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M E E T I N G

HUNTERS POINT SHIPYARD
RESTORATION ADVISORY BOARD

REPORTER'S TRANSCRIPT

March 28, 2002

San Francisco Police Department
Bayview Station Community Room
201 Williams Avenue
San Francisco, California

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

NICCOLI REPORTING

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CERTIFIED SHORTHAND REPORTERS SERVING THE BAY AREA

1 FACILITATOR: QUIJUAN MALOOF - Pendergrass & Associates
2 CO-CHAIRS: DAVID DeMARS - United States Navy (sub)
DOROTHY PETERSON - RAB member, Hunters
3 Point resident
CAROLINE WASHINGTON - RAB member, Southeast
4 Community College Advisory Board
5
6
7 RAB MEMBERS:
8 LANI ASHER - Communities for a Better Environment,
Community First Coalition
9
10 LYNNE BROWN - Communities for a Better Environment,
Community First Coalition
11 AMY BROWNELL - San Francisco Department of Public Health
12 CHARLES L. DACUS, SR. - Hunters Point resident, ROSES
13 MARIE HARRISON - Communities for a Better Environment,
SAN FRANCISCO BAY VIEW
14
15 CHEIN KAO - California Dept. of Toxic Substances Control
16
17 JACQUELINE ANN LANE - US Environmental Protection Agency
18
19 JESSE MASON - Bayview-Hunters Point Community Advocates,
Community First Coalition
20
21 SULULAGI PALEGA - Hunters Point Boys & Girls Club,
Housing Authority, Samoan Community Development Center
22
23 MELITA RINES, Resident
24
25 JIM RODRIGUEZ - Portola Place Homeowners Assn., ROSES
26
27 CHRISTINE SHIRLEY - Arc Ecology
28
29 AHIMSA PORTER SUMCHAI, M.D. - BVHP Coalition on
Environment
30
31 KEITH TISDELL - Hunters Point resident
32
33 RAYMOND TOMPKINS - Bayview-Hunters Point Coalition on
Environment

1 RAB ATTENDEES [Cont.]:

2 CLAIRE TROMBADORE - US Environmental Protection Agency

3 LEILANI WRIGHT - JRM Associates

4 ----oOo----

5

6 OTHER ATTENDEES:

7 JAMES ARLINGTON ANSBRO, Resident

8 JUAN MANUEL BARRAGAN, JR., Literacy for Environmental
9 Justice

10 DOUG BIELSKIS, Tetra Tech EM Inc.

11 JESSE BLOUT, San Francisco Mayor's Office

12 BILL BREEDLOVE, The IT Group

13 GEARY L. BROWN SR., Geary L. Brown & Son Trucking

14 MAUDE BULLOCK, ADI Technology Corporation

15 A. DON CAPOBRES, San Francisco Redevelopment Agency

16 NANETTE CUTLER, Resident

17 FRANCISCO DA COSTA, Resident

18 CHRIS HANIF, Young Community Developers

19 JOHN HART, Writer

20 TERRI HERSON, Lennar/CH2M Hill

21 BOB HOCKER, Lennar-Bayview-Hunters Point Team

22 SUSAN HORSFALL, Goggin & Goggin for Lennar

23 BILL HOWELL, 3-D Environmental (guest speaker)

24 CAROLYN HUNTER, Tetra Tech EM Inc.

25 RONALD KEICHLINE, Bechtel National, Inc.

1 OTHER ATTENDEES [Cont.]

2

KEVYN LUTTON, Resident

3

CRAIG MARTIN, San Francisco citizen

4

PAUL McCONNELL, Resident, activist

5

DON PAUL, Housing is a Human Right

6

JIMMIE RAY POTTS, Barbary Coast Trucking & Brokers

7

SARINA PURI, Bechtel National, Inc.

8

WILLIE RATCLIFF, SAN FRANCISCO BAY VIEW,
9 African-American contractors

10 PERRY A. RUTHVEN, Paul McConnell For Congress

11 LEE H. SAUNDERS, United States Navy

12 J. VERA, Supervisor Maxwell's Office

13

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1 SAN FRANCISCO, CALIFORNIA, THURSDAY, MARCH 28, 2002

2 6:00 P.M.

3 ---oOo---

4 MR. MALOOF: Okay, everyone, looks like we can
5 start our meeting right now. My name is Quijuan Maloof,
6 and I'm going to be your facilitator. Just want to
7 remind everyone to turn off your pagers and cell phones
8 and speak clearly and loudly so everyone can hear you.

9 Just going to go around and introduce everyone.

10 MR. ANSBRO: I'm James Arlington Ansbro,
11 resident, sitting in for Barbara Bushnell, who is ill
12 today.

13 MS. BROWNELL: Amy Brownell, San Francisco
14 Health Department.

15 MS. WRIGHT: Leilani Wright, RAB member.

16 MR. TOMPKINS: Raymond Tompkins, RAB member.

17 MR. BROWN: Lynne Brown, RAB member.

18 MS. RINES: Melita Rines, RAB member.

19 MR. KEICHLINE: Ronald Keichline, Bechtel,
20 community relations.

21 MR. BARRAGAN: Juan Barragan. I'm cofounder of
22 LEJ, sitting in for Leandrew Rigmaden.

23 MR. DACUS: Charles L. Dacus Sr., member of the
24 Board, the RAB, also a member of ROSES.

25 MS. PETERSON: Dorothy Peterson, Community

1 Co-chair.

2 MR. KAO: Chein Kao, State Department of Toxic
3 Substances Control.

4 DR. SUMCHAI: Dr. Ahimsa Sumchai, RAB member.

5 MS. HARRISON: Marie Harrison, RAB member.

6 MR. DeMARS: Dave DeMars, lead remedial project
7 manager for the Navy.

8 MR. BIELSKIS: Doug Bielskis, Tetra Tech.

9 MR. BREEDLOVE: Bill Breedlove, The IT Group.

10 MS. LANE: Jackie Lane, EPA community
11 involvement.

12 MR. POTTS: Jimmie Potts, Barbary Coast
13 Trucking & Brokers.

14 MR. HART: John Hart. I'm just an interested
15 person writing a book.

16 MS. HERSON: Terri Herson from Lennar, CH2M
17 Hill.

18 MR. DA COSTA: Francisco Da Costa, resident.

19 MR. MALOOF: Go ahead. Your name, please.

20 MS. CUTLER: Oh, I'm sorry. Nanette Cutler,
21 resident.

22 MR. MARTIN: Craig Martin, citizen of San
23 Francisco.

24 MS. LUTTON: Kevyn Lutton, resident.

25 MS. HORSFALL: I'm Susan Horsfall, Goggin and

1 Lennar.

2 THE REPORTER: Susan --

3 MS. HORSFALL: -- Horsfall.

4 THE REPORTER: Yes?

5 MS. HORSFALL: From Goggin & Goggin,
6 representing Lennar.

7 MS. BULLOCK: Maude Bullock, ADI Technology.

8 MR. MALOOF: Anyone else that we missed?

9 MR. TOMPKINS: Caroline. Caroline, Miss
10 Washington.

11 MS. WASHINGTON: Caroline Washington, co-chair
12 of the RAB board.

13 MS. ATTENDEE: Forgot who you were.

14 MS. TROMBADORE: Claire Trombadore, EPA.

15 MR. MALOOF: Okay. Just also want to remind
16 everyone who came in to make sure that your cell phones
17 and pagers are turned off.

18 First thing that we're going to do is approval
19 of the minutes.

20 DR. SUMCHAI: Actually, under Robert's Rules of
21 Order, approval of the agenda is customary. But I can
22 address the issue of the -- the minutes as well as the
23 agenda by having people page -- turn to Page 2 of 10 of
24 the minutes.

25 And it -- it was my understanding that we were

1 at this meeting going to discuss the issue of the
2 Finding of Suitability for Transfer of Parcel A. And
3 the minutes do document that a motion was made to that
4 effect.

5 Also, under "Action Items" it states that
6 "presentation by representatives of City of San
7 Francisco" to -- about "the conveyance agreement" at
8 March 28th, 2002, RAB meeting, and it appears that there
9 is an addendum here where someone made the decision to
10 present this to a subcommittee meeting of the RAB.

11 And I just feel that there's some ambiguities
12 in the minutes that would not allow me to -- to vote for
13 them as being an accurate reflection of what occurred at
14 the February 28th, 2002, meeting.

15 Specifically the addition here, "A presentation
16 of the FOST A addendum, the conveyance process, and the
17 Parcel E characterization will be given at a RAB
18 subcommittee meeting prior to April 24th RAB meeting,"
19 that was not a -- that was not part of the -- the -- you
20 know, the proceedings of the --

21 MR. TOMPKINS: What page are you referring to?

22 I --

23 DR. SUMCHAI: It's Page 2 of 10.

24 MR. TOMPKINS: Two of ten. Thank you.

25 What should it reflect Dr. Ahimsa? The best

1 you remember, you recall.

2 DR. SUMCHAI: I move that the minutes not be
3 accepted because they do not reflect the -- you know,
4 the proceedings of the February 28th, 2002, meeting
5 until such time that they accurately reflect the motion
6 made by the body and the discussion of that meeting,
7 that they are not an accurate -- they are not accurate
8 as a document.

9 MR. TOMPKINS: Point of clarification. What do
10 you remember what did take place at that time?

11 (Ms. Asher arrives at 6:05 p.m.)

12 DR. SUMCHAI: The -- A motion was made, and it
13 was carried that the presentation regarding the FOST,
14 that Parcel A would be on the agenda for this meeting.
15 It is not on the agenda; and under "Action Items" on
16 page 10, there is an action item which says that the --
17 you know, that the conveyance agreement and the
18 associated documents would be included in the March 28,
19 2002, RAB meeting.

20 MR. MALOOF: Okay. We are going to talk about
21 the FOST A.

22 MR. TOMPKINS: One, two, three --

23 (Mr. Ratcliff arrives at 6:06 p.m.)

24 MR. MALOOF: Actually, we have something to say
25 about it.

1 MR. TOMPKINS: For the action items, which one
2 for item number what?

3 DR. SUMCHAI: It's Item No. 4.

4 MS. ATTENDEE: Four.

5 MR. MALOOF: Dave is going to explain about
6 that later on.

7 DR. SUMCHAI: Okay. The issue is the approval
8 of the meeting minutes, and I would like to move that
9 the minutes not be approved because they are
10 contradictory and do not reflect the activity that
11 occurred at the February 28th RAB meeting.

12 MR. TOMPKINS: Second.

13 MS. PETERSON: Before -- There is not a part
14 there at the end where we said we are paying Bill Howell
15 with taxpayer money; and whether he gets to present or
16 not, we still have to honor that contract. So we said
17 Bill Howell, plain and simple.

18 DR. SUMCHAI: I don't understand how that's
19 relevant. The motion I'm saying -- What I'm saying is
20 that --

21 MS. PETERSON: He has another contract -- His
22 contract calls for him presenting one hour tonight. And
23 it was stated at the end of the meeting, not before --
24 before it was over, that we are paying -- we're using
25 taxpayer money to pay this man and where --

1 DR. SUMCHAI: He is not --

2 MS. PETERSON: Excuse me. I did not speak when
3 you were talking.

4 DR. SUMCHAI: All right.

5 MS. PETERSON: And it -- whether we allow him
6 to present his hour tonight or not, he will be paid. So
7 we cannot just take taxpayers' money and give it to
8 someone and not allow him to do their job, because he
9 has a contract. But --

10 MR. MALOOF: Mr. Brown.

11 MR. BROWN: I would like to say, Bill Howell
12 was hired for the TAPP grant to do the findings of the
13 manganese and the -- the ESD soil vapor extraction and
14 the shoreline. But he didn't have anything to do with
15 the conveyance, and that's what we are talking about.

16 MS. PETERSON: Bill Howell is reporting -- his
17 contract states he is to speak last month and this
18 month, and he has an hour to do it. And that was
19 brought out last month at the end of the meeting that
20 whether he -- we allow him to speak or not, we have to
21 pay him and -- because you just cannot take taxpayer
22 money and just throw it out the window.

23 MS. HARRISON: Excuse me.

24 MR. MALOOF: Okay. Miss Rines.

25 MS. RINES: I think there was just a slight

1 confusion. Dr. Sumchai was talking about the FOST, not
2 about Bill Howell.

3 MR. BROWN: Right.

4 MS. RINES: Bill Howell is on the agenda.

5 MS. PETERSON: But you don't have enough time
6 if you allow Bill Howell per his contract for one hour.

7 DR. SUMCHAI: Let me say just that this --

8 MS. PETERSON: But --

9 DR. SUMCHAI: -- issue and this argument is not
10 relevant. The motion --

11 MR. BROWN: Right.

12 DR. SUMCHAI: -- that is before the body --

13 MR. TOMPKINS: And it was seconded.

14 DR. SUMCHAI: -- is to approve the minutes.

15 MR. BROWN: Right.

16 DR. SUMCHAI: The minutes do not accurately
17 reflect --

18 MR. BROWN: Right.

19 DR. SUMCHAI: -- the proceedings from the
20 February 28th RAB. They, in fact, contradict a motion
21 made by the body, and the motion made by the body to
22 include an item on the agenda was not honored.

23 So the basic motion is simply whether or not
24 you choose to accept these minutes as accurately
25 reflecting the conduct of the -- of the RAB for

1 February.

2 MR. MALOOF: Okay. Ron.

3 MR. KEICHLINE: Actually, the minutes are
4 technically accurate. They do say that the motion was
5 made and approved to put the FOST A on the agenda.
6 There's something saying that were not placed on it, but
7 the minutes themselves are technically accurate as
8 stated during the RAB meeting.

9 DR. SUMCHAI: Then why isn't that on the
10 agenda?

11 MR. KEICHLINE: That's an agenda approval
12 issue, not a minutes approval issue --

13 DR. SUMCHAI: Okay.

14 MR. KEICHLINE: -- to clarify that.

15 MR. MALOOF: Okay.

16 MS. PETERSON: Wait a minute.

17 MR. MALOOF: Quijuan. I'm sorry.

18 MR. ANSBRO: Dr. Sumchai, can the minutes be
19 amended, amended satisfactorily?

20 DR. SUMCHAI: I don't think we should take the
21 time to do that tonight. I think we should not approve
22 the minutes; and then once they have been amended, we
23 can bring them back at the next meeting to have them
24 approved.

25 MR. MALOOF: Yes.

1 MS. WASHINGTON: This gentleman just said the
2 minutes were correct but the agenda was wrong. So I
3 mean, how you figure that out?

4 MR. MALOOF: Okay.

5 MS. WASHINGTON: I think --

6 MR. KEICHLINE: And I would also add too, if
7 you do choose not to approve the minutes, I'd like some
8 language saying what you would like the minutes to say
9 so that I can make that correction, have them --

10 DR. SUMCHAI: Okay. To begin --

11 MR. KEICHLINE: -- suitable.

12 DR. SUMCHAI: -- I can give you that
13 information.

14 Okay. I made a motion to place a presentation
15 on the status of Parcel A on the agenda. And Mr. Forman
16 agreed that the -- this was in order. That the actual
17 motion was carried is not included in the minutes. That
18 needs to be added. So that needs to be added to approve
19 the minutes.

20 MS. RINES: It's actually in there.

21 MR. KEICHLINE: It -- it says the motion
22 carried.

23 DR. SUMCHAI: Okay. All right.

24 MR. KEICHLINE: Yeah.

25 DR. SUMCHAI: Okay. I --

1 MR. MALOOF: Are we --?

2 DR. SUMCHAI: I just feel that the agenda is
3 not accurate, given what was passed in the minutes; and,
4 you know, how -- how it needs to be r- -- you know,
5 resolved is not clear to me.

6 But the -- the minutes don't sit with me as
7 being fully accurate, you know, particularly in view of
8 the action items that are part of Attachment B, you
9 know, for the agenda that also reflect the failure of
10 the agenda to reflect the desire of the body.

11 MR. MALOOF: Okay. Can this be fixed?

12 MR. KEICHLINE: I need some direction on how
13 the RAB would like to see that corrected, 'cause I -- I
14 don't understand --

15 DR. SUMCHAI: I would like to move that we not
16 accept the minutes and that at another opportunity we
17 confer on the matters that need to go into making them
18 more accurate, that we not continue to take up more time
19 with this now. It's clear that there are more than, you
20 know, two or three issues that are going to have to be
21 resolved to make this accurate.

22 So I think the easiest thing to do -- we've
23 done it in the past. There's a precedent -- if you will
24 vote simply on whether the body wants to -- you know,
25 wants to either vote for or against my motion to not

1 accept the minutes --

2 MR. KEICHLINE: Well, I think that would just
3 be a standard motion to approve the minutes as written.
4 I mean, either they pass or they don't pass, would be my
5 recommendation.

6 DR. SUMCHAI: Right. I made a motion not to
7 accept them. It was seconded. This is discussion.

8 MR. KEICHLINE: Okay.

9 MR. MALOOF: Okay. Everybody to go to vote.

10 MS. PETERSON: Don't we have to have a reason
11 why we have not accepted them? Or do we just
12 arbitrarily say, "We don't accept these minutes"?

13 MR. MALOOF: Doctor --

14 MS. RINES: She just gave them.

15 MS. PETERSON: No, she didn't.

16 MR. MALOOF: She did not say what reason why.
17 She just did not accept the minutes.

18 So why don't we -- There's been a motion put
19 on the floor. It's been seconded. Are we ready to take
20 it to a vote?

21 MS. ATTENDEE: Yes.

22 MR. MALOOF: Okay. All those --

23 MR. TOMPKINS: Point of information.

24 (Mr. Tisdell arrives at 6:13 p.m.)

25 MR. TOMPKINS: I also have a concern dealing

1 with the report and the issue I had on the report
2 dealing with risk assessment.

3 The methodology used in coming up with an
4 average is so -- like, paraphrases and does not deal
5 with the issues of concern that I have that I brought up
6 when I did the drawing on the board in terms of sampling
7 methodology, that they only sampled a limited area and
8 then were making projections on a larger area, which is
9 inappropriate in terms of methodology and scientific
10 practice. And that was what --

11 I understand when they are trying to paraphrase
12 it and cut it down. But unfortunately, you negate the
13 valid scientific issue.

14 MR. MALOOF: Is that part of her motion?

15 MR. TOMPKINS: No, sir. It's just another
16 point of issue of why the minutes should not be
17 accepted --

18 MR. MALOOF: Okay.

19 MR. TOMPKINS: -- because there are errors --
20 significant errors in the risk assessment report in
21 terms of methodology.

22 MR. MALOOF: Okay. Now that it's been voted,
23 or now that it's been --

24 MR. TOMPKINS: It's a motion on the floor.

25 MR. MALOOF: Motion's on the floor. It's been

1 seconded.

2 All those in favor of -- I guess of -- what was
3 it you said? Disapproving the minutes?

4 MS. HARRISON: Not approving --

5 DR. SUMCHAI: Not approving.

6 MR. TOMPKINS: Not approving the minutes.

7 MS. HARRISON: Not approving the minutes until
8 such time at a later date we can be -- they can be
9 corrected.

10 MR. MALOOF: Okay. Say, "Aye."

11 THE BOARD: Aye.

12 MR. MALOOF: Raise your hands.

13 All those opposed?

14 MS. ATTENDEE: Nay.

15 MR. ANSBRO: Nay.

16 MR. MALOOF: Abstentions?

17 (Some members raise their hands.)

18 MR. MALOOF: Okay. Anything else?

19 Okay. I want to -- Anything else about the
20 minutes? Did anyone else want to say -- you said it was
21 one more thing that you said.

22 MS. HARRISON: He already got it.

23 MR. MALOOF: Oh.

24 MR. TOMPKINS: That was --

25 MR. MALOOF: Okay.

1 MR. TOMPKINS: That was carried. I just don't
2 need to elaborate. The motion carried.

3 MR. MALOOF: Okay.

4 MR. TOMPKINS: Thank you.

5 MR. MALOOF: Dave?

6 MR. DACUS: Announcements?

7 MR. MALOOF: Yes.

8 MR. DeMARS: Good evening, everyone. My name's
9 Dave DeMars. I'm the lead project manager for the Navy
10 at Hunters Point. I'm subbing for Keith Forman tonight.
11 He wasn't able to make it tonight.

12 As some of you may or may not know, Keith is an
13 officer in the naval reserves; and just recently his
14 unit was called back up to active duty, and he is
15 actually back in South Korea tonight for another
16 three-week stint. And hopefully, he's going to be due
17 back around April 8th, and we look forward to his return
18 at that time.

19 Let me quickly go ahead and address the FOST A
20 issue, since it came up.

21 It's correct that at the last meeting, we
22 wanted to put the -- the presentation for the finding of
23 suitability to transfer for Parcel A in the agenda.

24 However, because of the -- the time constraints
25 put on us by having the TAPP contractor a full hour

1 presentation, plus Q and A, there simply was not enough
2 time to put the FOST on the agenda.

3 So because of that, what we're proposing is --
4 is: We plan to hold a public meeting for the Parcel A
5 FOST. In fact, it's tentatively scheduled for
6 April 18th at the E. P. Mills facility. And it's the
7 same time as the RAB meeting: It starts at 6 p.m. and
8 goes till 8 p.m.

9 And basically, the Navy will put on a
10 presentation that describes what's in the Parcel A FOST,
11 why it's been revised, why it's been put out, et cetera,
12 et cetera. So we'll go ahead and -- and do that in lieu
13 of having a presentation here at the RAB.

14 Yes.

15 MR. BROWN: Okay. This is the advertisement
16 [indicating] that you guys put out in the paper, in the
17 CHRONICLE and in the WEEKLY.

18 MR. DeMARS: Yes.

19 MR. BROWN: And you -- you have the FOST for --
20 Department of Public Health Services was going to do --
21 ask about the radiation in 816. And 816 --
22 Building 816 doesn't exist. It's 815. And we haven't
23 seen the first FOST for the 2000 --

24 MR. DeMARS: That's --

25 MR. BROWN: -- okay. And we didn't -- yeah.

1 And for January 2001 we didn't get a second
2 FOST. And now we going to see a revisal -- are we going
3 to see both of them or what?

4 MR. TOMPKINS: Or three?

5 MR. BROWN: Yeah.

6 MR. DeMARS: Well, basically, as you mentioned,
7 the FOST is not a new document. It's been out there for
8 a long time. It was finalized in two --

9 MR. BROWN: Okay.

10 MR. DeMARS: -- thousand one.

11 MR. BROWN: Okay. This is what I'm saying,
12 Mr. DeMars. It didn't come through the RAB.

13 MR. DeMARS: Understand.

14 MR. TOMPKINS: Do you understand our -- our
15 concern?

16 If we are the remediation [sic] advisory board
17 to advise the Navy but we never have seen the documents
18 that has circumvented our function whether -- we
19 understand our limitation as an advisory board. But to
20 make a public announcement -- and we have concerns about
21 that as our technical committees have not had the
22 opportunity to review this or submit it to us.

23 It's short -- It's undermining or function,
24 and we feel that before you go public, that you should
25 have brought it to us for review, for discussion and

1 that let our experts rather than put in a public forum
2 for emotional debate or that to have us, you know, off
3 the cuff start dealing with technical matters concerned
4 and not give us opportunity to review or evaluate it.

5 We think you should not have done that, and
6 that should have come to us.

7 And I ask that before you go public with
8 this -- I understand what caused the public
9 announcement, but some type of meetings with the
10 subcommittees to get together prior to this so that you
11 can rather than in a public debate forum emotionalism
12 being exchanged where some people may think we're being
13 dis- -- more asked pointed questions about science, that
14 we have an opportunity to discuss this so that when we
15 go -- when you go forth, some of the issues or
16 misunderstandings may be addressed prior to a public
17 meeting. Okay.

18 Can we do that rather than going on this
19 tentative meeting? Can we set the subcommittees or
20 subcommittees and discuss the issues, the Radiation
21 Committee -- Sub- --

22 MR. DeMARS: We can --

23 MR. TOMPKINS: -- -committee, the Technical --

24 MR. DeMARS: We can --

25 MR. TOMPKINS: -- and Health Risk Assessment?

1 MR. DeMARS: We can do that. And again, we
2 could visit the subcommittees in addition to this
3 meeting.

4 Now, keep in mind, this revision just came out
5 Tuesday of this week. It's out for a 30-day public
6 review period. The folks on our normal mailing lists
7 will get the document.

8 I brought a few extras on CD with me tonight.
9 I would ask that RAB members only see me about these at
10 the break, and we can distribute these. If we don't
11 have enough, Ron can start a sign-up list to get this
12 document.

13 MR. TOMPKINS: I'm fortunate. I do have one.
14 But do understand that I think that the chairs of the
15 committee should convene afterwards we get together.

16 So what is a convenient time for us to meet in
17 a collective to discuss? Because each of us have a
18 particular expertise and particular concerns about this.

19 MR. DeMARS: Certainly. We'd be happy to do
20 that.

21 MR. TOMPKINS: Thank you.

22 MR. DeMARS: Not a problem.

23 So, again, the document is out for a 30-day
24 review, public comment period.

25 And we do have a public meeting again scheduled

1 for April 18th and that we will be happy to attend any
2 or all of the subcommittee meetings at your convenience
3 to talk about the document.

4 MR. TOMPKINS: I have one quick question to my
5 colleague on the Board.

6 Health Department, have you reviewed any of
7 this -- the FOST or any of --?

8 MS. BROWNELL: We just re- -- we just received
9 it also. It just got sent out to everybody. So we're
10 going to review it.

11 MR. TOMPKINS: Have you reviewed the first one
12 or the second one?

13 MS. BROWNELL: Yes. We reviewed the previous
14 version.

15 MR. TOMPKINS: For clarity, to help me -- guide
16 me Lynne's point up, have the tanks been removed and
17 radiation removed from the property? Are you aware of
18 that?

19 MS. BROWNELL: Are y- --? I don't think
20 there's any tank -- I'm not sure what -- what you're
21 referring to exactly.

22 MR. BROWN: The decon. -- the -- the deco- --
23 decon. tank's in 815.

24 MS. SHIRLEY: It's not on Parcel A.

25 MS. BROWNELL: It's not on Parcel A

1 technically, because 815 is --

2 MR. BROWN: Is the --

3 MS. BROWNELL: -- the file safe building.

4 MR. BROWN: Right.

5 MS. BROWNELL: And that property was

6 transferred to a private owner in 1984.

7 MR. BROWN: How safe are the decon. tanks go?

8 MS. BROWNELL: There's --

9 MR. BROWN: That's the question.

10 MS. BROWNELL: We're investigating right --

11 The -- There's some confusion about whether there

12 are -- whether the tanks are -- are there or not. We

13 don't -- Right now we don't know the answer.

14 MR. DeMARS: That will be in the HRA report

15 that I'll touch on.

16 MS. HARRISON: Question.

17 MS. BROWNELL: We're hoping it's in the HRA.

18 But, I mean, it's a question for the Navy. I mean, it

19 was their property.

20 MS. HARRISON: Mr. DeMars, are they there,

21 since you're speaking for the Navy?

22 MR. DeMARS: I do not believe they are. We'll

23 double-check on that.

24 MS. HARRISON: You don't believe they are, but

25 you don't know that, and yet we transferred that

1 building to a private concern?

2 MR. DeMARS: The building was transferred.

3 Were the tanks are there or not -- If the tanks are
4 there, they have been cleaned and inspected and have
5 passed numerous inspections by a variety of government
6 agencies, dating back to the Atomic Energy Commission,
7 the NRC, and -- and all the way --

8 MR. TOMPKINS: NRDL also?

9 MR. DeMARS: Oh, yes, and the Navy and the
10 NRDL.

11 MS. HARRISON: No disrespect, please, and I
12 don't mean to be disrespectful, but -- and please accept
13 this in -- in the nature that I'm -- I'm presenting
14 this.

15 It has been my misfortune to have to go through
16 the EPA and the few of the -- the other regulatory
17 agencies to look up things to find that people have been
18 cited. Things have been cited on paper but never
19 followed through, find out if it was actually -- Even
20 if there was remedial action ordered, it was never done.
21 There's no paperwork to back it up or something like
22 that. So I just really -- I have a problem with that.

23 MR. DeMARS: Well, let me jump ahead real quick
24 here to the -- to the historical radiological
25 assessment, since we're talking about that.

1 That document has been well publicized. It's
2 due out tomorrow, the 29th; and the quickest way to get
3 it is to -- we have -- we'll have it uploaded on a Web
4 site that will make it available to everyone. I'll --
5 I'll give that out tonight, and that document can be
6 downloaded directly from the Web site.

7 It's due out Friday, so CDs and hard copies
8 will be mailed out to the people that usually get those
9 in our normal distribution.

10 But I just wanted to say that the HRA is on
11 track to -- to come out tonight.

12 MR. TISDELL: I have a question. Thank you.

13 Since you talking about Building 815, now, what
14 is that leaking out that vent in Building 815?

15 MR. DeMARS: I would not want to speculate. It
16 could be evaporation water from an evaporative cooler.
17 It could be . . . Not having seen it, I -- I couldn't
18 even --

19 MR. TISDELL: Could --?

20 MR. DeMARS: -- speculate.

21 MR. TISDELL: Could you guys check that out?
22 Because, you know, like, I -- you know, I look out --
23 when I open -- look out my bedroom window, that's what I
24 look at, you know. And you can see a trail that where
25 it used to be a vent, and you see a trail, you know.

1 You know, it looked fresh. So I just want, you know,
2 ask that question.

3 MR. BROWN: But when we was -- when we were at
4 a radiological -- Radiological Committee meeting down at
5 the Shipyard at 19th, RASO specifically said that they
6 had two decontaminated tanks that they had -- that the
7 Army Corps of Engineers will have to go down there and
8 see what's going on to take them out, and RASO wanted to
9 go in there with them. I don't know why RASO wanted to
10 do that, but that's what was said.

11 MS. TROMBADORE: There's this one report that
12 talks about the tanks, and it says that they collected
13 the decon. water from the labs and that they rinsed them
14 out, and they let the radiation decay; and -- but then
15 it -- it sort of dot, dot, dot.

16 MR. BROWN: Right.

17 MS. TROMBADORE: And -- and so --

18 MR. BROWN: But you --

19 MS. TROMBADORE: We all have the same concern.
20 We need to get a clear picture of what happened.

21 MR. BROWN: But --

22 MS. TROMBADORE: The report implies that the
23 tanks were taken care of.

24 MR. BROWN: But, Claire, we -- you know, we
25 should come right out and tell them what was in the

1 building. I mean, you had three cooling tanks. Come
2 on, you had a reactor in there.

3 MR. DeMARS: All I can say is --

4 MS. TROMBADORE: Not in 815. It was for
5 laboratory rinse water. But yeah.

6 MR. BROWN: Rinse water?

7 MS. TROMBADORE: Yeah.

8 MR. BROWN: You had the aquifer going in there
9 too?

10 MS. TROMBADORE: According to the report that I
11 saw -- and this is the Navy's responsibility to get this
12 information, and I think we -- we are going to be
13 working with them to get to the bottom of it, because
14 I'm sure it's in the records somewhere, and they need to
15 present it. And I'm hopeful it's going to be in the
16 HRA, as is the City.

17 But they said that it was laboratory quantities
18 of materials. This was the main -- the big main lab.

19 MS. HARRISON: I -- I know where --

20 MS. TROMBADORE: And so that the sinks would
21 drain to these holding tanks, according to this report I
22 saw, and then they would let them sit there. They'd let
23 the radioisotopes decay to a level that was safe, and
24 then they would dispose of it in the sanitary sewer
25 system. This is years ago. This is yea- -- you know,

1 this is decades ago.

2 MS. HARRISON: I -- I know, but it kind of
3 scares me a little bit. Remember, I'm not a scientist
4 here, so I have to rely on you to give me real pertinent
5 information.

6 How long does it take radiation to decay?

7 MS. TROMBADORE: It depends upon what it is.
8 For example, tritium, it only takes ten days for a
9 half-life. You know, it depends on what they were
10 using. So I -- I think we all --

11 MS. HARRISON: But you don't know what they
12 were using, though, right?

13 MS. TROMBADORE: Right. And --

14 MR. DeMARS: Let me -- let me stress --

15 MS. TROMBADORE: Anyway --

16 MR. DeMARS: -- read the report tomorrow,
17 please.

18 MR. BROWN: Yeah.

19 MS. TROMBADORE: Right.

20 MR. DeMARS: That's going to answer a lot of
21 questions.

22 MS. TROMBADORE: But we're going to follow up
23 on that too, Lynne, I'd like to say, as is the City, and
24 I'm sure DHS will as well.

25 MS. HARRISON: Thank you.

1 DR. SUMCHAI: Mr. DeMars, I just want to just
2 grant me the opportunity to -- I want to challenge this
3 notion publicly about the technical location of these
4 radiological sites that have been leased to private
5 citizens and to companies and -- and University of
6 California, San Francisco.

7 Just, you know, point out to everyone that this
8 is Parcel A, that this is the building we're talking
9 about that was a site of the radiological operation FOST
10 that the City received, has to be revised now because
11 the Navy admits that they were cleaning up the radiation
12 contaminates. And the Department of Health Services
13 only recently signed off on the building as being safe.

14 MS. BROWNELL: That was 816.

15 MS. TROMBADORE: Yeah, there's a typo on that
16 figure.

17 MS. BROWNELL: There's two different -- there's
18 two different buildings.

19 DR. SUMCHAI: Well, there's 816, there's 815,
20 and there's 808. This building here [indicating],
21 whatever it is --

22 MS. TROMBADORE: 815.

23 DR. SUMCHAI: -- the Navy has determined to be
24 an area associated with radiological operation. It's on
25 Parcel A.

1 So I -- I just have to say especially to you,
2 Amy, representing the Department of Public Health, that,
3 you know, it's important that we not play games about
4 where property was transferred if we know by, you know,
5 Navy maps that it is a site of radiation removal actions
6 and radiological operations. That's the point.

7 MR. TOMPKINS: I have one other request for the
8 agenda for the next time in the future if you're acting
9 as chair for the Navy for this meeting. We have
10 residents who worked out that they have some
11 contradictory evidence in terms of location activities.
12 I'd like to have on the agenda that their testimony be a
13 public contention; they come here before the RAB and
14 discuss some of the issues.

15 (Mr. Mason arrives at 6:28 p.m.)

16 MR. TOMPKINS: Also, as I requested in a
17 previous meeting, which I don't see if the Navy does
18 have in terms of possible facilities underneath the
19 hill, I'd like the testimony of eyewitnesses, because
20 sometimes institutions -- if the records were lost or --
21 I'd rather believe eyewitnesses who worked facilities
22 rather than the records.

23 So I'd like their -- that we set time on the
24 agenda so that those who worked there may testify what
25 they know and knowledge to help us seek out the truth.

1 MR. DeMARS: And these are people that you know
2 that you would invite?

3 MR. TOMPKINS: Yes, sir.

4 MS. HARRISON: These are people --?

5 MR. TOMPKINS: I would like time on the agenda.
6 I'm making the request now that our elders, while they
7 are still living, be present and their record -- that
8 their information be put into the record in public.

9 MR. DeMARS: Let me consider now. Keep in
10 mind, again, I have to stress, in the re- -- in the
11 report there are -- in the numerous sections in the
12 report, there are interviews that were conducted with
13 past base employees and past workers -- NRDL workers,
14 maybe some of the very same folks.

15 MR. TOMPKINS: Okay.

16 MR. DeMARS: There are interviews.

17 MR. TOMPKINS: I'd like to have my colleagues
18 here on the Board listen to them, because I trust my
19 parents to tell you the truth and some of the record
20 reports.

21 MR. DeMARS: Sure.

22 MR. TOMPKINS: Thank you.

23 (Mr. Capobres arrives at 6:30 p.m.)

24 MR. DeMARS: Mm-hmm.

25 I have one last announcement. On -- What's

1 the date here? On April 27th the Navy is hosting an
2 open house, slash, information fair.

3 MS. HARRISON: I haven't gotten a --

4 MR. DeMARS: It's basically an ongoing effort
5 of our community outreach to involve the community and
6 to update them on the cleanup program for the entire
7 base at Hunters Point. Again, this will be at the --

8 Maude, maybe you can help me out, location.

9 MS. BULLOCK: At the -- at the Southeast
10 Community facility from 8:30 a.m. to 4 p.m.

11 MR. DeMARS: Thank you.

12 MS. BULLOCK: On the 27th.

13 MR. DeMARS: Not to go into too much detail,
14 but invitation letters will go out; and we're also
15 inviting the regulatory agencies and community groups to
16 come and participate, put up booths, put up displays.
17 And community groups also includes this RAB. You're
18 more than welcome to come, set up a booth, set up a
19 display. We'll have some presentations by Keith Forman,
20 the BEC.

21 And again, it's a full-day thing. It's on the
22 27th, and we hope everyone can make it. And again, we
23 have fliers that we can pass out later about that.

24 MS. BULLOCK: Yeah. There's a -- There's
25 fliers on the -- on the table right over there.

1 MR. DeMARS: Okay.

2 MS. BULLOCK: There will also be the fliers
3 that will go up throughout the community.

4 And you're going to --? Dave, you're also
5 going to talk about the fact that there's -- there's
6 going to be an actual letter that will go out to the
7 various community groups?

8 MR. DeMARS: Right, community groups will get a
9 letter in addition to local politicians will get
10 letters. They will be invited to attend. And there
11 will be public notices and notices in the newspapers.
12 So please keep an eye out for those. And again, that's
13 on the 27th.

14 And I think that's it, unless there's any
15 questions.

16 MR. ATTENDEE: 27th of next month?

17 MS. HARRISON: Excuse me.

18 MR. DeMARS: Yes, April 27th.

19 MS. HARRISON: You said the 22nd or the 27th?

20 MR. DeMARS: Seventh.

21 MS. HARRISON: Seventh.

22 MR. TOMPKINS: One quick question.

23 MR. DeMARS: Yes.

24 MR. TOMPKINS: Do you have --? In the previous
25 meeting, I asked for and in the previous two meetings

1 also: Do you have any documentation about facilities
2 underneath the hill in terms of shelters or laboratories
3 that were built into the hill?

4 We knew about the bomb shelters, but it was
5 supposed to be investigated as possibilities in terms of
6 shelters, 'cause it amazes me if the Navy would risk
7 their leading nuclear scientists and not protect them.
8 And I have testimony from my elders who worked out
9 there, saying that there was a complex and a very
10 complicated facility.

11 In all the presentations, I've never seen any
12 documents or any drawings showing me where the shelters
13 were in any detail or facilities possibility,
14 laboratories, or research.

15 The only gentleman who did -- wanted to discuss
16 it was then told that if he did, he would be charged
17 with treason and the remainder of his life put in jail.

18 Therefore, are there documents? Did you do a
19 follow-up on this matter?

20 MR. DeMARS: Okay. We have -- we have not
21 found anything to date. I personally am not aware of
22 any such shelters, but we are looking. Maybe something
23 may be covered in the HRA report. I can't speak to
24 that. But we are continuing to look.

25 MR. MALOOF: Great. Thank you.

1 Okay. The community co-chair reports.
2 Dorothy?
3 MS. PETERSON: I don't have any.
4 MR. MALOOF: Miss Washington?
5 MS. WASHINGTON: I have a report here.
6 I'm aware that the Navy has run into problem
7 with the cleanup at IR-07 and IR-18 at Parcel B. I'm
8 also aware that the Navy wishes to change the Parcel B
9 remedial design to address the problem at IR-07 and
10 IR-18. And I'm concerned that the Navy has not informed
11 the RAB of this situation.
12 I want the BRAC cleanup team to make a
13 presentation about IR-07 and IR-18 at the next RAB
14 meeting. The presentation must describe the situation
15 and lay out what solutions the Navy and regulators --
16 regulators are considering. No changes should be made
17 to the Parcel B remedial design until the RAB has had an
18 opportunity to review and comment on the Navy's
19 proposal.
20 DR. SUMCHAI: Thank you, Miss Washington.
21 MR. MALOOF: Okay. Thank you.
22 Any other announcements? Okay.
23 MR. TOMPKINS: One other question.
24 MS. HARRISON: I have a question.
25 MR. TOMPKINS: Will the Navy honor her request

1 as our --

2 MS. HARRISON: Yeah.

3 MR. TOMPKINS: -- community co-chair?

4 MR. DeMARS: Yes, we can.

5 MR. TOMPKINS: You will do that --

6 MR. DeMARS: Sure.

7 MR. TOMPKINS: -- to follow her request?

8 Thank you.

9 MR. ATTENDEE: I have a question. May I?

10 MR. MALOOF: Yes.

11 MR. ATTENDEE: If she asked for that

12 investigation and someone says "Yes," does not this body

13 have to vote on her request to ratify it and it becomes

14 a part of the record?

15 MR. TOMPKINS: Good suggestion, yes.

16 MR. MALOOF: Okay. Well, then --

17 MR. MASON: I second it.

18 MR. MALOOF: Okay. Well, let's put it to a

19 motion first.

20 (Mr. Howell arrives at 6:35 p.m.)

21 MR. MASON: I second it.

22 MR. MALOOF: We have to say a motion first.

23 You want to call for --?

24 MR. MASON: Should she read it again? Want her

25 to read it again?

1 MR. MALOOF: Is there --?
2 Can we paraphrase it?
3 MR. MASON: Okay.
4 MS. HARRISON: Can't you just accept this as a
5 form of a motion?
6 MR. ATTENDEE: Well, why don't you guys -- why
7 don't you adopt what she just read as her motion, second
8 what she just said, and then vote on it, instead of
9 having to repeat it again?
10 ATTENDEE: Good.
11 MR. MASON: Right.
12 MR. ATTENDEE: It's in the record.
13 MR. MALOOF: All right. We have it second.
14 All those in favor?
15 THE BOARD: Aye.
16 MR. MALOOF: Any opposed?
17 MR. KEICHLINE: So that's going to be an agenda
18 item at the next meeting? Is that what I heard?
19 MR. MALOOF: Yes.
20 Okay. Looks like Bill Howell is here.
21 MR. ANSBRO: Not ready.
22 MR. MALOOF: But not ready.
23 MR. DeMARS: May I respond to IR-07?
24 MR. MALOOF: Okay. Hold on. We do have a
25 response to the --

1 MR. TOMPKINS: One question. Because you have
2 under the Bylaws the -- as co-chairs, community chairs,
3 you have a prerogative to set the item, can you --? By
4 her -- 'cause I didn't think it was necessary, but
5 because she is a co-chair, you can place something on
6 the agenda because you are the co-chair, and that's --

7 MS. PETERSON: If you're --

8 MR. TOMPKINS: -- your rules?

9 MS. PETERSON: -- asking me --

10 MR. TOMPKINS: Yeah, because that's what I'm
11 asking.

12 MS. PETERSON: Well, I'm not answering that
13 right now. I have to check with other people.

14 MR. TOMPKINS: Okay. Thank you.

15 MR. DeMARS: This is a quick response to the
16 IR-07 question. It is correct that the Navy is having a
17 problem in IR-07.

18 And what we've been doing, before we approach
19 the RAB, this body, with a problem or a solution, we
20 typically go to the BCT first, the regulatory agencies,
21 and make our proposal to them, have discussion, and
22 reach some kind of consensus, because if what we are
23 proposing doesn't float past the BCT, then it's
24 certainly not going to -- you know, why even bother you
25 folks with it.

1 So we want to make sure that we work with the
2 regulators, work out a proposal that they can live with;
3 then we come bring that proposal to the RAB. So it
4 works in a very systematic-type fashion.

5 MS. HARRISON: Mr. DeMars?

6 MR. DeMARS: Yes.

7 MS. HARRISON: I really do appreciate what you
8 just said, but it would be more appreciated if -- if --
9 if these things that occurred sometimes by letting us
10 know in advance that there is a problem rather than
11 letting us find out accidentally by someone else who
12 happens to be reviewing your records or something that
13 they found.

14 It makes it -- It just calls for confusion
15 when someone else has to bring this to our -- to our
16 attention because the Navy did not. I don't care that
17 you didn't have a plan.

18 You said that we're working -- we have a
19 problem, and we now are putting together a plan. But
20 the Navy needs to bring that to our attention, not
21 somebody else.

22 MR. DeMARS: Point well-taken.

23 MS. HARRISON: Not that I -- I -- And like I
24 said, this is not to be misconstrued as me jumping on
25 you about this or anything, but I really, really, really

1 think that the most of us would appreciate knowing in
2 advance.

3 MR. DeMARS: That's a good point. Good point.

4 MR. MALOOF: Yes.

5 MR. TISDELL: I'd like to ask Mr. DeMars, how
6 can the community get involved or know about the BCT?

7 MR. DeMARS: Well, again, the way things work
8 is when -- a lot of -- a lot of the things you folks
9 here presentationwise and updatewise is a direct result
10 of what was discussed and agreed to at the BCT meetings.

11 So, again, it kind of works in a stepwise
12 fashion: Navy comes up with proposals, ideas, project
13 updates. The BCT hears it first, the RAB hears it next,
14 and then the community at large and other organizations,
15 then here.

16 MR. TISDELL: But -- but you -- but you -- but
17 you know something? How I heard about the BCT was
18 not -- you know, from the community. And -- and it's
19 hard getting stuff from you guys, the BCT, you know,
20 where it can reach the community.

21 And that's -- you know, that's why I said,
22 'cause if -- you know, it seemed like RAB -- RAB members
23 should be invited. I don't know if they are or not, you
24 know,

25 MR. BROWN: They kicked me out.

1 MR. ANSBRO: What was that, Lynne?

2 MR. BROWN: I got kicked out.

3 MS. HARRISON: Which I find rather -- rather
4 inappropriate being that he is a RAB member and that he
5 is the chairperson of Prop P that passed overwhelmingly
6 in this city.

7 I really would hate to have to see that happen
8 again, because I think that I would not have left
9 quietly if I had been there as a RAB member and knowing
10 that I'm supposed to be part of that meeting anyway, or
11 at least they were supposed to come to us with that
12 information.

13 MR. BROWN: That's what was . . .

14 MS. HARRISON: Not a good thing.

15 MR. BROWN: Somebody invited us. For me, I
16 don't remember.

17 MR. KAO: Well, as part of the BCT, I just want
18 to say that we do have invite -- we do have member from
19 the RAB invited to BCT meeting. I don't know what
20 happened. Chris usually come to BCT meeting. And I
21 have not followed through as to who is actually
22 representing the RAB. But Navy had consistently invited
23 members from RAB to participate.

24 MS. HARRISON: We've never been invited. I've
25 been on --

1 MR. KAO: Well --

2 MS. HARRISON: -- this Board for over eight
3 years, and I have never been invited.

4 MR. KAO: I want the Navy to respond to that.

5 MR. DeMARS: Well, again, it's really two
6 purposes. Now, the BCT and the RABs are two different
7 bodies, two different meetings, for a reason. However,
8 we would certainly not uninvite people to the BCT.
9 That -- that was never our intent.

10 MS. HARRISON: No. Sir, that's not what I
11 meant. It was my understanding that idealwise that the
12 BCT would meet at some point -- I don't care what they
13 do on their own, but at some point they have to meet
14 with this Board.

15 MR. DeMARS: That's what this Board is.

16 MS. HARRISON: This is what -- This is my
17 understanding from --

18 MS. TROMBADORE: We're here.

19 MS. HARRISON: -- information that was
20 provided.

21 MR. DeMARS: That's what we're doing.

22 MS. HARRISON: But what -- what I'm saying --

23 MR. DeMARS: The BCT attends the RAB meeting.

24 MS. HARRISON: Excuse me. Can I finish? And
25 then maybe I can clear this up from where I was coming

1 from.

2 I guess what I'm getting at is that I was under
3 the impression that they were supposed to come here and
4 meet with us as a full board. I was under the
5 impression that since they are supposed to meet with us,
6 that it was okay for a RAB member then to go sit in on
7 these meetings as long as they were a RAB member.

8 If we were incorrect, then fine. Simply say
9 that we were incorrect. But don't have someone invite
10 us there and then tell us we can't stay.

11 MS. TROMBADORE: That was my fault. I thought
12 it wasn't a problem to have people come. Arc does
13 attend, and the Navy disagreed. And I should have
14 discussed it in greater detail with them. I --

15 MS. HARRISON: Are we allowed --?

16 MS. TROMBADORE: As Mr. Brown arrived that --
17 and was already there, I -- you know, I left it to him.
18 I'm sure he wouldn't feel comfortable staying. I said
19 he'd come all this way and I would back up his staying,
20 and I gave him the ground rules. And he decided not to
21 stay.

22 And so it's -- it's still something that we
23 need to discuss with the Navy. And I apologize that,
24 you know, I invited you and made that situation again.

25 MS. HARRISON: Are we allowed to only have one

1 person there? Is that the problem? I mean, I'm just
2 trying to understand.

3 MS. TROMBADORE: We've never -- The BCT
4 meetings are supposed to be the BCT.

5 MR. BROWN: Right.

6 MS. TROMBADORE: And the Navy -- I mean, I
7 don't want to speak for them, but they have told me in
8 no uncertain terms, you know, they already have concerns
9 as to how large they'd become; and it's not just the
10 EPA, the state regulators and them anymore. It's -- the
11 City comes and the developer and Arc Ecology comes, and
12 they just got concerned that it was going to become more
13 of a public meeting than a working meeting.

14 But I think that, you know, when Mr. Forman
15 returns, he's -- he's the guy in charge.

16 MR. BROWN: Right.

17 MS. TROMBADORE: He's the guy, and we can talk
18 again about --

19 MR. DeMARS: Lee, do you have something?

20 MS. TROMBADORE: For example, if --

21 MR. SAUNDERS: I -- I just wanted to share a
22 perspective from somebody who deals with RABs throughout
23 California that this RAB is unique in the sense that
24 there is a RAB member that attends the BCT, but the BCTs
25 were never meant --

1 MS. TROMBADORE: Right.

2 MR. SAUNDERS: -- for the community. That's
3 what the RAB is for. The RAB is supposed --

4 MS. TROMBADORE: Right.

5 MR. SAUNDERS: -- to include the community, but
6 not the BCT.

7 BCT by the Department of Defense regulations
8 states who the members are. That information is
9 available on the Web. If you go into the -- the Web
10 site, that includes the rules for formation of RABs and
11 things like that. But BCT was never meant for the
12 community.

13 MR. MALOOF: Okay. Dorothy?

14 DR. SUMCHAI: I think I've had my hand up for a
15 while.

16 Let me just say quickly that Miss Tromboni,
17 I -- I don't think there's a need --

18 MS. ATTENDEE: Trombadore.

19 DR. SUMCHAI: -- Trombadore -- there's a need
20 for you to apologize.

21 If you guys would look at page 6 of the
22 January 24th meeting minutes of the RAB: "Miss Harrison
23 asked why the RAB wasn't invited to BCT meetings.
24 Ms. Claire Trombadore, RAB member, US EPA, said BCT
25 meetings are open to the public and that she would make

1 copies of the BCT meeting minutes available."

2 So it's just to emphasize that if this
3 information is published in the minutes and we have
4 approved it and that everyone's here, including Navy
5 representatives, there's every reason to expect that
6 there'd be confusion.

7 So it -- there is a responsibility that we have
8 as members of the RAB and the community to make sure
9 that these minutes are accurate. But also, I think that
10 if there is a misconception, that you shouldn't be held
11 responsible for it.

12 MR. BROWN: Right.

13 MS. TROMBADORE: Well, it was just my
14 understanding, as I said, because we do have people
15 besides the BCT members attend. So again --

16 MS. ATTENDEE: Well, why didn't --?

17 MS. TROMBADORE: -- I didn't see any harm in
18 having other folks attend if they follow the ground
19 rules of listening. However, the Navy disagreed
20 adamantly with that, and I -- I -- so I did misspeak at
21 the meeting by inviting without consulting with the
22 other BCT members, and I'm going to leave it to the Navy
23 to decide on that.

24 MR. MALOOF: Okay. Miss Peterson.

25 MS. PETERSON: As a long-time co- -- community

1 co-chair, even back when -- when Jill and Tebaux were --
2 there was four co-chairs, it was understood that the
3 exception would be Arc Ecology. There was no guarantee
4 that Chris was going to get in either.

5 But that subject had been broached then, and we
6 were told for confidentiality and all these big wigs and
7 whoever else was there that it was not a public meeting;
8 that this was the forum; and if we had any questions or
9 concerns, we could communicate that to representatives
10 in return to deal with it.

11 MS. HARRISON: Just real quickly, I thought
12 that's what I was doing at the last meeting,
13 communicating that I had a concern. Perhaps it didn't
14 go over quite well.

15 But I do recall asking, and I was told that the
16 meeting notes would be turned over to us or be provided
17 for us.

18 MR. BROWN: Right.

19 MS. HARRISON: And I actually would like to see
20 those. That's one of the reasons why I was kind of
21 confused was why he wasn't -- I mean, why he wasn't
22 allowed to go.

23 But that being said, is there also a problem
24 with us having the notes from the meeting?

25 MS. TROMBADORE: Again, I promised that, but I

1 believe they provided the -- they -- they've got them.
2 When they go final, they are going to put them in the
3 back for everyone to have.

4 MR. MALOOF: Okay. So --

5 MS. TROMBADORE: But again, it's the Navy that
6 has to bring those, not --

7 MS. SHIRLEY: I -- I have a suggestion on how
8 to deal with this, and that is, to make it official, I
9 think the Membership & Bylaws -- I would like to suggest
10 that the Membership & Bylaws figure out how to select a
11 RAB person to go to the BCT meeting so that it is more
12 formal; and that once that process is set up or along
13 with that process, we talk to Keith and we work
14 something out rather than just make it -- Right now
15 it's kind of a free-for-all, and it's very informal.

16 And I think -- I would like to see the
17 Membership & Bylaws add something to -- to the Bylaws if
18 we can about how -- what the ground rules are, how
19 someone's selected.

20 MS. TROMBADORE: Well, again, I guess just to
21 clarify that, the Navy still does not feel comfortable
22 with having --

23 MS. SHIRLEY: I understand. It's a parallel --

24 MS. TROMBADORE: -- that aside.

25 MS. SHIRLEY: It's a two-pr- -- it's a

1 two-prong --

2 MS. TROMBADORE: Right.

3 MS. SHIRLEY: -- proposal that I have here is
4 we work with the Navy on the one hand; and then, on the
5 other hand, we come up with a process for making it
6 happen.

7 MS. TROMBADORE: And in the meantime, the
8 minutes -- and I think that's great if the Navy will
9 continue to bring the final minutes to each RAB so that
10 at least you can read and find out what went on once
11 they've gone final. They are public once they are
12 final. So that would be my --

13 MR. TISDELL: Mr. DeMars, since you Navy
14 co-chair and I'm the co-chair of Bylaws & Membership
15 Committee, how about I call you, and me and you talk
16 about criteria and possibly selecting a person to attend
17 the meeting so that way it won't be, you know, a logjam,
18 you know? You understand what I'm saying?

19 MR. DeMARS: Sounds good.

20 MR. TISDELL: Okay. I'll contact you on it.

21 MR. DeMARS: Okay.

22 MR. MALOOF: Miss Wright?

23 MS. WRIGHT: I'm just curious, why was Arc
24 Ecology included and as an exception? What is so
25 special about that group that --?

1 MS. SHIRLEY: Well, I can answer that question.

2 Because back then, way back when --

3 MS. PETERSON: Way back, and we're still

4 dealing with it.

5 MS. SHIRLEY: -- we had a technical review

6 committee --

7 MS. PETERSON: Right.

8 MS. SHIRLEY: -- at that time, and I was the
9 chair at that time, and it was sort of an informal
10 decision that I was the appropriate person to -- to go
11 to those meetings. It's been informal ever since for
12 the exact same reasons.

13 So what -- that's why I'm saying, it's time to
14 revisit that -- that situation and decide as a body how
15 we want to deal with it.

16 MS. PETERSON: And also, Arc Ecology had a --
17 if you want to call it -- a permanent seat because of
18 Chris's -- you know, her technical background, and she
19 would translate the reports for us. It -- it was just,
20 you know, normal for her to go because there's a lot
21 of technology and --

22 MS. SHIRLEY: But that was a decision -- that
23 was a decision I believe needs to be revisited as a --

24 MS. PETERSON: Yeah.

25 MS. SHIRLEY: -- group.

1 MS. PETERSON: But I wanted her to know that it
2 was -- it was not anything against anyone else. This
3 was, like, years ago and because she -- we now get our
4 reports in lay people's term -- laypersons terms, so we
5 don't need her to translate for us. But back then you
6 would get all these thousand-dollar words, and you just
7 had to have someone translate.

8 So it was just a normal train of events that
9 Arc Ecology -- and also because there is that seat on
10 the board for Arc Ecology that they would just --

11 MS. HARRISON: Yes.

12 MR. MALOOF: Okay. This is a time check so
13 everyone will know: It's 6:50 right now, and Bill still
14 has an hour's worth of his presentation. What we
15 suggest is taking a break now; and then as soon as we
16 come from the break, he can start his presentation.

17 MR. RODRIGUEZ: Okay.

18 MR. MALOOF: Is that okay with everyone?

19 MR. TISDELL: Nope, nope, nope, nope, nope,
20 'cause it's time -- it's a time frame. If he got a
21 hour's report, you know, that's going to run to
22 8 o'clock, right?

23 Okay. And then -- then come the subcommittee
24 report. Y'all have messed over the community long
25 enough. Don't you think the community should have some

1 say-so in that? You know, he -- he -- evidently he came
2 late. He's supposed to start at 6:20. Even though he
3 wasn't here --

4 MS. PETERSON: He was here.

5 MR. TISDELL: -- he rolled over. He rolled
6 over. But now -- now, the committ- -- the subcommittees
7 and the communities got it -- got to be pushed further
8 down or pushed out the door, you know, for that.

9 MR. MALOOF: Okay. Any other comments?

10 MS. PETERSON: This man has a contract with
11 taxpayer dollars. He has to present when he walks out
12 the door with taxpayer money.

13 Now, I don't know what the ramifications of us
14 hiring someone with taxpayer money and then not allowing
15 them to present.

16 But he has a iron-clad contract. So he really
17 doesn't care one way or the other, and maybe he does.
18 But either way, he's going to get paid. So we have an
19 obligation, since we are using taxpayer money, to pay
20 him --

21 MR. POTTS: And hear him.

22 MS. PETERSON: -- to hear him.

23 MR. TISDELL: Don't you think we have a
24 obligation --?

25 MS. PETERSON: We can be heard -- we can be

1 heard any time. But this man is only going to be here
2 tonight.

3 MR. MALOOF: Okay. Let's talk about it after
4 the break.

5 MR. POTTS: After the break.

6 MR. MALOOF: Okay? We're going to break until
7 7 o'clock, and that gives us about eight minutes.

8 (Recess 6:52 p.m. to 7 p.m.)

9 MR. MALOOF: We're going to start right now.
10 Please take your seats. Bill Howell is going to start
11 his presentation.

12 MS. ASHER: I would like to make a request that
13 Keith be allowed to make his presentation, because he
14 just got out of the hospital and he's not feeling well,
15 before Mr. Howell starts his presentation.

16 MS. HARRISON: I'm sorry. Would you repeat
17 that. I didn't hear.

18 MS. ASHER: I would like to propose that the
19 Membership & Bylaw Committee head, Keith, be able to
20 give his report before Mr. Howell starts, 'cause he
21 is -- obviously just got out of the hospital, and it
22 would be better for him to give it now instead of an
23 hour from now.

24 MR. MALOOF: Okay. Do we --?

25 MS. ASHER: I'm putting that motion on the

1 floor.

2 MS. PETERSON: We still have taxpayer money
3 here. It's --

4 MR. TISDELL: So?

5 MS. PETERSON: "So"? You tell that to the
6 taxpayers.

7 MS. ASHER: Can we vote on it? I think that's
8 a question --

9 MR. MALOOF: Hold on.

10 MS. PETERSON: No, no, because we need to know
11 what happens if this man cannot make his presentation
12 within the time period that his contract calls for.
13 That's what we need to find out first and foremost.

14 MS. ASHER: Can we please vote on my motion?

15 MS. PETERSON: Otherwise, there is no motion.

16 MR. MASON: What's the motion?

17 MS. PETERSON: Because he has a contract and
18 his contract takes precedent.

19 MR. MALOOF: Okay. The motion is that the --

20 MS. ATTENDEE: Membership & Bylaws.

21 MR. MALOOF: -- Membership & Bylaws speaks
22 before Bill Howell does his presentation.

23 MR. MASON: I second the motion.

24 MR. MALOOF: Does anybody second? We have a
25 second?

1 MR. MASON: I second.

2 MR. MALOOF: Okay. It's been proposed and
3 second.

4 MR. RODRIGUEZ: Discussion?

5 MR. TOMPKINS: Discussion?

6 MR. MALOOF: Any discussion on it?

7 MS. PETERSON: Yes, I just did discuss it.

8 MR. MALOOF: Well, I do that discussion --

9 MS. PETERSON: We need to find out what happens
10 if he cannot present --

11 MR. MASON: He's already discussed the --

12 MS. PETERSON: -- within his time frame of his
13 contract.

14 MR. ANSBRO: Bill can stay.

15 MR. MALOOF: Okay. Bill says that he can come
16 back any time.

17 MS. PETERSON: Okay. He can come back any
18 time? That's --

19 MS. WRIGHT: Meaning what exactly?

20 MS. PETERSON: Yeah.

21 MR. HOWELL: Well, I'd be willing to come back
22 the next RAB meeting, but you don't have the time then
23 either. I'm willing to come back if you folks want to
24 meet in two weeks or whenever.

25 MS. RINES: Can you stay late in two weeks?

1 MR. HOWELL: Oh, yes, of course.

2 MS. RINES: He can stay late. Do we have this
3 room late?

4 MR. MALOOF: All right. So --

5 MR. KEICHLINE: We have until 9:00.

6 MS. RINES: We have the room till 9:00.

7 MR. KEICHLINE: But that includes cleaning up
8 and breaking it down and turning out the lights.

9 MS. RINES: I'll help clean up.

10 MR. MALOOF: Okay. So are we ready to take
11 this to a vote?

12 MR. TOMPKINS: Yes. Call for question.

13 MR. MALOOF: All those in favor of the
14 Membership & Bylaws speaking before Bill Howell?

15 THE BOARD: Aye.

16 MR. MALOOF: All those opposed?

17 (Some members raise their hands.)

18 MR. MALOOF: Okay. Go ahead.

19 MR. TISDELL: Okay. The -- We came up with
20 some Bylaws, and I believe all the RAB members received
21 them.

22 MR. ATTENDEE: March 6th?

23 MR. TISDELL: The March 6th Bylaws.

24 MR. KEICHLINE: I have copies if RAB members
25 don't have them. Raise your hands.

1 MR. TISDELL: And . . .

2 MS. PETERSON: I have a point of clarification.

3 Where's the January and February Bylaws that we are

4 supposed to vote on?

5 MS. SHIRLEY: They have been incorporated into

6 this [indicating].

7 MS. PETERSON: Where are the January and

8 February Bylaws?

9 MR. TISDELL: They are incorporated into these.

10 MS. PETERSON: You can't do that.

11 MR. TOMPKINS: Sure did.

12 MS. PETERSON: Can't do that. We are covered

13 by the Brown Act.

14 MR. TISDELL: You know, the Bylaws from January

15 and February was disallowed because of a young lady

16 writing in her own and sending it to Keith Forman -- I

17 mean sending it to Ron, saying they was the Bylaws that

18 we came upon. And that was not allowed.

19 MS. PETERSON: We are covered by the Brown Act.

20 We have to deal with those January and February Bylaws.

21 MR. TISDELL: The January and February Bylaws

22 was disapproved by Keith Forman. Thank you.

23 MS. PETERSON: He is to approve them.

24 MR. TISDELL: Well, I'm not going to keep

25 repeating myself. But --

1 MS. SHIRLEY: I'd like to clarify, the Bylaws
2 that are here started off with -- from the January
3 Bylaws. We picked up -- There was some clarifications
4 that needed to be done, and we did them in a meeting
5 that had -- remember how many people were there? Six or
6 eight people?

7 MR. TISDELL: It was eight, I believe.

8 MS. SHIRLEY: It was a very productive, long
9 meeting; and this is the result of -- this is the
10 recommendation from the Bylaws Committee from that
11 night. I don't remember what night that was. But they
12 were sent --

13 MR. TISDELL: March 6th.

14 MS. SHIRLEY: March 6th.

15 MR. TISDELL: Wednesday night.

16 MS. SHIRLEY: They were sent out two weeks ago
17 for consideration at this meeting, and I'm ready to vote
18 on them personally.

19 MR. MASON: So am I.

20 MR. MALOOF: Go ahead.

21 MS. PETERSON: Excuse me. I'm still asking,
22 where are the January and February Bylaws?

23 MR. TISDELL: Okay.

24 MS. PETERSON: We are covered by the Brown Act.

25 MR. TISDELL: Just a minute.

1 MS. PETERSON: And --

2 MS. ATTENDEE: What does that mean?

3 MS. PETERSON: -- do they have them --? They
4 are -- We got them in here. We don't have the
5 February. So if we're going to vote those down, let's
6 vote those down and then get to -- get to March. But
7 you just can't throw them out because Keith said he
8 wanted to throw them out. And I said, well how does
9 Keith get to throw them out?

10 MR. TISDELL: Okay. Here is February 6th
11 Bylaws [indicating]. Here is February 6th Bylaws
12 that -- that Barbara Bushnell sent to Ron and which she
13 made changes in that didn't nobody know about, 'cause
14 Ron send -- say: "Well, I got some Bylaws with these
15 changes. Did you know anything about it?"

16 No, I didn't. That's how come these Bylaws,
17 February 6 Bylaws, was bypassed.

18 MS. SHIRLEY: Does anyone remember what actions
19 taken at the January m- -- I guess it would be the
20 February meeting -- that February RAB meeting? Because
21 we had -- we had some Bylaws from 1/17, I believe --

22 MS. PETERSON: Mm-hmm. Nothing --

23 MS. SHIRLEY: And I don't believe that they
24 were voted up or down.

25 MS. HARRISON: They were not. They were not.

1 MS. SHIRLEY: Voted up or down.
2 MS. PETERSON: They went back.
3 MR. TOMPKINS: They all went back --
4 MS. SHIRLEY: So I move that we -- that we
5 remove the January -- that we vote down the -- the
6 January Bylaws and -- so that we can consider the March
7 ones.
8 MR. TOMPKINS: Point of clarification, Chris.
9 The law -- The Bylaws of January were never presented
10 for a vote for consider- --
11 MS. PETERSON: Exactly.
12 MR. TOMPKINS: It was -- it was all referred
13 back --
14 MS. SHIRLEY: So I'm doing it now.
15 MR. TOMPKINS: -- to a committee --
16 MS. SHIRLEY: Right.
17 MR. TOMPKINS: -- for review.
18 This [indicating] is the by-product of that --
19 MS. PETERSON: Not --
20 MR. TOMPKINS: -- of the --
21 MS. SHIRLEY: Right.
22 MR. TOMPKINS: -- review. There's --
23 MS. SHIRLEY: Right.
24 MR. TOMPKINS: -- nothing else --
25 MS. SHIRLEY: That's what I'm trying to say.

1 MR. TOMPKINS: In my view there's nothing else
2 to vote down.

3 MS. SHIRLEY: But -- but --

4 MR. TOMPKINS: It is up for this to consider
5 what's before us, if I'm correct, if I -- I wish we had
6 a parliamentarian.

7 MS. SHIRLEY: I wish we had the mee- -- the
8 minutes from --

9 MR. SAUNDERS: There's one point of
10 information.

11 And I -- I did talk to Ray Tompkins at the last
12 meeting and one other gentleman that had been involved
13 with the Bylaws.

14 MR. TOMPKINS: Mr. Campbell.

15 MR. SAUNDERS: There's a DoD policy on -- on
16 RABs that became official September 2001, and I would
17 just suggest to the members that you look at that DoD
18 policy because it states specifically "RABs will do the
19 following. You must do the following." And that it
20 should incorporate those things into the Bylaws.

21 If the Bylaws have anything that's
22 contradictory to those policy decisions of DoD, that
23 they are not legitimate Bylaws.

24 MS. SHIRLEY: We did that on --

25 MR. SAUNDERS: So I'm just --

1 MS. SHIRLEY: -- at this meeting --

2 MR. SAUNDERS: That's point of information.

3 MS. SHIRLEY: -- in March. We had the -- the

4 Navy guidelines with us, and we went through the Bylaws

5 to make sure that they were --

6 MR. SAUNDERS: You talking about the DERP

7 manual from 2000 --

8 MS. SHIRLEY: Yes, yes.

9 MR. SAUNDERS: -- September --

10 MS. SHIRLEY: Yes.

11 MR. SAUNDERS: -- 2001?

12 Okay. Just wanted to put that information out.

13 MR. TOMPKINS: Yes, I did share with all --

14 MS. PETERSON: They were not -- Where can we

15 get a copy of those -- the DoD --?

16 MS. RINES: They're on-line.

17 MS. PETERSON: Because they were not at the

18 meetings that I attended. I didn't -- I could only be

19 at that meeting a half an hour, and by the time the 54

20 decided he didn't want to come, that -- and I was not

21 walking in the rain. So --

22 MR. MALOOF: Is there a Web site?

23 MR. SAUNDERS: Yes.

24 MR. MALOOF: Could you put that Web site up

25 there or --?

1 MR. SAUNDERS: I don't have it with me, but
2 I -- I'll give you my phone number, and you can call me.

3 MS. PETERSON: But I think we should have --
4 they should be downloaded and given to all RAB members.

5 MR. MALOOF: Mr. Rodriguez?

6 MS. RINES: It's huge.

7 MR. RODRIGUEZ: I --

8 MS. PETERSON: Oh, it's huge.

9 MR. SAUNDERS: Well, there's a small section --
10 it's only ten pages -- that deal with the RAB
11 specifically --

12 MS. PETERSON: Right.

13 MR. SAUNDERS: -- from that manual.

14 MS. PETERSON: Okay.

15 MR. SAUNDERS: But yes, the manual is thick.

16 MS. PETERSON: Can -- can you do that, Ron?
17 Can you download -- download it and make sure every RAB
18 member gets a copy of it?

19 MR. KEICHLINE: If I'm directed by the Navy,
20 sure, I can do that.

21 MS. ATTENDEE: Now, this was --

22 MS. PETERSON: No. I was wondering if -- is it
23 so- -- is it something that can be done?

24 MR. ANSBRO: You just got the nod.

25 MR. RODRIGUEZ: The Membership & Bylaws

1 Committee has presented us with the -- the proposal.

2 MS. PETERSON: Nobody has.

3 MR. RODRIGUEZ: And to my understanding, all of
4 us have received it in the mail and have had time to
5 review them.

6 I would like to therefore make a motion that we
7 either accept the Bylaws as it is, as the new bylaws
8 for -- for the RAB, and it's open to discussion.

9 MR. MALOOF: Okay.

10 MS. RINES: I second it.

11 MS. HARRISON: I second it.

12 MR. MALOOF: His motion is just to either
13 accept it --

14 MR. RODRIGUEZ: To accept it.

15 MR. MALOOF: -- or --

16 MR. RODRIGUEZ: No. I just say we either
17 accept it.

18 MR. MALOOF: Okay. All right.

19 Anyone second?

20 MS. HARRISON: I second it.

21 MR. MALOOF: Okay.

22 MR. ATTENDEE: Let's take it to vote.

23 MR. MALOOF: You have a question?

24 DR. SUMCHAI: No. I -- There's an -- There
25 is discussion.

1 MS. ATTENDEE: Discussion.

2 MR. MALOOF: Oh, sorry. Okay. Discussion.

3 DR. SUMCHAI: Okay. I just wanted to remind
4 you of a motion made in the RAB meetings August 23rd,
5 2001.

6 After a lengthy discussion about the issue of
7 the community co-chair election, "Ms. Harrison said that
8 the RAB should decide how many Community Co-chairs are
9 to be elected." There's an extensive discussion.
10 "Mr. J. R. Manuel made a motion to the RAB that they
11 formally adopt two Community Co-chairs. The motion
12 carried."

13 So I -- I did want to point that out with you
14 specifically with regard to the -- I -- I guess that the
15 Bylaws are suggesting that there is just the one --

16 MR. BROWN: Right.

17 MR. TISDELL: Yes.

18 DR. SUMCHAI: -- community co-chair --

19 MR. BROWN: Right, right.

20 MR. TISDELL: Yes.

21 DR. SUMCHAI: -- now.

22 MR. TOMPKINS: There's a reason for that.

23 MR. TISDELL: Okay. Like, in the Bylaws, it
24 state that two co-chairs, community co-chair and the
25 Navy co-chair --

1 MR. BROWN: Right.

2 MR. TISDELL: -- runs the meeting.

3 MS. HARRISON: Right.

4 MR. ATTENDEE: So --

5 DR. SUMCHAI: Is that what you're saying?

6 MR. TISDELL: Yes. That's the bylaw. That's
7 from the old Bylaws.

8 ATTENDEE: That's from the DoD.

9 MR. TOMPKINS: That's DoD's requirements that
10 there has to be. So therefore, we want to comply.

11 MR. TISDELL: We getting one and one.

12 DR. SUMCHAI: Okay.

13 MR. TISDELL: One and one.

14 MR. BROWN: Right.

15 MR. RODRIGUEZ: Okay. I'd like to call the
16 question.

17 MR. MALOOF: That's it for discussion, okay.

18 MR. RODRIGUEZ: Thank you.

19 MR. MALOOF: Go ahead.

20 MR. RODRIGUEZ: Sorry. Just --

21 MS. PETERSON: There is a point of
22 clarification. Are we voting down the previous --

23 MR. MALOOF: No.

24 MS. PETERSON: -- one --

25 MR. MALOOF: No. What this is --

1 MS. PETERSON: -- before we move?

2 MR. RODRIGUEZ: No. The motion is that we
3 accept the Bylaws that have been presented to us this
4 e- -- this -- this evening. And there's been a second
5 on it.

6 MR. MALOOF: All right. All those in favor of
7 accepting, say, "Aye."

8 THE BOARD: Aye.

9 MR. MALOOF: All those opposed?

10 (Some members raise their hands.)

11 MR. MALOOF: Okay. Any --

12 MS. HARRISON: Abstention?

13 MR. MALOOF: How many?

14 MS. HARRISON: Two.

15 MR. MALOOF: Good.

16 MR. ATTENDEE: Three.

17 MR. TOMPKINS: Three.

18 MS. HARRISON: Two.

19 Keith, are you finished?

20 MS. SHIRLEY: Congratulations, Keith.

21 (Applause.)

22 MR. TISDELL: I'd like to put a motion on the
23 floor that the January and February Bylaws be
24 disregarded, since the new Bylaws has come into effect
25 been -- well, has been accepted.

1 MR. BROWN: Right.

2 DR. SUMCHAI: Second.

3 MR. MALOOF: Okay. It's been second.

4 Any discussion on this?

5 MR. TOMPKINS: Call for question.

6 MR. MALOOF: Okay. All those in favor?

7 THE BOARD: Aye.

8 MR. MALOOF: All those opposed?

9 MS. HARRISON: Abstentions?

10 MR. MALOOF: Any abstentions?

11 MR. ANSBRO: One.

12 MR. MALOOF: Okay. Great. All right. Looks

13 like we are done with the Membership & Bylaws. We can

14 now move over to Bill Howell. Someone get the lights.

15 MR. HOWELL: Actually . . .

16 MS. RINES: Lights.

17 MR. ANSBRO: Pass the ammunition. Show and

18 tell.

19 MR. HOWELL: I apologize for being late. I'm

20 glad you guys found a way to use your time.

21 As -- I hope you all know that I've got -- I

22 was -- well, contract says I have an hour to speak, and

23 I'll -- that probably isn't enough time. What I have is

24 three topics. I have contractually obligated --

25 I hope you don't mind if I sit. I threw out my

1 back about a week and a half ago, and it still kind of
2 hurts.

3 But I'm contracted to discuss two documents: I
4 mentioned last time the prefinal ESD document for
5 Parcel B and also the ambient manganese conditions,
6 evaluation of manganese conditions basewide.

7 And what I'd like to do, if there was time, I
8 had a third topic I want to discuss which had to do with
9 what it all means to the community. And it gets back to
10 what I was trying to talk about as far as potential
11 opportunities the community has. I don't know if there
12 will be --

13 If there's not time, then what I'd like to do
14 is prepare a little written report and get it to Miss
15 Pendergrass to distribute to the RAB so -- because I
16 really think they are important ideas. Actually, I
17 think they're more important than what I'm going to tell
18 you. So I will do that if there's not time to discuss
19 it tonight.

20 Let's see. Just to let you know, the TAPP
21 grant requires that I evaluate the prefinal ESD and the
22 ambient manganese conditions for completeness, adequacy,
23 effectiveness, and implementability from a community
24 perspective and to make recommendations for revisions.
25 And it also requires that I discuss community needs,

1 expectations, and concerns.

2 I'm going to begin, then, with the two topics,
3 the prefinal and the manganese. I'll begin with the
4 ESD. What I'd like to do is: At the end of that topic,
5 then I'll open it up for questions. And I've been
6 assured that any time taken up for questions and answers
7 won't count against my one hour.

8 So rather than you try to remember all your
9 questions, if you could just wait till the end of the
10 topic, I will stop at the ESD topic and we'll have
11 questions and answers, and then I'll move on to the
12 manganese topic. And again, I'll have questions and
13 answers at the end. So . . .

14 Let's see, where to start. I want to mention
15 that in the ESD document, page 1, it says that the
16 purpose of the prefinal ESD is to "present information
17 that describes and justifies modifications to actions
18 required in the Parcel B ROD."

19 And it briefly discusses two remedial
20 alternatives to Parcel B ROD, and that's the soil vapor
21 extraction system for Building 123 and the shoreline
22 protection remedy for IR-07 and IR-26.

23 And so my presentation I'm going to provide
24 details regarding both alternatives, and I will identify
25 inadequacies in the -- in the prefinal ESC -- ESD

1 document for each alternative and propose
2 recommendations for subsequent revisions.

3 The reason -- By the way, I handed out this --
4 this extensive handout is that I may have to skip some
5 points because of the time, and this has the details you
6 can then read at your leisure.

7 MS. ATTENDEE: Thank you.

8 MR. HOWELL: And it's written more of a report
9 than bullet-item summaries. I want -- I want to make
10 sure that the information is communicated so you can
11 perhaps follow along. I hope you don't mind if I sort
12 of read.

13 Well, the first thing I wanted to mention is:
14 The prefinal ESD document, it has so few details
15 regarding the proposed SVE alternative that I assumed --
16 and that was the question from the gentleman from DTSC,
17 his concern, but I assumed that it could only be
18 designed as a document to introduce the idea and to
19 basically report on -- status report on an interim pilot
20 study that had gone on and completed the last June 1st,
21 19- -- 2001.

22 But what the real point of it is that the
23 prefinal ESD, it lacks -- it's so deficient in details
24 that I -- it does not permit a proper assessment of the
25 SVE alternatives in terms of its completeness, adequacy,

1 effectiveness, or implementability from a community
2 perspective.

3 And as a result of these deficiencies, the Navy
4 provided me with a copy of the draft Phase II SVE
5 report. It's a treatability study report, dated
6 February 14th, and they also arranged for me to speak
7 with some staff members and consultants about the SVE
8 system so that I would understand it and to then -- I
9 want to now talk about that rather than what's in the
10 ESD, because the ESD is -- doesn't have the details that
11 you need to know about.

12 I a- -- I also taken some pain medication.
13 It's making my mouth dry. So I hope -- I hope you
14 understand me all right.

15 Okay. The first thing I want to mention was
16 that I'm going to skip bullet No. 3. It's not that
17 important. But I wanted to skip on down here to Item
18 No. 4, and I have a -- I have a figure to illustrate
19 what that's about. If I can find my cursor. There.

20 This is a plot of the influent concentrations
21 and system operation status over the duration of the
22 soil vapor extraction constant rate testing beginning
23 from this initial pilot study on December 6, 2000, until
24 January 28th of this year. Can you see it all right?
25 Adjust the magnification at all?

1 A portion of this is what's in the ESD
2 document. If I can point it out, the ESD, though, it
3 ended in June 1st; and actually, the ESD document you
4 have, it only goes up, I believe, to March or around
5 here.

6 This -- this is what's current. This has not
7 been published yet. I just got this. But it shows you
8 a lot more information, which is what you need to know
9 and what should have been in the ESD document, in my
10 opinion.

11 The main point I want to make is that it shows
12 initially there were very high levels of -- when they
13 first started the pilot study, very high levels, about
14 325 ppmv -- that's parts per million per volume -- of
15 vapor concentrations. Oh, thank you. And that within
16 just a few hours -- I'm sorry. Within 500 hours it
17 dropped significantly down to here. Well, the pilot
18 study ended here, and that's all you saw on the ESD
19 report.

20 And then they had a one-week -- they shut it
21 down for a week -- and it's called a dwell time -- to
22 see if we have rebound. Again, this was a -- this was a
23 pilot study that was sufficient for perhaps a pilot
24 study for their own evaluations, but it wasn't
25 sufficient enough time to find out is there really going

1 to be a significant rebound, which is the vapors coming
2 back out of the soil and collecting back in the soil
3 gas.

4 Well, in June when they shut down the pilot
5 program -- it basically was a five-month dwell time
6 until November and then reactivated the system,
7 collected samples and analyzed them. And this -- This
8 diagram, of course, will come out in a subsequent
9 report, but this is -- basically, there was a little bit
10 of rebound at the 50.

11 But that's -- the important point in my mind is
12 that this is where it started. And this is just a pilot
13 study, a treatability study, to see if this -- that this
14 technology will work.

15 And -- and then you can quickly see that that
16 drops back down down -- back down to 1 or 2 ppmv fairly
17 quickly.

18 And to me the point is -- is that not only did
19 the pilot study prove that it's -- it's feasible, that
20 it occur -- it appears to me that the pilot study and
21 treatability study itself is cleaning up the soil vapors
22 beneath Building 123.

23 One point -- One deficiency on this -- again,
24 this is just a pilot study, which they are just trying
25 to see if it worked -- is that they ran it during the

1 winter months. Well, temperature is a significant
2 parameter when you're talking about soil gases escaping
3 out of -- out of the soil into -- into the void space
4 between soil particles. And unfortunately, they decided
5 to shut it down during the summer when the ground might
6 be a little warmer, and that might be when you get the
7 most volatiles coming out.

8 And so these may have -- if that occurred,
9 these may have escaped into the atmosphere. When they
10 ran it back up in November, well, who knows what
11 happened in here?

12 But -- and so one of my recommendations is that
13 they run the SVE system during the summer months just to
14 see, okay. It's reasonable. And again, they weren't
15 trying to pull anything over on anyone. They were
16 simply trying to test their system to see if it worked,
17 and it takes a while to get it to work and to fine-tune
18 it.

19 So I then wanted to mention that this next
20 graph and . . . Sorry. Here it is. Okay. This one is
21 another good one.

22 What this is is a plot of the cumulative VOC
23 mass that's been extracted by the -- by the -- by the
24 treatability study. And again, June, the period of --
25 the pilot study goes up to about this period in here in

1 terms of hours.

2 I'm sorry it's out of focus. Is there anything
3 you can do about that? Well, anyway, that -- that's
4 June.

5 Well, now they again have that time to run the
6 system longer. What they do is: They basically
7 collect -- collect the soil gas, the volatile organic
8 compounds, and they are able to calculate how much mass
9 based on how much carbon loading occurs through the
10 treatment system.

11 And it turns out when they originally estimated
12 how much mass was in those contaminants was in the
13 ground in Building 123, they thought it would be about
14 75 -- I can't read this. They thought it would be about
15 75 pounds. Well, they had about 74 pounds at the end of
16 June.

17 And now they have run this -- This now goes
18 again through December 6th. I'm sorry. That's not it.

19 This thing actually goes to February 4th of
20 this year, and they are up here about 88 pounds. So the
21 estimate was off a little bit. That's not anything you
22 wouldn't -- necessarily unexpected about that. You do a
23 mathematical calculation; it doesn't always correspond
24 with the real world.

25 But the real point of this thing is that you

1 see a real large increase of capturing the mass from the
2 soil gas, and now it's starting to plateau out. You're
3 starting to get a little bit of diminishing returns.

4 But, as you can see, because it's -- it is
5 still higher than this point here, you are still
6 attaining some mass. It's not -- it's not as efficient
7 and maybe not as getting as much bang for the buck, but
8 you are still pulling the volatiles out of the ground,
9 okay? And they still haven't run this thing during
10 summer months.

11 So the -- that bottom line is that the SVE
12 system -- you know, it -- it works. It works.

13 I also feel that there's some things that could
14 be done to perhaps make it even better. But the main
15 point I'd like to mention -- and this actually gets into
16 a community concern, which is on page 3; I discuss
17 community concerns -- I've been talking to a lot of you
18 residents and trying to find out what are the concerns.

19 One of the concerns was that you didn't
20 understand why the Navy is doing SVE when they already
21 have a ROD that tells them that they have already agreed
22 to do.

23 And the reason is that they felt that the ROD
24 was -- was a flawed document, basically. It wasn't the
25 most effective or the most efficient or the intelligent

1 way to do it. And they felt the SVE was worth a try,
2 and they spent the money to do this pilot study, and it
3 seems to be cleaning up the contamination just in the
4 treatability study phase alone.

5 But I guess what I want to point out that I
6 feel in my opinion that SVE is a relatively
7 nondestructive technique, and it is actually more
8 protective of human health and the environment than
9 digging up the soil. And the process here of digging up
10 the soil would require demolishing Building 123, not
11 that you maybe care about that.

12 But I do want to show you what Building 123
13 looks like.

14 Oh, thank you very much.

15 This is Building 123. I'm sure most of you
16 haven't had a chance to get into it. This picture
17 doesn't do it justice either. It's a huge -- and I --
18 and I guess its architecture is standard at the time,
19 but let me show you a close-up. It's -- it's actually a
20 neat building that could be perhaps a culture center one
21 day.

22 Oops. Wrong one. That's the SVE system. I'll
23 show you that later. But I had a close-up of the
24 architecture. Anyway, it's a -- it's a neat building.

25 Now, they could tear the building down to dig

1 out the VOCs. They could even maybe come in during some
2 job and tear up the concrete, tear the concrete up, and
3 dig it out without demolishing the building. I don't
4 know if the building has the structural integrity to
5 handle that.

6 But the point is -- is that then you're still
7 exposing the community to vapors and emissions from the
8 excavation, and you're still hauling the soil out of the
9 gates through the community.

10 And SVE, this system here -- you can see on
11 this photograph -- is sealed off, okay, and there's a
12 concrete slab floor. It's sealed off here. It pumps
13 the vapors through these piping system. It then -- pull
14 up another picture -- runs it through a carbon canister.
15 Actually, a series of carbon canisters. Here is a
16 picture of them.

17 This is another point about -- well, now I'm
18 getting into a second community concern: Will SVE leave
19 contaminants in the ground for future generations to be
20 exposed to?

21 You need to understand how SVE works. Ah. I'm
22 sorry. Back up a little bit here.

23 While we're on the SVE system -- this is
24 actually community concern No. 3 about future emissions:
25 Will they be released into the community by the SVE

1 system?

2 This whole thing is operating under a vacuum.
3 You can't have a -- a air leak, or it destroys the
4 vacuum and the system doesn't work. Well, the normal
5 convention for an SVE system is to have two canisters of
6 carbon. There's carbon inside these things. These are
7 thousand-pound canisters, by the way.

8 Normally, standard industry practice is you
9 have just two canisters. The first one gets all the
10 dirty stuff, and the carbon absorbs the contaminants
11 as -- As the air flows through it, as the vacuum is
12 suck -- sucking the air through it, the contaminants
13 absorb onto the carbon surface. That's why it's used.

14 Well, normally there's only two canisters. You
15 monitor it. If you ever start to see what's called
16 breakthrough in the first canister, that means it's
17 filled up; it's absorbed as much as it can on that
18 carbon. Now it's going into the second canister.

19 And at that point what you do is: You then
20 switch out the dirty canister, take it out for recycling
21 or thermal destruction, and then you put -- then you
22 move the one that was in second place into the
23 first-place position that's already dirty, and you put a
24 brand-new one in the second-place position. Now, that
25 process allows you to ever -- to prevent fugitive

1 emissions from getting out into the atmosphere.

2 And I guess what impressed the hell out of me,
3 to be honest, is that they have four canisters here, and
4 they have -- they have told me they never had
5 breakthrough as far as into the atmosphere. The air
6 that's on the last canister that's coming out of this is
7 probably cleaner than the air you find on Baker Beach
8 along the ocean. So I feel it's not only effective
9 system, it's also a very safe system.

10 (Mr. Palega arrives at 7:28 p.m.)

11 DR. SUMCHAI: Could I just comment that the --?

12 MR. HOWELL: And -- oh, I'm sorry, ma'am. I'm
13 almost done with the SVE --

14 DR. SUMCHAI: You'll accept questions after?

15 MR. HOWELL: Yes, I said at the end of this
16 topic.

17 And the last thing I wanted to mention was
18 about the question that is of concern is: Will SVE
19 leave contaminants in the ground for future generations
20 to be exposed to? And that is a possibility.

21 I wanted to show you -- this is some of the
22 pictures of the carbon canister, which human body per
23 scale is pretty big.

24 (Ms. Asher exits the meeting.)

25 There's that architecture I wanted to show you.

1 It's actually a -- it's actually a beautiful building.

2 Okay. Now I'll show you this. The issue about
3 leaving contamination in the ground. SVE may not be a
4 hundred percent effective. As you saw that graph
5 before, it's pretty effective. They've actually already
6 captured more mass than they even estimated was even
7 there originally. And shows some math that was not
8 quite accurate; that's reasonable.

9 But this is a cross section of one of -- from
10 one of the borings -- from a number of borings.

11 What I want to point out about this is that
12 these different colors and shading, well, those are
13 different soil types, and that's called heterogeneity.
14 That means that it's not a uniform subsurface
15 environment of just sand or silt or clay. But you got
16 pockets of sand and got sandwiched in with some mud
17 maybe and some clays, and that -- that term that
18 describes that is called heterogeneity.

19 But what can happen with soil vapor extractions
20 is that if you're sucking air, you drive a well in here,
21 and it's -- let's say it's perforated at the bottom
22 to -- to force air out of the soil matrix here -- let's
23 say it's clay -- into the tube and then out into the
24 soil vapor system for treatment.

25 Well, if -- let's say it's screened in two

1 zones, and this is a sand zone and this is a clay zone.
2 Well, it's preferentially go -- want to go through the
3 sand. It's a lot easier for air to flow through the
4 sand. And that -- that, then, you'll get a lot of
5 volume of air, but the sand will get cleaned up, but
6 there won't be -- it has less preference for pulling air
7 out of the clay.

8 And so it may not pull that stuff out. Well,
9 it doesn't mean SVE is not effective. It just means
10 that it will take longer, okay, to do that. But this is
11 called short-circuiting.

12 Another idea might be to you have a little clay
13 lensing here; you're sucking out this just fine, but
14 your influ- -- greatest influence goes through the clay,
15 and then it starts to get into the sand. Now you have a
16 breakthrough, you know, the short-circuiting work. Air
17 can now pass through the more permeable sand lens on its
18 way out, and it may not been re- -- it will -- it will
19 start preferentially going this way instead of perhaps
20 coming up from below. Okay?

21 So there are technical issues to be concerned
22 about with the SVE at Building 123. I personally have
23 seen, I think, what I interpret as some evidence that
24 there could be some break- -- some short-circuiting
25 going on, and that just is something that technically

1 has to be addressed.

2 But again, don't -- don't forget the fact that
3 they have already captured more mass than -- even of
4 contaminants than they originally estimated that were
5 there, okay.

6 So I think that it's not only safe, it's
7 effective, and it's actually more beneficial and more
8 protective of human health and the environment.

9 Let me just see. Anything else.

10 Conclusions regarding soil vapor. I've already
11 said it. I -- I feel that it's an effective technique
12 for remediating VOCs in soil beneath Building 123. It
13 appears that much, if not most, the VOCs may be removed
14 from the subsurface soil during the process of
15 conducting the treatability study alone, which means
16 they may all -- almost done.

17 I think there's more than was originally
18 calculated. According to that figure, it's still
19 climbing up that graph, if you recall. It wasn't flat
20 line. It wasn't straight line, horizontal line. But
21 it's -- but it's getting there.

22 I mention that it may not be a hundred percent
23 effective because of the heterogeneity in the subsurface
24 soils, but I do feel that -- bottom line is that given
25 the treatability study clearly indicates SVE is

1 effective, demolition of Building 123 for the purpose of
2 excavating contaminated soil per the Parcel B ROD is, in
3 my opinion, unwarranted.

4 I have some recommendations, though. I feel
5 that the SVE system should be operated during the summer
6 months when the near-surface ground is theoretically
7 warmer and the volatile -- volatile organic compounds
8 are -- are likely to be more mobile and diffuse and
9 desorb off the -- their clay surfaces or their -- or
10 they're stuck.

11 I think that data could be collected to help
12 them determine whether short-circuiting is occurring. I
13 think it's a re- -- it's a real legitimate concern. I
14 can't say it's real. I don't have the data to say that.
15 It's a legitimate concern based on just this principle,
16 because there are things they can do to find out. And
17 if it is the case, they have things they can do to
18 isolate that and basically block the short-circuiting.

19 So because it is a -- short-circuiting is a
20 distinct possibility, I -- I recommend that they -- they
21 review these geologic cross sections; and when they go
22 back after they think they are done, they have to do
23 confirmation soil samples to collect samples from the --
24 from the subsurface and analyze them and see if they are
25 clean.

1 And so I'm recommending that they don't just go
2 to where they know it's nice sand here so it's nice and
3 clean for them, but they also target zones of clays and
4 other substrates that might have been less effectively
5 stripped out because of -- because of short-circuiting.
6 That's my recommendation.

7 Let's see. Oh, man, I have more information.
8 Let me look at it real fast so I can get to that
9 question the lady had, because I think I hit them all,
10 and then you can read them, and I think they will make
11 sense to you.

12 Ah. This was a good point. This is a little
13 out of scope here, but it turns out that the SVE system
14 when they were just designing the thing, pilot study,
15 trying to find out if it worked, they went through a
16 series of vacuum pressures where they would raise it up
17 from 7 1/2 pou- -- inches of mercury up to 8 1/2 or
18 10 pound -- inches of mercury rather.

19 And what they found was: They finally tweaked
20 it down to 7, 7 1/2 inches of mercury for their vacuum
21 extraction system. Well, what -- in some wells it turns
22 out they actually had to lower it down to 4 inches of
23 mercury. The reason was that they were getting too much
24 moisture. And I suspected what was happening is that
25 they were getting groundwater coming in through their --

1 their piping system because the vacuum was that
2 effective.

3 Well, apparently, they discussed the idea of
4 using dual-phase treatment system. What that means is
5 you could -- I'm proposing that they should think about
6 the idea of using soil vapor extraction system to go
7 ahead and crank the vacuum up; and if it does pull off
8 groundwater off the surface, they can be cleaning up the
9 TCE in the groundwater the same time they are cleaning
10 up the soil. That way they don't have an expensive
11 groundwater extraction treatment system.

12 And this is just an idea. I'm suggesting that
13 it may be feasible and it's worthwhile looking into.

14 They already have a moisture trap system. They
15 can monitor that; they can -- they can analyze the
16 samples that they get from the effluent, see if there
17 are VOCs in the sample.

18 Currently they are just taking that effluent
19 and dumping it into the drum. It's getting mixed with
20 other waste prior to disposal, which, you know, is
21 reasonable, you know, that they are not trying to treat
22 the groundwater.

23 And to be honest, they did talk about this,
24 apparently; and they decided against it. Now, they may
25 have very good reasons to deciding against it. But that

1 was then, a couple years ago. And maybe now it might
2 make some sense.

3 They got the sediment in place. This TCE
4 groundwater is not moving. It's not a mobile plume.
5 It's not spreading. It's sitting in a little sink. And
6 it -- for all anyone knows, it may be remediated the
7 same time they're treating the soil. But I thought that
8 was at least worth looking into.

9 Okay. That will do me, then, for the SVE
10 system.

11 Are there any questions.

12 Ma'am?

13 DR. SUMCHAI: I did. I had some questions
14 regarding your conclusions about the effectiveness of
15 the soil vapor -- vapor extraction process.

16 And you had alluded to, you know, some of the
17 technical issues that were potentially problematic, and
18 then you also had talked about the timing issues, the
19 fact that during the winter months, the soil vapor
20 recovery might be least effective and given the -- the
21 climate in the Bay Area, which -- which tends to be a
22 bit on the unpredictable side most of the time.

23 I wanted you to address specifically the impact
24 of climate on the effectiveness of the technique.

25 I was concerned about your talking about the

1 one-week dwell time for the pilot study. You
2 acknowledge that it was insufficient for properly
3 assessing the magnitude of potential rebound from the
4 contaminated soil that the volatile organic compounds,
5 and you mentioned that only a slight rebound in the VOCs
6 concentration was observed.

7 So I'm questioning how -- how accurate that,
8 you know, quantitation of the amount of the -- the
9 rebound actually is, given that there was just the --
10 the one-week, you know, period, one-week dwell time.

11 I was concerned about why there was a six-month
12 shutdown in the system, you know, from, you know,
13 March 5th through November -- excuse me -- June 1st
14 through November 9 during the summer months when VOCs
15 probably had the greatest tendency to desorb and/or to
16 diffuse into the subsurface soils. It just seems to me
17 that it's --

18 Is it a system that you count on 12 months out
19 of the year? I mean, that's kind of a basic question.

20 MR. HOWELL: Yeah, yes, it is. I don't see why
21 not.

22 Just answer your questions in order, you
23 mentioned that regarding climate, may -- I've been --
24 I -- I remember going play football at the beach on
25 Christmas day once. The climate here is so variable.

1 You can have warm days during the summer -- during the
2 wintertime. You can have cold days during the summer --

3 DR. SUMCHAI: Yeah.

4 MR. HOWELL: -- but they tend to be warmer
5 during the summer, certainly. I'm not saying -- I'm
6 just suggesting that they be sure and run it during the
7 summer, because they might get more volume, okay?

8 Don't forget, that's a pilot study. It was not
9 the -- it was not the operational system. They were
10 testing this idea, okay?

11 And so they shut it down for a week perhaps
12 just to see what would happen. They weren't trying to
13 characterize how big a rebound effect they might have.
14 They just wanted to see, hey, are we going to get any
15 rebound? And they did see a little bit, and they -- and
16 it -- and it came right back down again.

17 The six-month time frame, I don't know why it
18 was shut down. It could be that they had to then write
19 reports, because that's when the ESD document ended. As
20 far as what was in the ESD, that's sort of a breakoff
21 point to write a report.

22 So they might say: "Well, we have to evaluate.
23 Are we going to pursue this?" Because they are not
24 required to do that. They are doing that on their own
25 volition and spent money to see if -- because they

1 thought it was a good idea and it was worth looking
2 into. Okay?

3 That money could have been spent digging up,
4 you know, Parcel B per the ROD if they wanted to. I
5 think it's admirable that they elected to go out of
6 scope and try this thing out, 'cause I think they were
7 right. I think it's effective.

8 So -- so your last question about the six
9 months, I think -- I don't know. I would suspect that
10 they had to stop and evaluate the data and commit
11 themselves to going further with this program or not. I
12 don't know.

13 I don't see what -- I don't see what difference
14 it makes, personally. They are not -- they're not
15 saying they are done. They are not saying they're not
16 going to do it, you know, during the summer. They
17 just -- I'm just pointing out that they haven't -- they
18 haven't done it during that period.

19 DR. SUMCHAI: Yeah, but that's what -- the
20 point I'm trying to make, that you have analyzed this
21 system as being effective, and I think you've presented
22 data to us that raises questions about whether you want
23 to invest total resource into a system 12 months out of
24 the year that would apply this methodology to remove
25 these volatile organic compounds, you know, in a system

1 that, you know, they've identified it doesn't work well
2 in the winter months. It was shut down for six months
3 during a period when, you know, the VOCs had the
4 greatest tendency to desorb and diffuse.

5 MR. HOWELL: Oh, I see. I see.

6 DR. SUMCHAI: And based on this, I just am
7 not --

8 MR. HOWELL: Now I understand your question.

9 DR. SUMCHAI: I wouldn't --

10 MR. HOWELL: I see. You're missing the point.

11 Now, it's not that there -- they don't want to run it
12 during the summer. It's that the -- the technical or
13 administrative reasons they didn't. That doesn't
14 prevent them from running it in the summer again, next
15 summer, this summer. All right. I'm sorry?

16 Yeah, please.

17 MR. DeMARS: The pilot test, the -- the
18 duration of it, we ended in June because that's when the
19 pilot test officially ended. And like Bill said, they
20 then collected the data, wrote the draft report, which
21 we gave Bill a copy of. And that's why it ended.

22 We turned it on again, as you saw on the graph,
23 after the pilot test was over just because the system
24 was there. We felt we could continue mass removal while
25 we were waiting for a decision on the ESD to -- to see

1 if we can really use this as a final remedy or not.

2 But since we had the equipment out there
3 anyway, seemed like kind of foolish to not run it. So
4 we -- we have been running it on and off ever since the
5 pilot test officially stopped. So that -- that accounts
6 for the six months.

7 MR. MALOOF: We should move on.

8 MR. ANSBRO: Just briefly, Bill, could you show
9 us approximately on that map where the building is and
10 that geologic section line?

11 MR. HOWELL: No, I can't. It's 123, but I --

12 MR. ANSBRO: There was a lot of real space.
13 Which way was that section line running, "C"?

14 MR. HOWELL: Well, it's one --

15 MS. ATTENDEE: The cross section.

16 MR. HOWELL: I can bring it up if you think
17 that it would help. That's only one of many cross
18 sections. I mean, I only used it to illustrate
19 heterogeneity. There's similar process --

20 MR. ANSBRO: Excavation is in this part of the
21 building right here.

22 MR. HOWELL: Nothing significant about that
23 cross section. And --

24 MR. ATTENDEE: Cross section runs this way
25 without knowing exactly where . . .

1 MR. HOWELL: I assume those cross sections will
2 be published and available.

3 MR. KAO: I have one question, that right now
4 in our ROD we do not have a cleanup level for soil gas.
5 So at what point would you recommend or would you
6 proclaim the system is successfully enough for VOC?

7 MR. HOWELL: That's a good question; I'm not
8 qualified to answer. If you want to go to talk -- The
9 traditional way is to do a risk assessment. And if you
10 folks would buy into a risk assessment process, you
11 might find, gee, this stuff is 10 feet underground; it's
12 covered over by asphalt and concrete. And the risk
13 assessment shows it really is not a problem right now.

14 But, no, I -- I'm not prepared or qualified to
15 give a number at that point. But that's something if
16 you -- If the Navy thinks this is worth pursuing and
17 you think it makes sense -- you don't have to tear down
18 that building, and you'll get this job down faster and
19 cheaper -- or maybe not faster, but cheaper, then if you
20 guys buy into it, then you guys, gee, can come to some
21 agreement.

22 MS. SHIRLEY: But -- but I have a clarification
23 on that. There is a soil cleanup goal.

24 MR. HOWELL: Oh, you said there was?

25 MS. SHIRLEY: There -- there's a -- There's

1 not a soil gas cleanup goal.

2 MR. HOWELL: Oh, okay. I'm sorry. I
3 misunderstood.

4 MS. SHIRLEY: So I guess the question is: Can
5 we then go in and test the soil --

6 MR. HOWELL: Yeah. That's --

7 MS. SHIRLEY: -- ascertained that the system
8 has achieved the goal?

9 MR. HOWELL: Yeah. That's what we have to do.
10 That's the confirmation soil sampling that I was talking
11 about. And I'm recommending you don't just -- you know,
12 you look at the boring logs and go to a place where
13 they're in place, because that's where the SVE will be
14 least effective if short-circuiting is occurring. So
15 they are going to have to make sure they do a good job.

16 I know that in one site I was told that the
17 cleanup levels were overly aggressive. And so I don't
18 know if they want to revisit that whole concept. Maybe
19 risk assessment wasn't done when cleanup levels were
20 established. I don't know.

21 So the whole thing might want to be looked at.
22 Maybe we don't want to open that can of worms.

23 MS. ATTENDEE: Yeah.

24 MR. HOWELL: But -- but -- I'm sorry. I -- I
25 would assume that the soil cleanup is what you would

1 use.

2 (Mr. Mason exits at 7:43 p.m.)

3 MR. KAO: So am I correct your answer is that
4 you can't really tell the soil gas system successfully
5 clean up the soil until you collect soil sample that
6 shows that you have clean up the soil?

7 MR. HOWELL: Yes and no. When you start
8 getting -- when you start getting a flat line here,
9 you're not getting anything. You're not getting bang
10 for the buck. You're not doing anything.

11 Now, that -- that can mean if it's like a nice
12 clean sand, beach sand, you clean everything up within
13 your radius of influence, or it can mean you got a
14 little pocket in there that -- that didn't get stripped
15 out. So yeah.

16 MR. TOMPKINS: That's exactly where I wanted to
17 go in terms of the pockets. Will you go back to your
18 previous graph where you had a side section of soil.

19 MR. HOWELL: Cross section? Sure.

20 MR. TOMPKINS: Yes, please.

21 Now, for example, since we're talking about
22 Parcel B, which is a man-made occurrence, say, dumped
23 over there, created that --

24 Perfect. No, that ain't -- no. There you go.

25 Thank you.

1 For example, when you have -- 'cause we were
2 talking previously in our previous committee meetings in
3 terms of inadequate sampling and that the Navy wishes to
4 take an average rather than characterize and sampling
5 the entire area.

6 If you dealing with VOCs; and if the
7 contaminant is trapped in the clay which is holding it
8 tightly, say, in the core and that you are then pulling
9 this vapor, pulling the gas through that, through the
10 sand, and you get the -- and you do this flat line at a
11 certain level, but the source is still trapped off in
12 the clay; is that not possible?

13 MR. HOWELL: Well, that's my point --

14 MR. TOMPKINS: And on the long-term exposure,
15 would that not seep out and then, say, five, ten years
16 may possibly come up to the same level that you
17 initially tried to clean up because the actual removal
18 of the contaminant is still in the ground?

19 MR. HOWELL: Yes and no. That's my whole point
20 about the --

21 MR. TOMPKINS: Possibility?

22 MR. HOWELL: -- about --

23 MR. TOMPKINS: I'm not saying it is or not.

24 MR. HOWELL: -- about the groundwater. To me
25 the groundwater is the source. All right. It did get

1 down there through the ground to get to the groundwater,
2 but now you've got this pocket. It's a sink, a TCE in
3 the groundwater. It's not moving anywhere, and it will
4 eventually break down into other things and all.

5 But that's my whole point about -- they -- and
6 they don't intend -- they do not intend to not treat the
7 groundwater. They just felt that that was a different
8 beast and they had to apply a different approach to
9 that.

10 THE REPORTER: I'm sorry. Out of paper.

11 (Reporter restocks steno paper tray.)

12 MR. HOWELL: Well, I'm not counting this time
13 against my time, so the longer . . . but I got more
14 stuff to talk about.

15 MR. TOMPKINS: On that, earlier in our previous
16 meeting prior to your presentation when sampling was
17 done -- and the sampling, I'm assuming, was the same in
18 terms of when you did your soil sample and
19 characterization were the same number of samples that
20 were done for the manganese or the same ones that you
21 using for VOCs. Could you clarify, is that the case in
22 point, or am I mistaken?

23 MR. HOWELL: I wouldn't know. I wasn't there.
24 I -- Well --

25 MR. TOMPKINS: The Navy clarify? Because, see,

1 part of my concern in our previous --

2 MR. HOWELL: Well, let me answer this way is
3 that this SVE is not part of the ROD. So in a sense
4 they are just trying something here for free, okay?

5 MR. TOMPKINS: I understand the big part.

6 MR. HOWELL: And that means if they haven't
7 figured out, well, what's the procedure going to be?
8 What's going to be acceptable to the DTSC for the soil
9 confirmation samples?

10 MR. TOMPKINS: Understand, though, the
11 limitation of the effectiveness of the system if I do
12 not have correct characterization of the property and I
13 don't know where the pockets of clay or maybe -- are
14 locked in there because of inadequate samplings in just
15 taking those limited samples and calling it average and
16 characterizing the entire property. When we looked at
17 the map -- and I talked about that -- so, like, they
18 said it was in, like, a kidney or a P shape.

19 MR. HOWELL: Yes.

20 MR. TOMPKINS: And you looked at it and
21 reviewed that.

22 MR. HOWELL: Yeah.

23 MR. TOMPKINS: And I talked about what about
24 the other possibilities in dealing with also how many
25 wells or samples were done on the property so that we

1 can do an average.

2 For example, EPA has a standard when you set up
3 a grid and you sit out X method for samplings I teach in
4 a class, that you take five all along that line and five
5 along the other, then you do your average.

6 MR. HOWELL: I got to show you. You know what?

7 MR. TOMPKINS: Therefore, I didn't see that in
8 the documents that those samples -- that that
9 methodology was carried out. Therefore, I think it was
10 an improper means by which your character --

11 MR. HOWELL: Well, not necessarily. Not
12 necessarily. You have to be --

13 MR. TOMPKINS: Well, kind of a cheap and dirty
14 way.

15 MR. HOWELL: -- this document. But they --
16 they have sampled the shit out of this place, I'll tell
17 you that. It shows all the sampling locations. I got
18 other maps to show you.

19 MR. ATTENDEE: That's -- that's an interesting
20 scientific term.

21 MR. HOWELL: It's a geology term.

22 But no, you got a -- you have somewhat of a
23 valid point in that -- in that you need to remove the
24 source. Otherwise, gas will keep emanating, such as --

25 MR. TOMPKINS: Right.

1 MR. HOWELL: And they plan to do that. All
2 right? I'm suggesting that they might be able to do it
3 quicker by modifying the SVE system, but no one's
4 talking about not treating the groundwater, okay?

5 MR. TOMPKINS: The groundwater is not my
6 discussion.

7 MR. HOWELL: And the whole -- another issue --

8 MR. TOMPKINS: It's the clay.

9 MR. HOWELL: My other point is that if someone
10 were to do a risk assessment, okay, after they have done
11 a vapor extraction and cleaned up some groundwater and
12 do a little risk assessment -- you're sitting there on a
13 concrete cap over this clay -- what is the real threat?
14 What is the real exposure hazard?

15 MR. TOMPKINS: But as I understand from
16 previous redevelopment and from others, they are talking
17 about developing this. There will not always be or may
18 not be this concrete -- running under assumptions there
19 will be a concrete cap and this will be a permanent
20 condition.

21 MR. HOWELL: That's true. So it could be a
22 historical --

23 MR. TOMPKINS: Unless, you know, they're
24 talking about building, or they haven't even presented
25 all the stuff they want to do.

1 So therefore, my concern is -- I talked about
2 in our meeting is that we have community people who want
3 to go or church people want to develop it may want some
4 grass, and they're sitting on a pocket of this stuff out
5 there; it may come up who the respo- -- that's what I'm
6 thinking about in terms of --

7 MR. HOWELL: Right.

8 MR. TOMPKINS: -- optimum development for all
9 the people, because I'm quite sure churches won't have
10 that resource or revenue to deal with or do an
11 additional test so that we need to --

12 MR. HOWELL: Well, I --

13 MR. TOMPKINS: -- err on the side of safety.

14 MR. HOWELL: And the whole issue of
15 confirmation sampling will have to be addressed, because
16 this is just something they're doing to try it out. And
17 that -- and it's not -- there's not -- there's not a
18 health and safety plan already developed for. There's
19 not a soil -- There's not a sample analysis plan
20 developed for it. They are going to have to have one
21 because this is working. This is a good way to go.
22 This will save, I think, a historic building. And I
23 think that's . . .

24 MR. DeMARS: Couple things.

25 MR. TOMPKINS: But the source is still trapped

1 in the clay.

2 MR. BROWN: Right.

3 MR. TOMPKINS: For the record --

4 MR. HOWELL: There won't be when they're done.

5 MR. TOMPKINS: -- in a conclusion, for the
6 record, therefore, the source of, say, for example, in
7 the illustration I'm assuming that's a well that you
8 randomly did sampling in this, or was there a grid set
9 up for that so that we know what all the clay of the
10 possibility underneath there 10 feet down were possible
11 clay or possible VOCs to be trapped so you don't have
12 that breakthrough where we may have it pulling through
13 the sand but it's still into clay?

14 MR. DeMARS: As --

15 MR. TOMPKINS: I don't know -- I didn't see
16 it, so I'm asking.

17 MR. DeMARS: The first thing about that, that
18 area has been sampled extensively for VOCs, not to be
19 confused --

20 MR. HOWELL: That's the term I meant to say.

21 MR. DeMARS: Yeah, that's the term -- and not
22 to be confused with the manganese and --

23 MR. TOMPKINS: Right.

24 MR. DeMARS: -- concentration averaging
25 completely different.

1 MR. TOMPKINS: There's two different sampling
2 procedures and two different -- That's why I was asking
3 earlier, was it the same or different?

4 (Mr. Paul arrives at 7:51 p.m.)

5 MR. DeMARS: And the building -- We are told
6 the building is planned per the reuse plan to stay in
7 place. That's why we're reluctant to go in and demo and
8 tear part of it down.

9 MR. TOMPKINS: Thank you.

10 MR. DeMARS: So we do want to work around that,
11 if possible.

12 DR. SUMCHAI: Mr. DeMars, a quick question.
13 From the map of Hunters Point radiological related
14 areas, Building 123 is -- is on the map. It's not clear
15 to me whether it's r-i-p-r-a-p-debris area? "Riprap,"
16 what does that mean?

17 MR. DeMARS: Oh, that's -- riprap is concrete
18 rubble and construction debris.

19 DR. SUMCHAI: Okay. So I'm just asking, is
20 there another reason why this building might need to be
21 remediated or -- or deconstructed or -- or excavated?

22 MR. DeMARS: For radiological purposes, no.

23 DR. SUMCHAI: Okay.

24 MR. DeMARS: We have no record of any rad use
25 in that building.

1 DR. SUMCHAI: Okay.

2 MR. TISDELL: I got a question for Mr. Howell.

3 I got a question for you.

4 MR. HOWELL: Yes, sir.

5 MR. TISDELL: When you went -- you know, you

6 showed that building over there back there on that

7 parcel, you know -- could you pass me one?

8 You know, you showed the building, and you was

9 saying that there's goi- -- that, you know, it would be

10 pref- -- preferably to stay in- -- you know, stay

11 intact.

12 But if it's built on contaminated or, you know,

13 stuff that's not good for human consumption in which the

14 building has been, say, you know, the wood on the

15 outside of it, if that's contaminated, how come that

16 metal wouldn't?

17 MR. HOWELL: I don't follow. I'm sorry.

18 You're talking about subsurface? You're talking about

19 the surface?

20 MR. TISDELL: No. I'm talking about the

21 building -- you know, back there when you showed where

22 had all them -- you know, you said unique construction?

23 MR. HOWELL: Oh, yeah, yeah, uh-huh.

24 MR. TISDELL: You know, if -- if, you know, the

25 thing that's -- that the building isn't -- is

1 contaminated, how come that metal wouldn't be
2 contaminated?

3 MR. HOWELL: I don't know that the building is
4 contaminated. I don't see why it would be. I mean, I
5 don't see that -- you know, it takes some soap -- TSP
6 soap and water to clean off the VOCs. I don't think
7 it's contaminated. The contamination, I think, resulted
8 from a spill. But that's a good point.

9 From what I read, apparently, there was no
10 record of any TCE being used in Building 123. And yet,
11 there's this -- you know, in the soil and the
12 groundwater.

13 So, you know, the Navy doesn't have complete
14 records. But the building -- there's no -- I never
15 heard of any issue about the building being
16 contaminated. I don't see that that's an issue.

17 Plus, the other thing about volatile organics,
18 they are really volatilized. And you leave them out in
19 the atmosphere, they're gone. They go up into the
20 atmosphere. They -- they are only in the ground because
21 they get stuck there. They get absorbed to organic
22 particles and things, which is why carbon is so
23 effective.

24 Okay. Any other questions? I have to move on
25 to the manga- -- to the -- sorry -- the shoreline

1 protection remedy.

2 Just do it this way. SPR. I'm sorry I didn't
3 hand out those extra copies earlier. But now we're on
4 page 5. That's Item 2.5. And I thought the best place
5 to start is show you guys what they are talking about
6 here. I got some photos that I got to take 'cause the
7 Navy was nice enough to let me in.

8 Come on. Wait a minute. Excuse me. I know I
9 don't seem like it, but I really haven't done this a lot
10 before, so . . .

11 Okay. Here we go.

12 All right.

13 MS. BROWNELL: That's SVE.

14 MR. HOWELL: Oh, thank you. You saved me an
15 hour, you know what? All those acronyms sound alike. I
16 can get really messed up here. SPR, that's what I want.
17 Here we go.

18 Okay. IR- -- It's the riprap. That's what
19 it's called.

20 Come on. There.

21 Okay. I've got just two photographs each of
22 riprap, and there's two areas: It's called IR-07 and
23 IR-26. I'm going to start with -- I guess I'll start
24 here.

25 This happens to be IR-26, and they characterize

1 it -- What they wanted to do is -- was -- it's just
2 a -- it's a thin -- it's a little -- it's a little
3 narrow strip of land. They say it's about 1200 feet
4 long by 20 to 30 feet wide, and it's covered with this
5 heavy riprap, which you can see in this picture and in
6 this other one even better. You can see that.

7 Well, in the original Par- -- in the original
8 Parcel B ROD, again, it was sort of a faulty site
9 characterization assessment. They didn't -- they didn't
10 think the contamination extended into this riprap.

11 They started excavating, and they had to go
12 further and further; and pretty soon they hit these
13 concrete blocks and boulders that were used to basically
14 create, you know, a shoreline way back when.

15 And it would be very difficult and very
16 time-consuming, very expensive, to dig up this stuff and
17 haul it off just to get a little bit of soil that was
18 contaminated.

19 And they did have quite a few samples, it turns
20 out. I thought it was just a few, but it's actually
21 quite a few samples of -- of -- of soil and had it
22 analyzed.

23 And what they came up with is that it's -- the
24 contamination consists of relatively low levels of
25 copper, zinc, lead, and . . . and, oh, yes, and -- and

1 lead. Actually, in this area here, that was it. It was
2 just these metals: lead, copper, and zinc.

3 In the IR-07 area, it's the same type of
4 riprap, but they also had some relatively low levels of
5 PCBs and PAHs.

6 Well, the feeling is -- is that there's no --
7 there's not -- there's not a pool of liquid lechate.
8 There's not a radioactive cloud that would -- that would
9 be emanating out of this thing.

10 In fact, I read the radiation for the surface
11 and subsurface, the radiation reports done back in the
12 '80s and '90s. And there's -- there was no radioactive
13 anomalies in this shoreline area. Okay. There's no
14 drums or any record of any drums or any -- any reason to
15 suspect that there's drums of radioactivity. What it
16 is -- is there's some relatively low levels of soil
17 contamination.

18 And what they want to do, they are proposing,
19 is that -- is to take this little strip -- I'm sorry I
20 didn't have time to make a diagram. That's another
21 thing that the ESD is faulty on. It doesn't even give a
22 schematic diagram.

23 But the idea is that they'd like to put a
24 concrete cap over the asphalt here. This is my
25 understanding from talking to Mr. Mach. This would be a

1 concrete cap, and it'll actually turn into a walkway to
2 extend all the way to Aquatic Park, if San Francisco has
3 their way.

4 And then this area here, they want to put liner
5 material, the type of liner that's used in landfills;
6 and they would run it out in a little ways and anchor it
7 down with some soil, sand, and rock and then put, I even
8 heard, another layer of liner down.

9 And the term they are calling it, it's not
10 encapsulated. And that's another flaw in the ESD
11 document. It uses the word "encapsulating." This is
12 not encapsulating, because encapsulating is doing this
13 to something on all surface and all sides.

14 So we are calling this armorization. And the
15 idea is that we are preventing from -- the bay from
16 eroding in here and getting into the soil to spread it
17 into aquatic life.

18 You got a concrete cap up here that's
19 preventing rainwater from getting in and infiltrating
20 into the ground and washing out contaminated soil, and
21 it's also preventing vapors and things from coming out
22 and exposing people.

23 And I have to -- I had to conclude that -- that
24 it -- again, I think this is more protective of human
25 health and the environment to do it this way than to dig

1 up this rock for the minor amounts of soil
2 contamination.

3 One of -- one of my complaints with the ESD is:
4 It didn't even list what -- what types of contaminants
5 we are talking about, you know. And they -- they will.
6 They -- they plan to. It's just that document is not
7 out yet.

8 So I wanted to show you also a couple of
9 figures of this -- of the contamination that they have
10 gotten prepared. I just got these today. And . . .
11 let's see. Here's one. One at a time, I guess. Take
12 that. And I don't like mouse pads either.

13 All right. It turns out, they weren't just
14 sort of sampling here and there. All of those little
15 black dots, which are really hard to see -- they're
16 actually stars -- those are the sampling locations for
17 the two areas they propose for the armorization. It
18 almost looks like every 10 feet -- I'm not quite sure
19 the scale -- or every 5 feet. I can't tell right now.

20 But anyway, it's a very methodical plot along
21 the shoreline areas. And all this stuff I can zoom in
22 on that because this is the real file. It's not just a
23 photograph. And you'll see that in the -- in this area
24 here, the only thing they found was lead and zinc and
25 copper. And it also lists the levels.

1 This is what -- This is the type of
2 information I felt should be in the document when they
3 propose an idea like armorization. And that's why I
4 think it's just sort of an introductory -- the ESD is
5 sort of an introductory document, trial.

6 So you can see there. These are the metals:
7 zinc, lead, copper. They have similar maps for the
8 PCBs, so that and for the PAHs.

9 But my point is -- is that it's not as though
10 they are saying: "Hey, we don't know what's in there.
11 We just want to cover it up." They sampled this thing,
12 I think, extensively and characterized it extensively.
13 And what they found is not significant. Relative --
14 It's relatively insignificant.

15 And their proposal for the armorization will
16 isolate it from not only human exposure, but also from
17 aquatic life.

18 One recommendation I have that's in the
19 document here is that -- is that -- near as I
20 understand, they are not proposing to put liner on
21 the -- on the -- on the landward side -- well, not on
22 this figure here, but over there by IR-07 where the
23 landfill was, well, maybe water can get into -- seep
24 into that and come in from the backside and basically
25 flush contaminants out.

1 Maybe it's not an issue. Maybe it is. And so
2 I recommended that they think about that as well, if you
3 follow my drift.

4 MS. TROMBADORE: This is IR-07. So what did
5 you mean? I'm sorry.

6 MR. HOWELL: Oh, I'm sorry. I thought it was
7 IR-26.

8 MS. TROMBADORE: No.

9 MR. HOWELL: There's so many -- there's so many
10 lines here, I can't even see.

11 MS. TROMBADORE: So you're talking about IR-26,
12 okay.

13 MR. HOWELL: Well, yeah. IR- -- IR-26 only had
14 metals in it. IR-07 had -- in addition to that same
15 metals -- lead, copper, zinc -- it also had some
16 relatively low levels of PAHs and PCBs.

17 Let me move on. So what didn't I hit? Right.
18 I guess I'm actually on page 6, Item 2.6, is that
19 community concerns regarding shoreline protection remedy
20 alternative.

21 And I believe there are only two main community
22 concerns, and that is -- the first one is that the
23 community does not understand why the Navy is proposing
24 the shoreline protection remedy instead of just
25 following the ROD.

1 And what the ESD document said about that, on
2 page 2 of 8, it indicates the excavation of shoreline
3 area was never envisioned because -- basically because
4 of a faulty site characterization was used to delineate
5 the remediation in the Parcel B landfill, and it
6 indicated that the soil contamination did not extend
7 into the riprap.

8 And so they never planned to. This is
9 something that -- it was a surprise they just
10 discovered.

11 They also felt that the cleanup goals developed
12 for IR-07 may have been unduly protective. So . . .

13 I'm just going to move on to the other
14 community concern is that in the event of a significant
15 earthquake, liquefaction would damage the concrete cap
16 and expose the community to contamination from the
17 riprap.

18 And my point about that is that -- well, again,
19 there's relatively low levels of these metals and some
20 PCBs and PAHs.

21 But my point is -- is that they are not going
22 to be building homes on top of this walkway, okay, this
23 promenade that goes up to Aquatic Park. Liquefaction
24 is -- is an issue if you have a house built on -- on
25 soil that is not firmly compacted and is not

1 structurally coherent.

2 But this is going to be a walkway. And so if
3 there was a significant earthquake, it would damage that
4 walkway. Again, you're not going to get a cloud of
5 radioactive gas coming out or green slime oozing out.
6 You're going to get a crack in your concrete.

7 So if you have that strong earthquake --

8 MR. BROWN: Can I say something?

9 MR. HOWELL: No. Can you just wait just a
10 minute?

11 If you -- if you have that strong earthquake in
12 the first place, my -- my feeling is that San Francisco
13 is also going to be hit as hard; and actually, something
14 like cracked sidewalk is not going to be the most -- the
15 highest concern. There's going to be some serious
16 concern if you have an earthquake strong enough to do
17 that.

18 And I tell -- So I'd ask you guys. You might
19 know. I don't. Is that during Loma Prieta was
20 Candlestick -- did they have a lot of liquefaction or
21 settling? But I don't know.

22 My point is -- is that -- is that I don't think
23 liquefaction will occur to an extensive degree. And
24 personally, I think there's going to be some settling,
25 but it's possible. But again, I guess I'm saying is

1 that I don't understand the concern.

2 You know, I just got conclusions, and we're
3 done with this, and I can answer questions just real
4 fast.

5 My conclusion is that I think this is
6 appropriately protective of -- the armorization concept
7 appears to be appropriately protective of human health
8 and the environment. And in contrast, compliance --
9 strict compliance with Parcel B ROD that would require
10 removing the riprap in order to access and remove soil
11 contamination would expose not only the community, but
12 also aquatic life in the bay to the contamination.

13 And then my opinion: Excavation of the riprap
14 is unwarranted and would be less protective of the human
15 health and the environment than the armorization
16 alternative.

17 I do have three al- -- recommendations. And
18 basically, one of them is that the Navy should
19 communicate this -- these concepts to you folks. I know
20 there was a lot of confusion when it first came out.
21 They talk about encapsulation, and how -- how can you do
22 that?

23 (Ms. Harrison exits at 8:07 p.m.)

24 MR. HOWELL: And that they need to provide some
25 scaled drawings and illustrations of this concept if

1 they're serious about it so you understand it.

2 So any questions?

3 MR. MALOOF: Before we go over to questions,
4 how about after questions we go to a break? Is everyone
5 okay with that?

6 (Simultaneous colloquy.)

7 MR. MALOOF: You guys just want to plow through
8 the rest of this?

9 MR. TOMPKINS: Yes.

10 MS. TROMBADORE: Yes.

11 MR. MALOOF: Okay. All right. Questions.

12 DR. SUMCHAI: Okay. You know, as -- as
13 medical -- medical doctor, I think it's important to
14 point out to you, Mr. Howell, as well as to members of
15 the group, that lead is not, you know, an insignificant,
16 you know, toxin. It accumulates -- One of the most
17 effective and dangerous means of transmission of
18 childhood lead toxicity is through children contacting
19 lead in the soil.

20 And so I -- I want us to be aware that right
21 now there's a multi-county lawsuit being argued in Santa
22 Clara County where the San Francisco City Attorney's
23 Office has signed on as well as about three or four
24 other city attorneys in the Bay Area that will deal with
25 childhood lead toxicity, and it's expected to win and

1 it's expected to be as big as tobacco.

2 So lead in soil, even at low levels, is
3 something that we don't want to dismiss, particularly in
4 an area where there already is a development site that
5 proposes to -- to build a school, a technical art in
6 college school.

7 So the other thing is that in 4 you say, "The
8 concrete cap will prevent rainwater from infiltrating
9 into the riprap, which would act to flush contaminants
10 out of the riprap and into the Bay." Is that accurate?

11 MR. HOWELL: If there was not a -- if there was
12 not armorization; if there was not liner material to
13 basically --

14 DR. SUMCHAI: Okay.

15 MR. HOWELL: -- isolate it, that's what would
16 happen.

17 DR. SUMCHAI: All right.

18 MR. HOWELL: But since you stopped, then I have
19 to address the lead question. I, of course, wasn't
20 suggesting that you let your children climb into that
21 riprap in the soil.

22 My point is -- is that there is very little
23 soil. They actually had a hard time collecting the soil
24 samples from the riprap. There is just little pockets
25 here and there, so they work their way through to the

1 concrete. This is not something that's exposed to
2 children to eat or to breathe.

3 And actually, their armorization concept,
4 again, would -- that's part of why I think it's more
5 protective of human health and environment is that it
6 basically isolates it from contact more so than
7 excavating it would.

8 Any other questions?

9 Sir.

10 MR. TISDELL: This -- I -- I got a question.
11 Now, with nobody knowing exactly what's on anything out
12 there on the Shipyard, you know, they can say -- go back
13 and say, "Well, this is there; this is there."

14 Okay. Hypothetically, what if there is barrels
15 or, you know, ga- -- drums buried under there that
16 haven't seeped yet? Do you know -- do you know if
17 there's any -- you know, any kind of barrels that's
18 buried down there?

19 MR. HOWELL: I would doubt it. This is
20 concrete blocks. They threw it in there probably -- I'm
21 not even sure when it was built, but probably in the
22 '20s or '30s or '40s when the Navy did -- it may have
23 been done before then. I have historic photos that went
24 back to the 1880s.

25 The whole point of doing that was to put

1 concrete blocks in to keep the bay in to basically
2 reclaim the land so you can do something with the land.
3 So once it's there, how are you ever going to get a drum
4 in it in the first place?

5 MR. TISDELL: See, I didn't -- I didn't know
6 you -- you know, it's concrete blocks down there.

7 MR. HOWELL: Also, I showed you those photos.
8 And that -- yeah. That's all composed -- That's what
9 makes it so tough. If this was just some dirt, they
10 probably would dig it up. It's easier.

11 Okay. Sorry.

12 MR. ANSBRO: The zoning question is on the
13 10 meters thicker wide or --?

14 MR. HOWELL: Zoning?

15 MR. ANSBRO: The -- the zoning of shoreline
16 protection. I know you're not going very deep into
17 Parcel B.

18 MR. HOWELL: No, it's not. Again, this is
19 talking about -- it's called the shoreline protection
20 remedy.

21 MR. ANSBRO: Yeah.

22 MR. HOWELL: It's not talking about --

23 MR. ANSBRO: And the riprap extends probably --
24 what? 10, 20 feet at most un- -- under the surface
25 soil?

1 MR. HOWELL: Oh, under?

2 MR. ANSBRO: It's a wedge of concrete rubble
3 and just going to cap it and cover it on the seaward
4 side?

5 MR. HOWELL: That's what I was told, but I have
6 not read anything. Again, that's a deficiency in the
7 ESD document. They need to explain what they're going
8 to do.

9 Maybe they're going to think about it and say:
10 "You know what? Maybe we better put liner on both
11 sides." Or maybe they'll say: "It's not warranted. We
12 don't need to. We only need to prevent the ocean or the
13 bay from eroding it out or flushing out the sediment.
14 That's the only concern, and we only need liner on one
15 side." I don't know to tell you guys.

16 MR. ANSBRO: Has the Navy consulted with the
17 City about our -- our future use and what the best,
18 cheapest way to fix this under our intended use? That's
19 a rhetorical question. Forgive me.

20 MS. BROWNELL: They have talked to the City
21 about this shoreline protection. And as you mentioned,
22 the planned use is to have a walkway. So it would fit
23 in well with what the planned use is.

24 MR. HOWELL: Okay.

25 MS. TROMBADORE: "Manganese."

1 MR. TOMPKINS: "Manganese."
2 ATTENDEE: "Manganese."
3 MR. HOWELL: Great. We're getting there.
4 Thank you, guys, for your patience.
5 I hope someone gets the stenographer something
6 nice, some coffee or something.
7 MR. ANSBRO: Vodka.
8 MR. HOWELL: Vodka.
9 Okay. Let's go to --
10 ATTENDEE: -- page 8.
11 MR. HOWELL: Okay. This is a -- okay. There
12 it is right there is the riprap in the IR-26 area,
13 right. This is heavy concrete. Jeez, I didn't even
14 show you this.
15 This is IR-07. It's a little different. A lot
16 more sand. Use this to demonstrate. The liner material
17 would go out over this one, as I understand it.
18 Okay. I don't like these little mouse . . .
19 Mouse. I should have you do this, huh.
20 ATTENDEE: You're looking for the file?
21 MR. HOWELL: Yeah.
22 MS. SHIRLEY: While we're waiting, can I make
23 an announcement?
24 MR. TOMPKINS: Sure.
25 MS. SHIRLEY: The next Technical Review

1 Committee meeting will be at the library on April 17th,
2 6 o'clock, Wednesday.

3 MS. WRIGHT: And that's Third and Revere,
4 right?

5 MS. SHIRLEY: Yes.

6 MR. TISDELL: There's a -- a Bylaws &
7 Membership meeting April the 10th, 6:00 to 8:00, at
8 library on Third and Revere.

9 And I also like to call a special meeting of
10 the RAB members, you know, for the community on April
11 the 3rd at the same place, Ann- -- you know, at the Anna
12 Warren [sic] Library.

13 You all got to excuse me. I'm just -- you
14 know, narcotic from the hospital. I'm just trying to
15 remember the days.

16 April the 3rd, Wa- -- library.

17 MR. MALOOF: If you write it down, we can put
18 it up there.

19 MS. PETERSON: It's up there already.

20 MR. KEICHLINE: What's the topic of that
21 meeting?

22 MR. TISDELL: It's -- it's no topic.

23 ATTENDEE: Oh.

24 MR. TISDELL: It's just where the community --
25 the RAB -- RAB members of the community can get together

1 and -- and know one another, you know, and -- and come
2 in unity.

3 MR. HOWELL: Okay? Go?

4 MR. PALEGA: Is the same for . . . ?

5 MS. TROMBADORE: Shall we turn off the lights
6 again?

7 MR. HOWELL: Yeah, please.

8 Okay.

9 MR. ANSBRO: Excellent.

10 MR. HOWELL: It's so beautiful.

11 I just had to show you. This map, I don't know
12 where it came from, but someone sent it to me. And
13 it's -- What's neat about it is: It shows the fill
14 area. It's an old map of San Francisco. Can't see too
15 well, but it shows the pink areas are fill areas. And
16 this has to do with the manganese.

17 One thing I really like is: You notice up here
18 it says, "Hunter Point." You notice up here it's "Taro
19 [phonetic] Point," "Mission Steamboat Point," "Upper
20 Goat Island." My point is, it's not "Hunters Point."
21 It's "Hunter Point." You guys have been calling it the
22 wrong thing all these years.

23 Anyway, the intent -- the evaluation of the
24 manganese conditions report, I thought, was a very
25 impressive document. I thought it was well-developed,

1 well-researched, and thorough. In my opinion, the
2 statistical approach and the statistical methodology
3 that was used was appropriate.

4 The information in the document supports the
5 report's conclusions that high concentrations of
6 manganese in the residential reuse areas are not the
7 result of industrial contamination and that the elevated
8 manganese concentrations observed in the soils
9 throughout much of Hunters Point Shipyard is naturally
10 occurring in the sense that the levels observed are not
11 anomalous in -- compared with other areas in the Bay
12 Area that are underlain by chert and basalt.

13 I do not have any recommendations for revisions
14 of that document. I do have a number of things to say
15 about them.

16 The intent of the report was to try to
17 determine whether or not the elevated levels of
18 manganese are part of the naturally occurring background
19 environment or whether they are ambient levels resulting
20 from Navy activities at the Shipyard.

21 If you don't know the difference there, it's an
22 environmental science distinction, you might say.
23 "Naturally occurring" refers to what was always there
24 before man kind of got involved. Whereas "ambient"
25 would be used to say what's here now, but it might be

1 the result of cultural artifacts, cultural influences,
2 and things that may not be good.

3 So a question, apparently, among the regulatory
4 agencies is whether or not to call this thing,
5 manganese, the chert, "background" or "ambient." It's
6 sort of a -- It might seem like a semantics game, and
7 I -- I actually think it is a semantics game. I think
8 it --

9 I'll show you some photographs that in this
10 particular instance at Hunters Point, the environmental
11 science concept of background is equivalent to the
12 environmental science concept of ambient, and I want to
13 show you these photographs why I say that.

14 This guy. Certain order here. This is a -- I
15 want to thank some of the RAB -- CFC people for sending
16 me this. This is -- I don't know the date. This is a
17 pretty old photograph of Hunters Point. Can you see it?

18 MR. ANSBRO: Biplane.

19 MR. HOWELL: Oh, is it?

20 MR. ATTENDEE: Yeah.

21 MR. HOWELL: Well, if you can see this mouse
22 cursor, here is Hunter Point. It's this little point of
23 land that stuck out. You can already see there's
24 been -- Shipyard is already built when this photograph
25 was taken.

1 But most of this mountain here, it goes right
2 out, and it almost looks like Marin Headlands a little
3 bit. Looks like it runs into a cliff, into the bay.
4 You notice these two little peaks up here, because the
5 next photograph you need that for reference to realize
6 what the change is.

7 So Hunter -- This next one I can just tell
8 from development is a little bit older. It's not --

9 Why is this doing this? Well, I guess -- I'm
10 sorry. Stuck this one in here.

11 You can see here, here's what's left of that
12 little mountain. There's a little bit of peak right in
13 here and in here, if you can see the mouse.

14 I'm sorry. Let's use this thing.

15 You still have a little bit of mountain here,
16 you know, and the cliff's going into the bay, but this
17 has all been basically kind of cut down and removed.
18 It's not as high as it used to be, if you recall the
19 last picture.

20 And wait. It gets better.

21 Now, here's -- this one also looks like it's
22 pretty old, black and white. Here's those mountains I
23 was trying to point out to you for reference. This is
24 part of the original thing you saw in the picture, but
25 all this is new. It's a very hard picture to see.

1 But the mountain is gone. What has happened
2 is: They took this mountain, and they dumped it into
3 the bay. They created land out of what used to be
4 water.

5 Now, just one other interesting photo I wanted
6 to show you that relates to this. Not that one. I'm
7 sorry. That is the last one.

8 Well, my point of it is -- is that, say, up
9 until 50, 60 years ago, the surface of most -- of most
10 of what is now Hunters Point was water. And since most
11 of the Shipyard was created from fill material during
12 the '40s and '50s, that's why I feel that the
13 environmental science concept of background is in this
14 instance equivalent to the environmental science concept
15 of ambient, meaning there was no background. The
16 background was water, okay? That was the surface
17 background environment.

18 And now -- So it's -- if -- it may seem like a
19 silly distinction to you guys. But to be honest, I've
20 heard that the EPA and DTSC are arguing about this very
21 point, and it has significance to them, and that's why I
22 felt it was important to make this point.

23 MS. TROMBADORE: No, we're not. But that's
24 okay.

25 MR. HOWELL: Oh, good. I heard wrong, then.

1 I want to say too, the rock called "chert"
2 was -- used to be there is made up of a lot of chert and
3 basalt.

4 In fact, now I'll use this picture. Come on.

5 This is a photograph I got from the bay --
6 Bayview-Hunters Point advocate group down the street a
7 little bit. The green is actually a hazards map for
8 earthquakes. The red, again, is fill material, and
9 that's where most of the liquefaction will occur. The
10 green is serpentine, and the blue is basalt. It's
11 actually greenstone, weathered basalt, but it's bedrock.

12 So this shows what's left of that original
13 point, and it also shows what's been taken out of that
14 mountain and created this fill. And my point about this
15 is that a lot of fill material from that mountain is
16 chert, okay, and a little bit of basalt.

17 Well, chert is ubiquitous in the Bay Area. The
18 Marin Headlands and Sausalito are primarily composed of
19 chert as is the land in San Carlos and Belmont. It's
20 exposed chert as well as on Angel Island and the
21 Berkeley Hills and the East Bay and throughout much of
22 the Bay Area.

23 And the manganese that's contained in the chert
24 and basalt by itself does not pose a health hazard to
25 the public because it is locked into the crystal matrix

1 of the rock, crystal matrix of the rock.

2 And so that is why I agree with the report's
3 recommendation that the manganese should be dropped as a
4 chemical of potential concern, because although the
5 chert and basalt may contain manganese, the -- the rocks
6 do not pose the justifiable health concern because the
7 manganese is locked into the crystalline structure of
8 the rock.

9 And accordingly, I think the mere presence of
10 chert or basalt in the environment, regardless of the
11 level of manganese it contained, should not be used as
12 justification for excavating a -- 82 remaining areas in
13 Parcels B, C, and D.

14 Now, the regulatory issue regarding
15 "background" versus "ambient" is, in my opinion, an
16 unintentional red herring because it distracts from the
17 real issue of concern for the community.

18 MS. TROMBADORE: And where did you get that?
19 Because it's not in the document.

20 I mean, maybe you talked to Chein. I know he
21 has some issues.

22 MR. HOWELL: I'm sorry.

23 MS. TROMBADORE: I'm just saying, what is in
24 the document versus what you heard from someone? I just
25 want to be clear on that.

1 MR. HOWELL: Well, if I got it wrong, I
2 apologize.

3 MS. TROMBADORE: Okay.

4 MR. HOWELL: But please let me finish.

5 From the community perspective, the concern is
6 not whether or not elevated levels of manganese pose a
7 health problem for the residents of Hunters Point from a
8 rock, from the mere presence of a rock.

9 From my conversations with the residents, I
10 think the real issue of concern is whether or not
11 manganese is -- is whether or not exposure to manganese
12 is a significant -- in significant concentrations is
13 impacting their health.

14 It's not the fact that they -- there's a piece
15 of chert on the -- on the -- on the roadway. The whole
16 issue is -- is dust, and is the exposure to manganese
17 affecting their health.

18 So to respond to that issue of community
19 concern, I reviewed primarily two documents: the
20 tech- -- Toxicological Profile of Manganese, the ATSDR
21 Draft of Public Comment, and also the Concise
22 International Chemical Assessment Document No. 12 for
23 Manganese and its Compounds.

24 And I am now going way out of scope. But the
25 point of it was -- is that I've been told by community

1 members that they want to dig up Parcel B because
2 there's chert in it. And that's why I stress the fact
3 that the rock won't hurt anybody because it's locked up.

4 The concern is the dust. And it turns out that
5 there may be a significant concern with respect to
6 manganese and dust. I'll run through this really quick,
7 because you can read it yourselves.

8 But it -- manganese, you need to know it's a
9 naturally occurring element. It's down in -- it's down
10 in the rocks and soil, water, air, and food. It's
11 ubiquitous in the environment, and we're all exposed to
12 it. It's a normal component of the human body, and it's
13 an essential nutrient.

14 But it's believed to play an important role in
15 bone mineralization, metabolism, cellular protection,
16 and other bodily functions. And they think there's a
17 safe and adequate daily intake of manganese that's
18 estimated to be 2 to 5 milligrams per day. If you get
19 some vitamins with your minerals, it will contain
20 manganese with -- anywhere from 1.5 to 4 milligrams per
21 dose.

22 Food is the main source of manganese, and it
23 turns out that the body's very good about excreting
24 excess manganese if it's received through food. It
25 has -- It either needs to -- It's an essential

1 mineral, but too much of it or too little of it can
2 be -- can have adverse consequences.

3 Manganese can also enter the environment
4 through industrial processes, such as iron and steel
5 manufacturing or from power plants or from burning of
6 fossil fuels.

7 It turns out that manganese as a manganese
8 compound, MMT, is used as an anti-knock fuel additive in
9 unleaded gas. And the US EPA actually banned MMT for a
10 short time. The ban was lifted in 1995, and Canada has
11 completely replaced lead in their gasoline with MMT.

12 It turns out, though, from what I read is that
13 typical inhalation of manganese tends to be very low,
14 and the -- they've estimated for the general US
15 population, the intake of manganese from the air is less
16 than 2 micrograms per day. Remember, again, it's
17 2 milligrams -- it's -- 1 to 5 milligrams per day is the
18 recommended dose.

19 So another really important point about the
20 whole -- the documents I reviewed is that they
21 repeatedly say that there's not sufficient data to draw
22 firm conclusions about the effects of manganese on
23 humans.

24 The evidence does suggest that the -- The
25 evidence does exist, indicates there can be some

1 long-term -- that long-term inhalation exposure to
2 manganese has in some cases resulted in a syndrome
3 called manganism, and that typically begins with a
4 feeling of weakness and lethargy, muscle pain,
5 nervousness, irritability, and headache.

6 The reason I mention this is that -- is that
7 it's a very difficult disease to recognize. It turns
8 out that medically you can be tested for it. It has
9 similar traits to what's called Parkinson's disease, but
10 it's different, and they actually can do clinical tests
11 and differentiate the two. But that takes extremely
12 long exposures to show a chronic effect.

13 But the point is that they don't know what --
14 about low-level exposures. And it could be that
15 low-level exposures of dust is a problem, and we don't
16 know, or they don't know.

17 Additional items that I thought were worth
18 noting is that the elderly and the very young may be
19 more sensitive to the toxic effects of manganese than
20 general population and that several studies have found
21 that manganese levels in hair are higher in
22 learning-disabled children than in normal children,
23 although a cause-and-effect relationship could not be
24 established.

25 Also, individuals with iron deficiency show an

1 increased rate of manganese absorption. Turns out if
2 you -- if you have a lot of iron in your blood, you --
3 you absorb manganese -- your absorption of manganese
4 decreases. If you're low on iron, then you end up
5 uptaking more manganese into your body tissues.

6 This last item I thought was really
7 interesting, it says manganese has a strong affinity for
8 melanin and pigmented -- pigmented tissues. And
9 unfortunately, they didn't -- there aren't any studies
10 regarding -- to look into whether or not different
11 peoples with different amounts of pigmentation might
12 have different reactions to low levels of manganese.
13 There's nothing new about it. It's too new.

14 But my impression -- I'm now on page 10 with
15 my conclusions.

16 It is -- My impression is that the Navy's
17 intent in preparing the Evaluation of Ambient Manganese
18 Conditions report is to try to avoid remediating
19 residential reuse areas in Parcels B, C, and D that have
20 been targeted for excavation solely because the
21 concentration of manganese and the soil exceeded the
22 original Hunters Point ambient level of 1400 milligrams
23 per kilogram.

24 THE REPORTER: Excuse me. We have to stop for
25 a minute.

1 MR. HOWELL: Oh, I'm sorry. I forgot about
2 you.

3 (Pause.)

4 THE REPORTER: Okay.

5 MR. HOWELL: We're almost done.

6 I want to again mention that in the conclusions
7 that the human body has the ability to excrete higher
8 than normal levels of manganese if vegetables are
9 ingested which are grown in chert or basalt soil
10 containing elevated concentrations, such as in a
11 residential reuse area, and that this potential pathway
12 would likely further be reduced by the common practice
13 of mixing in good soil into a garden before planting a
14 garden.

15 Third point is that the current toxicological
16 research suggests that adverse health effects are
17 manifested only after relatively high levels of
18 manganese are inhaled for a fairly extensive period of
19 time.

20 However, a minimum exposure level has not been
21 determined. And it appears to be the prudent approach
22 for someone who is concerned about manganese would be to
23 minimize his or her exposure to the dust as much as
24 possible.

25 And so my other -- my final conclusions is that

1 excavating a residential reuse area for the purpose of
2 removing chert and basalt rock, because that rock
3 contains manganese, would expose the community to a
4 greater potential for inhaling dust than would otherwise
5 occur by leaving the rock in place in the soil.
6 Disturbing the groundcover by excavation allows the soil
7 to desiccate, you know, dry out, which then creates dust
8 particles that can be transported by the wind.

9 In my opinion, not excavating the 82 potential
10 excavation areas in Parcels B, C, and D would be more
11 protective of human health and the environment than
12 following the Parcel B ROD. Excuse me.

13 MR. BROWN: I have a question.

14 MR. HOWELL: I'm almost done, Lynne.

15 Excavation -- I want to point this out. Very
16 important, I think. Excavation is not required for
17 areas in the Hunters Point Shipyard that are designated
18 for industrial reuse; and this is because the EPA
19 remediation goal for manganese in industrial areas is
20 32,000 milligrams per kilogram, and this level of
21 manganese has not been detected at any site within the
22 Shipyard.

23 And so as a result, subsequent construction and
24 excavation activities in the industrial reuse area
25 would -- would not be restricted. However, those

1 activities would expose the soil to desiccation and
2 create dust.

3 And once it's airborne, dust does not recognize
4 an industrial reuse area from a residential reuse area;
5 and so as a result, excavation of soil in an industrial
6 reuse area of the Shipyard would act to negate any
7 perceived benefit obtained from removing the soil in the
8 residential reuse area, as the current ROD requires.

9 So just two recommendations. To me, in my
10 opinion, the solution to the potential concern about
11 manganese inhalation at Hunters Point is to implement
12 dust control measures whenever a significant volume of
13 soil is going to be disturbed.

14 These measures would include misting the area
15 before, during, and after excavation; washing down heavy
16 equipment, including the tires, before the vehicle
17 leaves the construction site; covering trucks that haul
18 soil with tarps and other appropriate institutional
19 controls.

20 These and any other common-sense measures to
21 minimize dust should be implemented regardless of
22 whether the excavation occurs in a residential or in an
23 industrial reuse area.

24 And proper dust controls would also protect the
25 community from exposure to naturally occurring asbestos,

1 which is present at Hunters Point, and I found some
2 walking around.

3 So finally, last point: With respect to
4 existing vacant lots containing exposed soil, well,
5 vegetation acts to anchor the soil and minimize the
6 generation of dust. And so in these areas dust control
7 measures can be economically achieved by sprinkling
8 water on the bare soil to facilitate the growth of
9 native weeds and other vegetation until such time as the
10 site is developed and landscaping is installed.

11 And I have to address, because I know it had
12 come up, is that I have a photograph here of -- of a --
13 trucks going in and out of Hunters Point without tarps
14 on them. And that's a community concern that I didn't
15 address.

16 The -- and I want to point something else out.
17 But you know what? I'll go ahead and take questions
18 while I get set up. Are there any questions?

19 MR. TOMPKINS: Question.

20 DR. SUMCHAI: Okay. I want to -- to thank
21 Chris Shirley for the extensive bibliography that you
22 shared with me on manganese toxicity. The bulk of that
23 documentation came from occupational exposures, as I
24 recall. I don't have it with me, unfortunately.

25 But I did want to emphasize that there really

1 is not a lot of research on the impact of
2 neurological -- you know, the -- the neurological
3 toxicity of -- of manganese, you know, outside of those
4 populations which were, you know, studied and which were
5 in environments where they could be, you know, presumed
6 to have high exposures for prolonged durations.

7 The -- the second point I want to make to you
8 that I think it's important for everyone in here to be
9 aware of is the whole political football issue of your
10 use of the -- the phrase "industrial reuse areas." You
11 know, one of the things that a lot of us bought into was
12 Proposition P, which 87 percent of San Francisco voters
13 adopted, which the Board of Supervisors implemented. It
14 says that there aren't industrial re- -- you know, reuse
15 areas on the Shipyard. I mean, the community wants it
16 cleaned up to residential reuse.

17 So, you know, that's a -- an issue, a political
18 issue, but is one that is real and may ultimately lead
19 to a legal challenge.

20 And I -- the -- the other issue, I guess, you
21 can probably deal with, and that's the one of cumulative
22 impact, additive impacts. You know, we -- we're not
23 talking about just manganese. We're talking about
24 manganese lead, asbestos, VOCs, you know. So to -- to
25 say that manganese may be okay to, you know, a community

1 that has a disordinate incidence of -- of -- of disease
2 or any --

3 MR. HOWELL: No, I don't think it's okay. I
4 think you should not -- you should minimize any exposure
5 to dust until people know whether or not it's okay when
6 the preliminary evidence suggests that it could be a
7 real problem for the whole nation. And we don't know.
8 And in the meantime, we should be minimizing exposure to
9 dust inhalation --

10 MR. TOMPKINS: I have --

11 MR. HOWELL: -- because we don't know.

12 Yes, Lynne. Whichever. I don't know.

13 MR. TOMPKINS: I had a couple. I just got my
14 face on this --

15 MR. HOWELL: I'm sorry. Go ahead, finish.

16 MR. TOMPKINS: The Navy, not you, but the Navy
17 had my face up there when we were at TI.

18 In your review of the literature and the issue
19 I was bringing up then, I was told by the Navy, have you
20 seen any of the risk assessments dealing with subset
21 populations --

22 MR. HOWELL: I have not.

23 MR. TOMPKINS: -- meaning African-Americans,
24 people that you brought out have higher exposure to
25 melanin? Are they elderly? Are they old?

1 MR. HOWELL: I have not --
2 Specific study on subset populations?

3 MR. TOMPKINS: No. Let me -- let me -- let me
4 define the question. That'd be a yes or no.

5 That in all of the review of the documentation,
6 I was told that that was taken into account in terms of
7 making assessment on risk assessments exposure to the
8 population. Given predominance of African-American
9 people of color in this neighborhood, and in your
10 assessments when they say there's not great risk or
11 little risk, has any of that literature reflected that
12 what I was told at Treasure Island?

13 MR. HOWELL: Yes, good. I can answer actually
14 her question and yours at the same time. You
15 mentioned -- Just to start with, though, you mentioned
16 about that it's not just manganese, there's also lead
17 issues and things like that. I want to point out
18 that -- I'm sorry.

19 You mentioned about the residential versus
20 industrial use. Well, my contract was to review this
21 document, and this document only sampled in areas where
22 it targeted for residential use, because of the time
23 this document was prepared, that was in effect. If
24 that's changed, I don't know. It almost doesn't matter.
25 This has been what I was contracted to look at.

1 And then to answer both your questions
2 regarding subset populations, all of that, this does
3 not -- the contract does not ask me to assess, read
4 about, think about, be concerned about manganese.

5 They asked me to evaluate the statistical
6 methodology used in this report. So all of that stuff
7 was out of scope because I felt it was community
8 concern. And I have that little line in my contract
9 about discuss community concerns, and that's why I read
10 what I could and I learned what I could. And to be
11 honest with you, it's alarming, and that was what I want
12 to talk about in my third topic, which we will not
13 probably have time for.

14 MR. TOMPKINS: So for clarity and to get it
15 into the record, then, that, one, on what we presume is
16 being average 2 to 5 micrograms really for the subset
17 population because there's no real literature on it so
18 that the risk factor is not known.

19 Secondly, since manganese has an effect dealing
20 with melanin, the darker you are, the sicker you can
21 get, I don't -- there -- have you seen any document --
22 not for your --

23 MR. HOWELL: No, I understand.

24 MR. TOMPKINS: I haven't seen anything what you
25 have seen.

1 MR. HOWELL: It's -- It has an affinity to
2 melanin. That doesn't mean the body is able to excrete
3 it like it does, you know, other sources of manganese.
4 I don't know.

5 MR. TOMPKINS: Also lead. Given the fact of
6 lead in G6PD deficiency would -- affects Filipino, also
7 again related to melanin African-American populations
8 are more susceptible, were we perceived to be --?

9 For example, the model is a -- as I reviewed
10 the literature, they used a -- is based on 35-year-old
11 healthy white male. Have they used, for example, women
12 and their exposure of effects, or have they used other
13 models rather than 35-year-old white male? Has the Navy
14 addressed that in any way? It wasn't --

15 MR. HOWELL: I can actually answer part of
16 that. I can answer part of that, because it turns out
17 there have not been much studies about the effects; and
18 the reason is -- is that when you see a toxic effect of
19 manganese, it's only in industrial cases related to
20 inhalation, and those are miners, and those are
21 industrial workers that have long-term exposure. And
22 that has not been a -- an occupation that women have
23 been doing.

24 And the whole point is that nobody knows the
25 low-level effect, and there's no way to know, but this

1 Parkinson-like manganism is interesting because they
2 actually can test hair, feces, urine, for manganese
3 content. And there may be a way to actually
4 differentiate. If you had someone who thought they had
5 Parkinson's, there may be a way to find out.

6 MR. TOMPKINS: In the disease, Doctor, if
7 Parkinson is acquired that manifested -- for example, as
8 we know in children, for lead, you have low-attention
9 span, IQ loss before it gets to acute -- if manganese
10 would not also -- since it affects the nervous system,
11 would it not also affect the children in most
12 characteristics?

13 Would that possibility also lead to possibility
14 of why our children will receive 65 percent of all
15 African-American males in special -- all children in San
16 Francisco that are in special ed happen to be
17 African-American males or children of color?

18 DR. SUMCHAI: I don't know the answer, Ray, but
19 you and I --

20 MR. TOMPKINS: Possibility?

21 DR. SUMCHAI: -- tried to get funding to do
22 some biomonitoring of some of these, you know,
23 substances; and that is what we need to be looking at
24 instead of trying to extrapolate your conclusion.

25 We need to be able to take urine and blood, you

1 know, and feces and everything else and test it to see
2 what, you know, is in, you know, people's bodies and
3 then try to correlate it with the disease syndromes and
4 epidemiological and demographic data.

5 MR. TOMPKINS: Thank you.

6 MR. ANSBRO: Hear, hear.

7 MR. HOWELL: And just so you're all -- on
8 page -- item -- Item No. 7, I do list some of the
9 symptoms.

10 MR. BROWN: I have one question. You know, you
11 said the manganese came from off the hill and
12 everything, right, and they filled it in?

13 MR. HOWELL: I said the chert and basalt.

14 MR. BROWN: Why the hot spots down there in "C"
15 and not in "A"?

16 MR. HOWELL: You know, I figured that out,
17 because Mr. Kao with the DTSC, we talked about this.
18 And I have a figure here that shows me.

19 And I -- he said -- he's -- his problem with
20 this: He thought it wasn't uniformly sampled, because
21 they did a bunch in Area C. And I just realized this
22 today. I have -- I can tell you why that happened, if
23 I can find the image.

24 It turns out, there is an outcrop exposed in
25 Area C. That's why they took it there. That's where

1 you go to find the samples.

2 Let's see if I can . . . It should be in
3 this -- the soil. No. It's this one here, I think.

4 See that little blue spot, this blue spot?
5 Isn't that part of Area C?

6 MR. BROWN: Right.

7 MR. HOWELL: Well, for all I know -- I don't
8 get on the base much, but it's probably an outcrop
9 there. So that's where you'll go because that's where
10 you can sample.

11 MR. BROWN: But --

12 MR. HOWELL: It's covered up with fill material
13 everywhere else or Franciscan serpentine. You don't
14 want that, 'cause you're not looking at that. You're
15 looking at the chert. So I don't know, but I think
16 that's the answer.

17 MR. BROWN: Okay. But in the Navy's map,
18 though, they didn't have any ra- -- 1400 parts per
19 million up on the hill at all.

20 MR. HOWELL: Remember what figure you're
21 talking about?

22 MR. BROWN: Oh, you just look at the map there,
23 in your manganese book.

24 MS. SHIRLEY: We're talking about Parcel A.

25 MR. BROWN: I'm talking about "A," right.

1 That's where the manganese is supposed to --

2 MR. SHIRLEY: So if it came from up on the
3 hill, why didn't you see it up on the hill?

4 MR. HOWELL: No. This is on Parcel A. Oh, no.

5 MR. BROWN: That's what the hill was.

6 MS. TROMBADORE: They didn't sample very much.

7 MR. HOWELL: It came from all here.

8 MR. TOMPKINS: They didn't sample very much.

9 MR. BROWN: But that's what the hill was.

10 MS. TROMBADORE: I know, but they didn't --

11 MR. TOMPKINS: Okay. That's what Chein is
12 saying -- inadequate sampling.

13 MR. BROWN: Okay. All you have to do is look
14 at the map, and you'll see --

15 MR. HOWELL: Oh, I got your question. I got
16 it. You know what it is? It's because not all chert is
17 full of manganese. Manganese is in- -- in- -- induced
18 into the chert. Chert. I got pictures here. I'll show
19 you.

20 MR. BROWN: I've seen it. I've seen the hole
21 down there.

22 MR. HOWELL: Chert is a single-cell silica,
23 silica, animal that has a silica shell. It's sand. It
24 goes down and dies on the bottom of the ocean.

25 The reason the manganese is in there is if

1 there's a black -- called a black smoker, which is a
2 vent, and the crust splits apart and sends out high --
3 minerals --

4 MR. BROWN: Right.

5 MR. HOWELL: -- hot springs underneath the
6 ocean. Well, that's what's got the minerals in it.
7 That spews out, and that gets into the basalt. You have
8 manganese in the basalt that gets into the chert. You
9 have manganese in the chert, and you have gold and
10 pyrite and all kind of minerals. That's how it gets in
11 the chert. I got a picture here.

12 MS. SHIRLEY: It's not distributed.

13 MR. HOWELL: No. I have a picture of chert,
14 but it's black. It's got so much manganese in it, it's
15 black.

16 MR. BROWN: But I have a piece of manganese
17 also. But I didn't get it off the hill. I got it off
18 of Parcel C.

19 MR. HOWELL: Well, my point is, you know, chert
20 doesn't have to have manganese in it.

21 MR. BROWN: Well, this does.

22 MR. HOWELL: Let me show you this picture if
23 you want to see manganese.

24 MR. BROWN: My point is: It's not -- When the
25 Navy had the map, the map is right there. They don't

1 have hot spots up on the hill on "A" where -- where you
2 said it originated from.

3 MR. HOWELL: I -- you know, I couldn't -- I
4 couldn't talk about --

5 MR. MALOOF: We still have -- We only have ten
6 more minutes left before 9 o'clock.

7 MS. PETERSON: We don't have until 9 o'clock.

8 MR. DeMARS: Could I answer that question,
9 concern?

10 The reason there's no samples in Parcel A, keep
11 in mind, when -- when we were sampling and identifying
12 different IR sites, there was no industry on Parcel A.
13 So there were no sites to -- to sample.

14 MS. ASHER: Very few.

15 MR. BROWN: Well, how did the blue stuff get up
16 there, then, on your map?

17 MR. DeMARS: Well, the blue stuff is down on
18 Parcel C.

19 MR. ATTENDEE: That's the geology and then the
20 actual activities, which is predominantly residential.

21 MR. HOWELL: Want to see this picture -- Lynne,
22 you see that? Put off the lights real fast.

23 MR. BROWN: I've seen it already.

24 MR. HOWELL: You've seen it? Oh, you probably
25 sent it to me, yeah.

1 This -- this red stuff is chert. This black
2 stuff is chert that's full of manganese. It's all
3 chert. This is chert. That's -- This is chert.
4 That's chert. It's all chert. This has layers of
5 manganese that's been introduced into the chert, which
6 is a silica, like sand.

7 MR. BROWN: Okay. But I'm not going to argue
8 with you. Your map -- If you'd open up your map, you'd
9 see all the study, you know, where the hot spots are and
10 where they are not on Parcel A. You saying the dirt
11 came from up the hill.

12 MR. HOWELL: If anyone has other questions,
13 feel free to e-mail me. I'll be happy to answer them.

14 MR. MALOOF: Okay. We're down to subcommittee
15 reports. We have any subcommittee reports before we
16 end?

17 MR. HOWELL: I went over my time, huh?

18 Thanks for listening.

19 MR. MALOOF: It sounds like everyone was really
20 interested in what Bill had to say, so that's why we
21 went on.

22 DR. SUMCHAI: The Radiation Subcommittee, we're
23 going to set a meeting. We're going to give everyone an
24 opportunity, at least a two- or three-week opportunity,
25 to review the HRA. I understand from Mr. DeMars that

1 it's a 200-page document and, you know, technically
2 sophisticated.

3 And we'll try to set the meeting as soon as
4 possible. But I want to do something in April. There's
5 so many meetings going on in April that it, you know,
6 may -- may be self-defeating. But we'll -- we'll try to
7 do something maybe the third week in April, and I'll --
8 I'll contact and let everybody in the RAB know.

9 MR. MALOOF: Okay. Economic development?
10 Anything?

11 MS. RINES: Gone.

12 MR. TOMPKINS: He's gone.

13 MR. MALOOF: Okay. Any risk review?

14 MR. TOMPKINS: We'll deal with it for later.

15 MR. MALOOF: Great.

16 MR. TOMPKINS: Next time.

17 MR. MALOOF: Okay. Looks like the meeting is
18 adjourned.

19 (Off record at 8:49 p.m., 3/28/02.)

20 ---oOo---

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 _____ day of _____, ____.

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