in December and a request from Evelyn
3 Freitas for some deliverables, trying to tie up the
4 loose ends in the SMP with the Gil Rivera request for
5 extension, Evelyn Freitas request; and then Theresa had
6 made some allowances to the RAB in January.
7 So EPA's letter, January 16th, trying to keep
8 the schedules, the Site Management Plan, in order
9 responded to those and provide both the extensions for
10 various documents that are the subject of the -- Gil's
11 Navy's request and Miss Freitas's request.
12 In addition, just notifying some upcoming
13 deliverables that may need requests per the FFA from the
14 Navy that maybe are due soon, and we just want to make
15 sure everyone was aware of.
16 And in addition to my outreach meeting with the
17 RAB members earlier this month, I also had the pleasure
18 of giving a short presentation to an environmental
19 group. Mr. Menesini, it's his Environmental Alliance in
20 Martinez, nice enough to offer me to speak with their
21 group.
22 And we had a very good turnout, probably
23 20 people, I believe. Had that room pretty well packed
24 and had a chance to present with them a very short
25 CERCLA process and a discussion of the cleanup program

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1 at the Concord Weapons Station.
2 That's it. Thanks.
3 MS. MORLEY: Okay.
4 MS. TANASESCU: I just had a small comment to
5 make.
6 In terms of your presentation that you'd done
7 out at John Muir, some of the RAB members didn't know
8 about it. I personally found out about it through the
9 article in the newspaper, which was maybe a day or so
10 ahead of time.
11 If we had known well in advance that that was
12 going to happen, it would have been a good place for
13 some of the RAB members to change their schedules and
14 perhaps go take the outreach to the community in terms
15 of recruiting of the members and doing other things.
16 But I feel like we didn't really have that chance
17 because we didn't know you were going to be there.
18 MR. MENESINI: You know, it -- it's not done
19 because we -- the -- the group is -- is an Environmental
20 Alliance group which has specific membership, and we --
21 we publicize it in the newspaper so that other people
22 can attend.
23 MS. TANASESCU: But given the fact that we are
24 all on the RAB, I -- I think maybe an E-mail next time
25 something comes up to the RAB members would suffice so

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1 that we know when you're being invited to be somewhere
2 in this type of environment of -- for that type of
3 presentation.
4 I -- I can see where Mario's coming from
5 because he has -- it's a private group that was inviting
6 you to be there. But because it had to do with the
7 restoration of the Naval Weapons Station, I think that
8 it was a place for the RAB body to be there in terms of
9 community outreach.

10 So all I'm asking is that if something else
11 comes up in the future, if -- when you're invited to
12 give that type of a presentation, if you could give us a
13 heads-up when you're being invited so that we may be
14 able to participate in that.

15 MR. RAMSEY: I guess I was thinking oftentimes
16 when --

17 MS. TANASESCU: Was I making sense in what I
18 was requesting?

19 MR. RAMSEY: Well, yes and no, I guess, because
20 I -- because I recognize there's a number of RABs who
21 were in the Environmental Alliance. And so I don't -- I
22 kind of leave it to, you know, Mario sending my
23 biography and that stuff and leave the notification to
24 people. I'm not sure it's --

25 MS. TANASESCU: Well, see, that's that

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1 that in the time --

2 MS. TANASESCU: So were you to --

3 MR. RAMSEY: -- that was allowed.

4 MS. TANASESCU: -- in how to outreach --

5 MR. RAMSEY: I -- I --

6 MS. TANASESCU: -- to the community --

7 MR. RAMSEY: I --

8 MS. TANASESCU: -- that would have been a good
9 place for us to be.

10 PATRICIA RYAN: Well, Gay, if I might
11 interject, the organization that asked him to do that
12 might not have agreed. So it wouldn't have even been
13 appropriate for him to just openly invite everyone to
14 come.

15 Now, you might have contacted Mario and asked
16 him.

17 MS. TANASESCU: But that's what I'm asking for,
18 just to give us a heads-up of his involvement when he's
19 invited somewhere. Then we can go ahead and contact
20 them. But if we don't know when it's going to occur --

21 MR. SMITH: Folks, excuse me for one second.
22 We're going to need to give our lady here a break for a
23 couple minutes and continue on or wrap this up. What
24 would you folks like to do?

25 MR. O'CONNELL: We haven't set the agenda yet.

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1 assumption thing, though. I think people --

2 MR. RAMSEY: Well, no. I --

3 MS. TANASESCU: -- compartmentalize things --

4 MR. RAMSEY: I guess I'm not sure I -- you
5 know, as a speaker, I guess it's none of those protocols
6 being a speaker are you suppo- -- are you supposed to
7 start notifying people. I mean, I hear what you're
8 saying.

9 MS. TANASESCU: I don't think Mario invited you
10 because Mario's a RAB -- he's a RAB member. I think
11 he's invited you because of an Environmental Alliance
12 issue.

13 MR. MENESINI: That's true. Specifically --

14 MS. TANASESCU: So in that purview, we're shut
15 out.

16 MR. MENESINI: We're specifically for that
17 organization to find out what --

18 MR. RAMSEY: We can talk -- I'll talk some
19 more. You know, there -- it was supposed to have been
20 one hour, and it was really pretty -- it was supposed to
21 be kind of a skim the surface of an overview of this is
22 the Weapons Station and this is the CERCLA process in a
23 one-hour time period.

24 I actually think most RAB members get so much
25 more that it's pretty -- pretty cursory to have done

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1 MR. SMITH: So you want to take a five-minute
2 break, then?

3 MR. O'BRIEN: And, you know, I want status here
4 on the report on the litigation area by the private
5 companies and --

6 MS. MORLEY: Okay. Can we take a five-minute
7 break, then?

8 (Recess 9:25 p.m. to 9:32 p.m.)

9 MS. MORLEY: All right. Did everyone have a
10 cookie so we could go another hour? Just kidding.

11 All right. Then quickly, Laurent, do you want
12 to go ahead and give your brief?

13 MR. MEILLIER: Well --

14 MS. MORLEY: And then Ray wanted to update on
15 the litigation --

16 MR. PINASCO: That's fine.

17 MS. MORLEY: -- sites. Or Jim. I'm sorry.

18 (Simultaneous colloquy.)

19 MR. PINASCO: -- had asked for an update on
20 what's happening with some of the sites that are
21 adjacent to the litigation area. I can tell you what I
22 know. I've had discussions with project managers for
23 two of those sites. That would be Chem. Pig. and
24 Allied, you know, Gen. Chem.

25 Basically, the Chem. Pig. site has been moved

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1 to a new group. So -- But they are planning at least
 2 structural removal, probably removal of the tanks.
 3 Those kind of work plans are being in effect. I don't
 4 know when; but, you know, as they do, I'll let you know.
 5 Allied -- no. Gen. -- Gen. Chem., the project
 6 managers are negotiating with the facility for sampling
 7 plans near -- near the border with the Navy and, you
 8 know . . . [unintelligible].
 9 MR. SKAREDOFF: I'm sorry. I can't hear you.
 10 MS. ATTENDEE: Yeah.
 11 MR. PINASCO: Sorry.
 12 General Chemical is -- their project managers
 13 are working in negotiating with the facility to produce
 14 a sampling plan for the facility, quickest way to put
 15 it.
 16 MS. MORLEY: Now, Jim, when you weren't here
 17 last time, Pat said that some of the DTSC people would
 18 be able to come out and give a presentation.
 19 MR. PINASCO: Pat had asked me about that, and
 20 we will be talking to the project managers and see if we
 21 can do that.
 22 MS. MORLEY: Okay. Thank you.
 23 MS. TANASESCU: Excuse me. What's happening
 24 with the pile that's out there, the one that's covered
 25 with the tarp?

1 MR. PINASCO: Probably -- I'm assuming it will
 2 be removed with the structural removal.
 3 MS. TANASESCU: I -- Is there any kind of a
 4 time frame at this point that they are looking at?
 5 MR. PINASCO: I can't give you that information
 6 at this point. I don't have it together.
 7 PATRICIA RYAN: Just this morning my supervisor
 8 told me that there was a definite plan being devised to
 9 deal with that, and it has been transferred to another
 10 group, like Jim said. And so Jim and I are going to
 11 find out later on this week who that is and ask them to
 12 give a presentation.
 13 It might take a little bit longer than I
 14 thought because it's a whole new group and they just got
 15 this site, but hopefully by next -- by the next RAB.
 16 MS. TANASESCU: When you say a "new group,"
 17 just clarify --
 18 (Simultaneous colloquy.)
 19 PATRICIA RYAN: -- different unit --
 20 MS. TANASESCU: Okay.
 21 PATRICIA RYAN: -- within the DTSC. I'm sorry.
 22 It was -- it was emergency response, as I
 23 mentioned last -- at the last RAB meeting. They have
 24 been doing some work in covering the piles. And all of
 25 the stuff that was covered that you just asked about,

1 one of the piles have to be -- that they will be testing
 2 and sampling and dealing with as part of the whole plan.
 3 But we don't know the exact status. So we're
 4 going to find out later this week and either have them
 5 give a presentation by the next RAB meeting or us having
 6 a more substantive presentation to give you ourselves.
 7 MS. TANASESCU: Okay. Thank you.
 8 MR. PINASCO: You're welcome.
 9 MS. MORLEY: Does that answer your question?
 10 Okay.
 11 Laurent?
 12 MR. MEILLIER: Yeah.
 13 This is my update. I'll try to make it short.
 14 I'm Laurent Meillier with the Regional Water Quality
 15 Control Board.
 16 In the early part of this month of January, I
 17 was in contact with Evelyn Freitas regarding the
 18 permitting work for ongoing renovation and also change
 19 in the median on Willow Creek Road -- Willow Creek --
 20 Willow Pass Creek Road, I guess, or Willow Pass Road.
 21 MR. ATTENDEE: Willow Pass Road.
 22 MR. MEILLIER: And I guess the project is less
 23 than 5 acres, and the project on the address is signage
 24 and the installation of a well, an irrigation well, as
 25 well as just a median work, which means that it does

1 not -- it is not required that the City of Concord apply
 2 for permit because of the surface area and the type of
 3 work that is ongoing on there, although there's going to
 4 be a change starting March this year where projects less
 5 than 5 acres will also be required for permitting.
 6 So that's due to the fact that the work has
 7 started before that new requirement, which is a pha- --
 8 Phase II storm and water -- Storm Water Pollution
 9 Prevention Plan, Phase II, which addresses smaller
 10 communities and smaller project. And work has started
 11 before that. It will not be under this regulation.
 12 MR. O'CONNELL: Could I just --
 13 MR. MEILLIER: Yeah.
 14 MR. O'CONNELL: -- interject?
 15 That contract was pulled last week by the City
 16 of Concord.
 17 MR. MEILLIER: Okay.
 18 MR. O'CONNELL: So it's not going forward.
 19 MR. MEILLIER: Okay.
 20 MR. O'CONNELL: It looks like it's still in the
 21 plan.
 22 MR. MEILLIER: Okay.
 23 MR. O'CONNELL: I don't see that it would
 24 possibly begin before March because they have to start
 25 the process over again.

1 MR. MEILLIER: Okay.
2 MR. O'CONNELL: So it sounds like it might be
3 covered.
4 MR. MEILLIER: Okay. Well, in that facility,
5 also what I did is: I was in contact with Evelyn, but I
6 was also in contact with the City of Concord, and they
7 are aware of the new requirements and that therefore --
8 and most of their staff at the board -- I don't issue
9 permit. I don't do those type of -- those type of work.
10 The staff board is aware that this work is
11 ongoing or potentially ongoing and will be in contact
12 with the City of Concord in terms of providing the
13 paperwork so the permit can be issued.
14 MR. O'CONNELL: Let me say that you did a good
15 job.
16 MR. MEILLIER: Well, that's okay. Thanks.
17 Another -- A second issue is regarding the
18 perchlorates, and the perchlorate follows -- perchlorate
19 action from the Board follows a discussion that I had
20 with colleagues that had sites that are contaminated
21 with perchlorate at a private site in the Bay Area.
22 And those workers -- I mean, those workers
23 basically asked me, you know, "Do -- do you have any
24 data for -- for the Concord Naval Weapons Station
25 potential candidate?"

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1 And I told them that actually I was not aware
2 of any data had been generated since my tenure on
3 perchlorate.
4 So I -- that prompted an action to the Navy
5 where I was assisting Jim and Phillip and as well as
6 Evelyn regarding the fact that the Board is strongly
7 suggesting as well as recommending that the Navy
8 provides data regarding potential perchlorate
9 contamination of groundwater and that especially that
10 the Navy looks at site use on the basewide -- on the
11 basewide pattern, meaning that they look at other
12 potential sites that might -- where the water -- where
13 the groundwater might be contaminated with perchlorate.
14 And I've indicated to the Navy that in addition
15 to Site 13, that Site 22, 29, and 27 would potentially
16 become contaminants, as well as Site 1 landfill, for
17 perchlorate contamination.
18 I -- and Theresa asked me if I could provide to
19 her a monitoring well -- actually, maps of monitoring
20 wells and/or drinking water wells in the vicinity of the
21 Concord Naval Weapons Station. I will do that.
22 This data is actually not -- is not accessible
23 by the public due to security concerns. So we'll have
24 to go, you know, to some person at the State Water
25 Resources Board and re- -- and request the data. But

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1 that data is actually somewhat protected due to that
2 security concern.
3 So -- and I also have asked the Navy following
4 the perchlorate that they kind of look at it -- I'm not
5 an explosive and I'm not an ordnance expert, and -- that
6 they look at other potential contaminants that might
7 have been generated by military activities on the site
8 related to explosive, the use of explosive, the use of
9 flares, and the use of any other type of chemicals that
10 is relating to Navy activities.
11 And Tony has agreed that yes, that he will look
12 at that and potential other chemicals that might be
13 candidate and adversely affect groundwater. So that's
14 why.
15 Let's see. And I discu- -- We discussed --
16 All of us discussed the SWMU, solid waste management
17 units, responses to comments, preliminary responses to
18 agency comments at a meeting last week.
19 And the Navy has responded positively to us,
20 relating to the fact that they are -- will be conducting
21 soil gas sampling to better characterize
22 contamination -- potential contamination of soils from
23 vapors, from VOC vapors, and therefore potentially
24 adversely indoor air as well as groundwater and --
25 because the current methods we had been using and

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1 co-method might -- might not have given a good accurate
2 description of the contamination in the groundwater as
3 well as in the soil.
4 I received samples results for AOC 1 related to
5 discrete sample -- discrete soil samples that were taken
6 at the laboratory -- at the former laboratory at AOC 1
7 and former other potential sources under board projects
8 which are arsenic, selenium, mercury and lead.
9 And so far the two metals that are of concern
10 of the samples is arsenic and . . . arsenic and --
11 Excuse me?
12 MR. TACTAY: Selenium.
13 MR. MEILLIER: Arsenic and selenium, that's
14 right. Actually, that's arsenic and mercury. Sorry.
15 It's arsenic and mercury.
16 I provided comments on two UST sites, one of
17 them in Port Chicago being the City of Port Chicago, and
18 UST sites which are accessories of -- of about nine to
19 ten UST sites. And I also provided comments on the SAP
20 for A3A, which is the UST site located in the tidal
21 area.
22 Two more items and then we are done.
23 And I work with Jerry Fee with the engineering
24 facility --
25 MS. MORLEY: SCAPS?

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1 MR. MEILLIER: SCAPS -- down in San Diego on
 2 A3A actually creating a database, a GIS database, on UST
 3 sites for basewide for the tidal as well as the inland
 4 area.
 5 He will provide that data and will actually
 6 give a presentation of that geographic information
 7 database to the next RPM in -- this month.
 8 And so actually, I sent him an E-mail this
 9 morning. I told him that he would be welcome to present
 10 that data as well to the RAB and the plenary RPM. So he
 11 hasn't responded to me. And he also will provide data
 12 related to the database so that I can upload that data
 13 to GeoTracker database.
 14 And then finally, there was an issue relating
 15 to a closure for a petroleum site called the SWMU 30,
 16 and there is an issue of the Board have issued a site
 17 closure for that site. The last correspondence I've had
 18 with that site was in 1991.
 19 So this is -- this is my update for -- for --
 20 MR. O'CONNELL: Where is SWMU 30?
 21 MR. MEILLIER: SWMU 30 --
 22 MR. SMITH: It looks like it's a tidal area.
 23 It's near the tidal area sites.
 24 MS. MORLEY: Right under 9. Can you see it?
 25 MR. O'CONNELL: Site 30 is --

1 MR. MEILLIER: No, that's not SWMU 30 --
 2 MR. ANDAL: It's near the airport.
 3 MS. MORLEY: Down here?
 4 MR. MEILLIER: Yeah. It's in the inland area.
 5 MR. O'CONNELL: In -- in the 154-acre area
 6 that's being transferred to Concord?
 7 MS. TANASESCU: Concord?
 8 MS. MORLEY: Was that in the 154-acre area, do
 9 you know, joint-use area?
 10 MR. TACTAY: Yes.
 11 MR. SMITH: Well, that's definitely something
 12 the Water Board will want to handle sooner than later.
 13 MR. MEILLIER: Right. I mean, therefore, I
 14 believe -- and I've talked with the former caseworker,
 15 and he doesn't have a recommendation. Therefore, I
 16 believe it goes by the Board, so . . .
 17 MS. MORLEY: Thank you, Laurent.
 18 Does anybody else have --?
 19 Marcus?
 20 MR. O'CONNELL: A question for you, Jim. Who
 21 were the --? Who are the project managers for those two
 22 sites that you were talking about?
 23 MR. PINASCO: I can E-mail you the names
 24 because I can't pronounce them.
 25 MR. O'CONNELL: I was thinking it would be nice

1 to have them in the record so that in the future if we
 2 contact those people . . .
 3 MS. MORLEY: Gay?
 4 MS. TANASESCU: I was just wondering where we
 5 are in getting our finalized copies of the bylaws.
 6 MS. MORLEY: Marcus just handed those to me
 7 today, and I'll mail those out to you this week.
 8 MS. TANASESCU: Okay.
 9 MS. MORLEY: Anybody else?
 10 Okay. Does anyone have suggestions for our
 11 next meeting's agenda?
 12 I have to say something about the way that this
 13 was set up. The open forum, I don't know where that
 14 came from.
 15 But remember last meeting when you guys were
 16 talking, and there's, like, the discussion with Igor and
 17 Ray and -- and Phillip, and everyone seemed to like
 18 that? That's why we moved the RPM briefs to the second
 19 part of the RAB, so that you all would have a chance to
 20 kind of talk back and forth because you said that was
 21 very helpful. That's why the agenda was structured this
 22 way.
 23 So you -- you guys still want that? It didn't
 24 really happen that way this time, but that was the
 25 intention.

1 MR. SKAREDOFF: One -- one of the things that
 2 my understanding of the open forum was that the RAB has
 3 sort of split up into sub -- subteams to look into
 4 specific areas and that this would be an opportunity for
 5 those subteams to report out, similar to the way that
 6 the agencies do.
 7 MS. MORLEY: Okay.
 8 MR. SKAREDOFF: That those would report out on
 9 what we found out about the areas.
 10 MS. MORLEY: Okay. So we'll add subcommittee
 11 reports to that RPM.
 12 MR. SKAREDOFF: Yeah. And then I think those
 13 probably are on these cards.
 14 MS. MORLEY: Okay.
 15 Does anybody else have a suggestion for next
 16 month's agenda?
 17 MR. O'CONNELL: I have a number of them, but I
 18 wanted to let them speak first before the conversation.
 19 MS. TANASESCU: I just want to ask a question.
 20 I'm still unclear as to whether Evelyn's resigned or
 21 not.
 22 MS. MORLEY: I am too. I'll talk to her
 23 tomorrow.
 24 MR. COOPER: My understanding was that she was
 25 making a protest about a specific issue. I don't recall

1 hearing her say --
 2 MS. MORLEY: Yeah. I --
 3 MR. COOPER: -- "I resign from the RAB."
 4 MS. TANASESCU: Okay.
 5 MR. COOPER: I don't think I ever heard that.
 6 We can check the record, but --
 7 MS. TANASESCU: I just wasn't sure if we were
 8 having a community cochair next meeting.
 9 MS. MORLEY: I'll talk to her tomorrow. I
 10 don't know whether --
 11 MS. TANASESCU: Just want to know what's going
 12 on.
 13 PATRICIA RYAN: I'm an alternate if --
 14 MS. MORLEY: Right.
 15 PATRICIA RYAN: -- take her off.
 16 MR. SKAREDOFF: This might be a good idea to
 17 let things calm down before pursuing that.
 18 PATRICIA RYAN: That's true.
 19 MS. MORLEY: Go ahead, Marcus.
 20 MR. O'CONNELL: Okay.
 21 We need to hear about these environmental
 22 baseline surveys, and I'd like to -- like to hear from
 23 the project manager for that survey, not from David
 24 Baillie or people that are relatively unrelated to it,
 25 and the actual project managers putting it together.

1 We need to have a plan for how we are going to
 2 train RAB members so that they know something about
 3 health -- you know, ecological risk, risk to human
 4 health, you know, the whole gamut, site
 5 characterization, all the different aspects --
 6 MS. MORLEY: Got you.
 7 MR. O'CONNELL: -- over a period of time. I
 8 personally prefer not to see that take up RAB meetings.
 9 MS. MORLEY: Now, I thought we were going to do
 10 the one-day training, the whole Bay Area, one-day
 11 training --
 12 MR. O'CONNELL: I think we should have --
 13 MS. MORLEY: -- conference.
 14 MR. O'CONNELL: -- day a month training for the
 15 whole Bay Area.
 16 MS. MORLEY: I thought we decided at the last
 17 RAB that we -- it would be better to have -- to set
 18 aside a Saturday and have the Bay Areawide that we could
 19 invite other RABs to and discuss -- you know, have,
 20 like, basically an 8:00 to 5:00 with a lunch and all
 21 that stuff as if it was a conference.
 22 MR. O'CONNELL: Well, I would -- I don't -- I
 23 don't recall that. I think if I heard that, I would
 24 have said in training people that when you train people
 25 for that length of time, you have a hard time getting

1 I'd like to hear about -- well, I guess we need
 2 to go back to what Gregg and I were talking about
 3 before, and that is get a letter from counsel about
 4 where we could stick our nose and what we can't stick
 5 our nose into.
 6 But I think if -- given that I -- I think that
 7 there are environmental issues at the 154-acre site as
 8 well as Coast Guard housing. And since it's my reading
 9 that CERCLA says if there are environmental restoration
 10 issues at those sites, we can talk about them. I would
 11 like to see us get a presentation on 154 acres and also
 12 on the Coast Guard housing site.
 13 I'd like an update on the administrative
 14 record, why we haven't gotten a copy of the
 15 administrative record yet. We are all supposed to have
 16 our own individual copies of it, so -- on that last time
 17 I heard. It's been 14 months since we've been asking.
 18 I'd like an update on the information
 19 repository. Is it complete at this point and current?
 20 I'd like an update on the TAPP grant.
 21 I'd like an update on training, where we are
 22 going with that.
 23 MS. MORLEY: Wait. Hold on one second.
 24 MR. O'CONNELL: Another i- -- I -- We need to
 25 have a comprehensive -- "a comprehensive."

1 through after about two hours. It just --
 2 MR. SKAREDOFF: My own -- my own preference
 3 would be to take this in bite-size chunks.
 4 MS. MORLEY: Every RAB have a training?
 5 MR. SKAREDOFF: Not necessarily every RAB. We
 6 could do it as a joint -- jointly several RABs together,
 7 which would be an efficient way to do that.
 8 MS. MORLEY: But maybe just half a day or
 9 something?
 10 MR. SKAREDOFF: Maybe just a couple of hours.
 11 I mean, there's a certain point in which you reach
 12 saturation and then after that just have --
 13 MS. MORLEY: Even with breaks and cookies?
 14 Okay.
 15 MR. SKAREDOFF: -- and you sit in the chair,
 16 you know. And it's just hard to absorb all this stuff
 17 all at once.
 18 PATRICIA RYAN: That's true, but when you meet
 19 together like that, you have the opportunity to meet
 20 other people and to --
 21 MR. SKAREDOFF: Well, I agree. That would be
 22 good.
 23 PATRICIA RYAN: You can make it for the whole
 24 day and have so much devoted to the textbook training
 25 and have the rest just interacting with other RABs and

1 exchanging ideas.
 2 MR. SKAREDOFF: On a regular basis for not an
 3 excessive amount of time would be a good idea to do this
 4 just as a non- --
 5 MR. O'CONNELL: I think we should have it on
 6 the agenda next time to discuss this issue. I think
 7 there's a lot of aspects to it; and, you know, I think I
 8 agree.
 9 MR. SKAREDOFF: You know, jointly with several
 10 RABS is good. All getting a whole bunch of training all
 11 done in one day, I think, is -- is asking a lot of
 12 people to soak up information.
 13 MS. TANASESCU: And also, there's going to be
 14 things that are site specific that other RABS aren't
 15 going to be interested in that are going to need to have
 16 training for.
 17 MR. SKAREDOFF: There might be some of that too
 18 there.
 19 MS. MORLEY: Okay. Is that it, Marcus? We're
 20 running out of paper.
 21 MR. PINARD: Theresa, the history of the
 22 meetings started at Alameda. And the Alameda RAB was
 23 interested in having training at the same time and
 24 bringing other --
 25 MS. MORLEY: Tom?

1 MR. PINARD: -- RABS together.
 2 MS. MORLEY: Tom, she has to stop and change
 3 paper. Can you hold on just one sec?
 4 MR. PINARD: Pardon me?
 5 MS. MORLEY: Can you hold on one second? She
 6 has to stop and change --
 7 MR. PINARD: Oh. Okay. Sure.
 8 (Reporter restocks paper tray.)
 9 MR. PINARD: So -- so from the Alameda, the
 10 interest of Alameda, we put forth the idea to -- to
 11 other RABS.
 12 Hunters Point, because they were -- they were
 13 very much involved in community relations, they took the
 14 lead. The Hunter Points team and with their RAB
 15 organized it beyond what the initial effort was going to
 16 be and turned it into what turned out to be the --
 17 the -- about a year and four, five months ago now at
 18 Treasure Island.
 19 In all the RABS at that time in the Bay Area,
 20 BRAC RABS were invited. And through the auspices of Pat
 21 because she was interested and was involved in working
 22 with the Concord people -- and I became involved -- we
 23 made sure that the potential Concord RAB, while not a
 24 BRAC base, were invited to that; and Travis also was
 25 invited, right.

1 Thanks, Pat.
 2 And so those two groups who weren't BRAC people
 3 came into the -- into play.
 4 And it was -- it was very successful in the
 5 sense that -- that what -- what happened that day, but
 6 it wasn't necessarily set up as you folks are talking
 7 about now, which is a good idea.
 8 It was done more because the Alameda folks had
 9 come back from the national conference. And the
 10 cochair -- community cochair came back from Denver -- I
 11 believe it was Denver -- and was excited about bringing
 12 the people that she had heard in Denver out to the San
 13 Francisco Bay Area.
 14 So it was -- it was constructed differently
 15 than what you folks are doing tonight. But I think -- I
 16 think you got a good idea in how you do it into the
 17 future. And if you're -- if you're -- if you -- if you
 18 guys are the major thrusts in doing it, that's great.
 19 And if you can get the rest of the RABS involved, that's
 20 a great way to do it.
 21 MS. MORLEY: Didn't you bring up that
 22 Denver --?
 23 MR. O'CONNELL: What's that?
 24 MS. MORLEY: Didn't you bring up that Denver
 25 training at the last one that you said, like, there was

1 a CD that had the presentations --
 2 MR. O'CONNELL: Right.
 3 MS. MORLEY: -- that you like --?
 4 MR. O'CONNELL: Tetra Tech has a copy of the
 5 CD. The CD was very good. I think that the CD -- we
 6 should have a C- --
 7 There's a lot of stuff on the Internet
 8 relevant -- you know, guidelines relevant to human
 9 risk -- human health risk assessment and environmental
 10 risk assessment, ad nauseam stuff. A lot of that I
 11 think should be put on CDs, which was given to us,
 12 because the amount of time to download is horrendous.
 13 And yeah, and if we were given a bibliography
 14 of that, an organized bibliography, so that we could
 15 just -- we could take it out and say, "Oh, I want to
 16 learn about this, this document." A set of those disks
 17 wouldn't cost that much.
 18 You know, I just want to go on to the agenda
 19 and talk about issues that talk about these issues. I
 20 want to get to my -- on the agenda for next time.
 21 We have a problem potentially with the chair.
 22 We don't know whether Evelyn resigned or not. We may
 23 need an election next time.
 24 MS. MORLEY: We have an alternate.
 25 MR. PINARD: Mary Lou is the alternate.

1 MR. O'CONNELL: We do. Okay. Well, that's a
 2 possibility. Yeah. We'll see.
 3 But I think we need to be aware that that
 4 could -- this could be an issue. How are you going to
 5 get the agenda approved by the community cochair next
 6 time? All that stuff.
 7 I think the RAB -- I was going to say, well,
 8 we're going to need probably an election anyway to get
 9 another alternative cochair.
 10 I think the RAB needs to consider at this point
 11 what the community members -- what they want to adjourn.
 12 They may not want to adjourn. They may decide to keep
 13 it here.
 14 But I think we really need to ask ourselves, Do
 15 we want to continue with this? Is it worth it to us to
 16 do? Are we getting anything out of this? Is the
 17 community getting anything out of this, or are we just
 18 being basically an underdressing for -- for the Navy?
 19 I think also with the -- the community RAB
 20 members need to talk among themselves about getting
 21 legal counsel, pro bono legal counsel, to represent our
 22 interests, because, obviously, everybody else has got
 23 it. All the regulators have their counsel. The Navy
 24 has their counsel. We are naked without it.
 25 Lot of issues are coming up. These are

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1 highly -- a highly technical regulatory environment.
 2 And there's lots of pro bono people out --
 3 people out there who help folks like us, and I think we
 4 should set up a subcommittee to go out and find those,
 5 A, representative, a legal -- legal counsel for us, so
 6 that our interests are represented, the community's
 7 interests are represented, because no one's backing us
 8 up at all.
 9 We are basically just being jerked out, and
 10 assertions are being made about where we can put our
 11 nose and where we can't put our nose. I'm frustrated
 12 with it, and I see no reason we shouldn't have counsel
 13 to represent our interests. And we almost have a
 14 responsibility to the community that we represent, that
 15 type of a backup.
 16 So that's all I have to say.
 17 MS. MORLEY: Does anybody else have anything
 18 before we adjourn?
 19 MR. GOSNEY: Well, I --
 20 MS. MORLEY: Go ahead.
 21 MR. GOSNEY: I'm just a guest here, and I -- I
 22 probably won't be here next time. But I have one
 23 comment on your -- your idea about a Bay Areawide
 24 training session. It's really great to have training.
 25 It's important to understand, though, that

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1 while this RAB are just -- they are just babies. You
 2 are -- you're just getting started. So a lot of this
 3 you don't know about.
 4 Many of the other RABs have been around for a
 5 great many years. Mine's been around for six and a half
 6 years. Hunters Point has been around for eight or nine
 7 years. And so it would be very difficult to provide
 8 training that would be of use to you, for instance, that
 9 would not put the rest of us to sleep.
 10 And the kind of training that we would want
 11 would be perhaps way over your head because you haven't
 12 taken the remedial courses yet. So there may be some
 13 difficulty in that. You may want to consider that.
 14 When you're trying to set up something, at
 15 least for training purposes, you may want to keep it
 16 more site specific to -- to your needs at least at this
 17 time. Just my thoughts on that.
 18 MR. O'CONNELL: What's the turnover on RAB --
 19 on your RAB? Do you have new members that come in that
 20 are starting from scratch?
 21 MR. GOSNEY: We have 21 RAB members. Eight of
 22 us have been there for the full six and a half years and
 23 a year and a half before that in developing the reuse
 24 plan. We will probably have one new member every year
 25 and a half or so. They are in for the long haul.

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1 And the frustrations that you were expressing a
 2 few minutes ago, we have been having the same type of
 3 frustrations, and we pretty much decided that -- that we
 4 would not back down. We would not walk away, because
 5 when we do that, then the community would stop being
 6 involved, and the community would not have any kind of
 7 representation in case the Navy wanted to do something
 8 that was not necessarily in the community's best
 9 interests.
 10 My advice is to -- to continue this, to stay
 11 here, encourage your neighbors, your friends, to -- to
 12 join you on the RAB and become more powerful and have a
 13 larger voice with the Navy. And they won't always have
 14 to do what you advise them to do, but they have to
 15 listen.
 16 And I would just advise you just keep telling
 17 them what your thoughts are verbally, written. And if
 18 you don't -- you're not pleased with the response that
 19 you're getting, go over their heads. Talk to your
 20 elected representatives in the area. Talk to their
 21 bosses. We went to the Secretary of the Navy and the
 22 President of the United States before we got action,
 23 so . . .
 24 MS. MORLEY: Did --?
 25 MR. O'CONNELL: We need -- All -- all the Bay

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1 Area needs to gather so that we can talk to one another
2 about our experiences and stuff.
3 MR. GOSNEY: Yes.
4 MS. MORLEY: Ray or Mario, do either one of you
5 have --?
6 MR. O'BRIEN: Well, I'd like to again request
7 from Phillip a review of his letter of December 20th in
8 the litigation area.
9 MS. MORLEY: Okay. Is that it?
10 Gay?
11 MS. TANASESCU: I'd like an update on the
12 original letter that I wrote to all the regulatory
13 agencies and the Navy about the litigation area in terms
14 of getting --
15 MS. MORLEY: Is that the February 4th --?
16 MS. TANASESCU: -- getting responses to my
17 questions.
18 MS. MORLEY: Is that the February 4th letter?
19 MS. TANASESCU: Yeah, I believe it was
20 February 4th. It's the original letter I wrote. It's,
21 like, eight or ten pages.
22 MR. RAMSEY: On the Site 1 --
23 MS. TANASESCU: I'm sorry. Not litigation
24 area. Landfill area.
25 MR. RAMSEY: I saw that, so the -- you want --

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1 that's fine.
2 MS. MORLEY: And I'm sorry, Gay. What --? An
3 update on --?
4 MS. TANASESCU: It's the --
5 MS. MORLEY: I know about --
6 MS. TANASESCU: -- tidal area landfill.
7 MS. MORLEY: I know about that one, but what
8 was the update for?
9 MS. TANASESCU: Because the response that I got
10 back from the Navy said that it was going to be an
11 ongoing process, so they gave me what I recall very
12 vague answers to just a few questions.
13 So I don't really consider that I had anything
14 answered at all. And there were a lot of concerns for
15 that area.
16 MS. MORLEY: Okay. Does anybody have anything
17 else?
18 Okay. We're adjourned. Have a safe trip home.
19 (10:01 p.m.)
20 PATRICIA RYAN: Theresa.
21 MS. MORLEY: What?
22 MR. PINARD: All I wanted to do is say that
23 I -- your rapport tonight is really what the RAB should
24 be about. And if you folks think that you want to not
25 be involved, we just saw tonight the perfect example of

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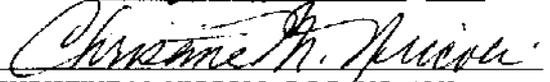
1 what the RAB should be. That's a great rapport and
2 hopefully, you know, keep it up.
3 THE REPORTER: Are we adjourned?
4 MS. MORLEY: Now we are adjourned.
5 (Off record at 10:01 p.m., 2/3/03.)
6 ---oOo---

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CERTIFICATE OF REPORTER

I, CHRISTINE M. NICCOLI, Certified Shorthand
Reporter of the State of California, do hereby certify
that the foregoing meeting was reported by me
stenographically to the best of my ability at the time
and place aforementioned.

IN WITNESS WHEREOF I have hereunto set my hand
this 18th day of February, 2003


CHRISTINE M. NICCOLI, C.S.R. NO. 4569

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