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HUNTERS POINT SHIPYARD
RESTORATION ADVISORY BOARD

REPORTER'S TRANSCRIPT OF MEETING

September 25, 2003

Dago Mary's Restaurant
Hunters Point Shipyard, Building 916
Donahue Street at Hudson Avenue
San Francisco, California

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

===== ***** =====

NICCOLI REPORTING

619 Pilgrim Drive

Foster City, CA 94404-1707

(650) 573-9339

CERTIFIED SHORTHAND REPORTERS SERVING THE BAY AREA

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P A R T I C I P A N T S

FACILITATOR: MARSHA PENDERGRASS - Pendergrass &
Associates
CO-CHAIRS: KEITH FORMAN - United States Navy SWDIV
LYNNE BROWN - Communities for a Better
Environment (CBE), Community
First Coalition (CFC)

RAB MEMBERS

AMY BROWNELL - San Francisco Department of Public Health
BARBARA BUSHNELL - R.O.S.E.S., resident
MAURICE CAMPBELL - Business Development, Inc. (BDI);
Community First Coalition (CFC); New California Media;
NEW BAYVIEW NEWSPAPER
CHARLES L. DACUS, SR. - Hunters Point resident,
R.O.S.E.S.
MARIE J. FRANKLIN - Shoreview Environmental Justice
Movement Inc.
MARIE HARRISON - Communities for a Better Environment
(CBE), SAN FRANCISCO BAY VIEW, Greenaction
MITSUYO HASEGAWA - JRM Associates
CHEIN KAO - California Department of Toxic Substances
Control (DTSC)

1 RAB MEMBERS [Cont.]:
2
3 JACQUELINE ANN LANE - U.S. Environmental Protection
4 Agency (EPA)
5 LEA LOIZOS - Arc Ecology
6 KEVYN D. LUTTON - Resident
7 J. R. MANUEL - JRM Associates, India Basin resident
8 JULIE MENACK - San Francisco Bay Regional Water Quality
9 Control Board
10 JAMES MORRISON - Environmental Technology
11 GEORGIA OLIVA - Communities for a Better Environment
12 (CBE), CCA member
13 KAREN G. PIERCE - Bayview Advocates, BVHP Democratic
14 Club, BVHP Health & Environmental Assessment Program
15 MELITA RINES - India Basin Neighborhood Association
16 HARRY SHIN - Associated Builders
17 AHIMSA PORTER SUMCHAI - Bayview-Hunters Point Health &
18 Environmental Resource Center (HERC)
19 KEITH TISDELL - Hunters Point resident
20 RAYMOND TOMPKINS - Bayview-Hunters Point Coalition on
21 the Environment
22 MICHAEL WORK - U.S. Environmental Protection Agency (EPA)
23 LEILANI WRIGHT - JRM Associates

24 ---oOo---

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OTHER ATTENDEES

- ARVIND ACHARYA - Innovative Technical Solutions, Inc.
(I.T.S.I.)
- FABIAN C. BAILEY - Young Community Developers (YCD)
- JACQUELINE BISHOP - Young Community Developers (YCD)
- ANDREW L. BOZEMAN - Southeast Sector Community
Development Corporation
- PATRICK BROOKS - United States Navy
- PATRICIA BROWN - Shipyard artist
- RUSSELL BRUNO - Young Community Developers (YCD)
- KIZZY BUSBY - Young Community Developers (YCD)
- A. DON CAPOBRES - San Francisco Redevelopment Agency
- RICHARD J. CHIOZZA - Attorney, guest speaker
- DEBORAH CLARK - Katz & Associates
- PENINA S. COLEMAN - Young Community Developers (YCD)
- TOMMY CONLEY - Young Community Developers (YCD)
- FRANCISCO DA COSTA - Environmental Justice Advocacy
- DOUGLAS DAVENPORT - Tetra Tech EM Inc.
- LISA DAVIS - SAN FRANCISCO WEEKLY
- STEVE DELHOMME - Tetra Tech EM Inc.
- LETICIA DICKERSON - Young Community Developers (YCD)
- TORRIO DICKERSON - Hunters Point, Young Community
Developers (YCD)
- LEM DOZIER - Artist

1 OTHER ATTENDEES [Cont.]:

2

3 ALFONSO DURANTE - Young Community Developers (YCD)

4 ANGEL DURANTE - Young Community Developers (YCD)

5 STEVE EDDE - Innovative Technical Solutions, Inc.

6 (I.T.S.I.)

7 DARIO ELLINGTON - Young Community Developers (YCD)

8 ED ELLESTAD - San Francisco Police Department bomb squad

9 KOMISI FALANI - Hunters Point resident

10 DOMINIQUE FORKS - Resident

11 REBECCA FOX - Shipyard artist

12 CHRIS HANIF - Young Community Developers (YCD)

13 ARIEN HARRISON - Community member

14 BOB HOCKER - Lennar/Bayview-Hunters Point Team

15 LINDA HOPE - Shipyard artist

16 CAROLYN HUNTER - Tetra Tech EM Inc.

17 FENG JIN - Artist, sculptor

18 RAYMOND JONES - Young Community Developers (YCD)

19 RONALD WM. KEICHLINE - Innovative Technical Solutions,

20 Inc. (I.T.S.I.)

21 STEPHEN LA PLANTE - Mariner's Village resident

22 MARCUS LEWIS - Bayview-Hunters Point, Young Community

23 Developers (YCD)

24 JOHN LISKOWITZ - ARS Technologies

25 ALEX MacLEITCH - Shipyard artist

1 OTHER ATTENDEES [Cont.]:
2
3 CAPT. DENNIS MARTEL - San Francisco Police Department
4 CHARLES R. MAZOWIECKI - United States Navy
5 REMLEY D. McCRIGHT II - Young Community Developers (YCD)
6 PATRICIA McFADDEN - United States Navy
7 GREGORY McLIN - Young Community Developers (YCD)
8 DEBRA MOORE - Innovative Technical Solutions, Inc.
9 (I.T.S.I.)
10 DAVID NGUYEN - Young Community Developers (YCD)
11 LADALE K. NOA - Young Community Developers (YCD)
12 LOU SHAW OLIVER - Young Community Developers (YCD)
13 DeROYCE PRINCE - Young Community Developers (YCD)
14 OSCAR RAMIREZ - Young Community Developers (YCD)
15 STARVON REDWOOD - Young Community Developers (YCD)
16 DENNIS M. ROBINSON - Shaw Environmental &
17 Infrastructure, Inc.
18 JAMES ROBINSON - Young Community Developers
19 KAREN ROSEN - Point
20 MILDRED SAULS HARRIS - Resident
21 STEPHEN SCHOLTEN - Morgan Heights
22 ALONZO SIMPSON - Young Community Developers (YCD)
23 MEFIPOSETA (MURPHY) SIONE - Young Community Developers
24 (YCD)
25 La TANYA SPEARS - Young Community Developers (YCD)

1 OTHER ATTENDEES [Cont.]:

2

3 MIYA STANOFF - Hunters Point Shipyard Building 366

4 GLENN STARR - Foster Wheeler

5 PETER STROGANOFF - United States Navy ROICC Office

6 MARIA A. THOMAS - Young Community Developers (YCD)

7 LESTER VARGAS - Young Community Developers (YCD)

8 JASON WEBSTER - Shipyard artist

9 PETER WILSEY - San Francisco Department of Public Health

10 JACKIE WRIGHT - Pendergrass & Associates

11 ---oOo---

1 SAN FRANCISCO, CALIFORNIA, THURSDAY, SEPTEMBER 25, 2003

2 6:04 P.M.

3 ---oOo---

4 MS. PENDERGRASS: We need to call the meeting
5 to order. Tonight it's Thursday, the 25th of September.
6 Welcome, everybody, to the monthly Hunters Point
7 Shipyard Restoration Advisory Board meeting.

8 As always, what we're going to do is introduce
9 everybody that's in the room, get a chance to do that.
10 We're going to start with RAB members.

11 And if I could remind everybody to shut off
12 your cell phones if you possibly can, keep the side
13 conversations to a minimum, and speak very loud and

14 clear when you introduce yourself so that we can catch
15 your name by the reporter -- court reporter.

16 Okay? Are we ready?

17 MR. FORMAN: Yes.

18 MS. PENDERGRASS: All right. Why don't we
19 start right here?

20 MR. BROWN: My name is Lynne Brown, and I'm
21 co-chair of the Restoration Advisory Board.

22 MS. PENDERGRASS: Lynne Brown.

23 MR. FORMAN: My name is Keith Forman. I'm the
24 Navy co-chair of the Restoration Advisory Board, and I'm
25 the Navy's BRAC Environmental Coordinator for Hunters

1 Point.

2 MS. PENDERGRASS: Okay. Yes.

3 MR. BROOKS: I'm --

4 ATTENDEE: (Interrupting.)

5 MR. BROOKS: I'm Pat Brooks. I'm the Navy lead
6 Remedial Project Manager.

7 MS. WRIGHT: Leilani Wright, RAB member.

8 MR. WORK: Michael Work, U.S. EPA.

9 MR. DACUS: Charles L. Dacus, Sr., member of
10 RAB and also affiliated with ROSES.

11 MS. PENDERGRASS: Thank you.

12 MR. KAO: Chein Kao, DTSC.

13 MS. MENACK: Julie Menack, California Regional
14 Water Quality Control Board.

15 MS. M. HARRISON: Marie Harrison, RAB member,
16 SAN FRANCISCO BAYVIEW NEWSPAPER.

17 And just a personal statement: I believe it's
18 time to bring our boys home.

19 MS. RINES: Melita Rines, India Basin
20 Neighborhood Association, RAB member.

21 MR. TISDELL: Keith Tis- -- Keith Tisdell,
22 resident.

23 MR. SHIN: Harry Shin, local business
24 Associated Builders, RAB member.

25 MS. PENDERGRASS: Thank you, Mr. Shin.

1 Miss Wright?

2 MS. WRIGHT: Jackie Wright, Pendergrass &
3 Associates.

4 MR. KEICHLINE: Ronald Keichline, I.T.S.I.
5 community relations.

6 MS. RINES: Yea, Ron.

7 MS. PENDERGRASS: Welcome back, Ron.

8 MS. MOORE: Debra Moore, I.T.S.I.

9 MS. PENDERGRASS: Thank you, Debra.

10 MS. LOIZOS: Lea Loizos, Arc Ecology.

11 THE REPORTER: I can't --

12 MS. PENDERGRASS: A little louder.

13 MS. LOIZOS: Lea Loizos, Arc Ecology.

14 MS. PENDERGRASS: Thank you, Lea.

15 MR. CAMPBELL: Maurice Campbell, Community
16 First Coalition.

17 MS. PENDERGRASS: Thank you, Mr. Campbell.

18 MS. OLIVA: Georgia Oliva, Shipyard artist,
19 member of CBE and Coalitions First -- Community First
20 Coalition.

21 MS. PENDERGRASS: Thank you.

22 MR. BOZEMAN: Andrew Bozeman, Southeast Sector
23 Community Development Corp, sitting in for Lani Asher.

24 MS. PENDERGRASS: Thank you, sir.

25 MS. BROWNELL: Amy Brownell, San Francisco

1 Health Department.

2 MR. TOMPKINS: Raymond Tompkins,
3 Bayview-Hunters Point Coalition on the Environment.

4 MS. PENDERGRASS: Okay. We're going to start
5 over here. I'm Marsha Pendergrass and I'm facilitating
6 tonight.

7 We'll start back here.

8 MR. MAZOWIECKI: Charles Mazowiecki, Navy.

9 MR. CAPOBRES: Don Capobres, San Francisco
10 Redevelopment Agency.

11 MR. STARR: Glenn Starr, Foster Wheeler.

12 MS. FOX: Rebecca Fox, sculptor in Building 366
13 at the Shipyard.

14 MS. PENDERGRASS: Rebecca Foster?

15 MS. FOX: Fox.

16 MS. PENDERGRASS: Fox. Yes, ma'am.

17 MR. WEBSTER: Jason Webster, artist, Shipyard.

18 MS. PENDERGRASS: Thank you, Mr. Webster.

19 Yes, ma'am?

20 MS. STANOFF: Miya [inaudible].

21 THE REPORTER: Can't hear it.

22 MS. PENDERGRASS: What's the last name?

23 MS. STANOFF: Stanoff.

24 MS. PENDERGRASS: Skanhoff?

25 MS. STANOFF: Stanoff.

1 MS. PENDERGRASS: Standoff, okay. S-t-a-n- --
2 MS. STANOFF: -- -o-f-f.
3 MS. PENDERGRASS: -- -o-f-f. Got it.
4 MS. STANOFF: I'm artist in Building 366.
5 MS. PENDERGRASS: Thank you, ma'am.
6 MR. LISKOWITZ: John Liskowitz, ARS --
7 MS. PENDERGRASS: John -- how do you spell your
8 last name?
9 MR. LISKOWITZ: L-i-s-k-o-w-i-t-z.
10 MS. PENDERGRASS: Thank you, sir.
11 MR. LISKOWITZ: I'm a contractor working with
12 the Navy.
13 MS. PENDERGRASS: Contractor --
14 THE REPORTER: Contract- -- I can't hear it.
15 MS. PENDERGRASS: Contractor working with the
16 Navy.
17 MS. McFADDEN: Patricia McFadden. I'm with the
18 Navy's caretaker site office.
19 MS. PENDERGRASS: Patricia McFadden, heading up
20 the Navy's caretaker office? Thank you.
21 MR. EDDE: My name is Steve Edde, E-d-d-e. I
22 work for Innovative Technical Solutions, Incorporated,
23 I.T.S.I.
24 MS. PENDERGRASS: Thank you, Steve.
25 MS. BROWN: Patricia Brown, Shipyard artist.

1 MS. PENDERGRASS: Patricia Branch?
2 MS. BROWN: Brown.
3 MS. PENDERGRASS: Patricia Brown, Shipyard
4 artist.
5 Yes, ma'am.
6 MS. DAVIS: Lisa Davis, SAN FRANCISCO WEEKLY.
7 MS. PENDERGRASS: Yes, ma'am. And behind you
8 we missed a lady.
9 MS. HOPE: Linda Hope, Shipyard artist.
10 MS. PENDERGRASS: Linda Hope? Shipyard artist?
11 MS. HOPE: Yes.
12 MS. PENDERGRASS: Thank you.
13 Yes, sir.
14 MR. DOZIER: Lem Dozier, artist.
15 MS. PENDERGRASS: Lem Dozier. Thank you.
16 MR. MacLEITCH: Alex MacLeitch, artist,
17 Building 366.
18 MS. PENDERGRASS: Thank you.
19 MR. JIN: Feng Jin, artist, sculptor
20 [inaudible].
21 MS. PENDERGRASS: Okay. State your name again.
22 MR. JIN: F-e-n-g state address [inaudible].
23 MS. PENDERGRASS: Did you get that, Christine?
24 THE REPORTER: I didn't get it. Sign in.
25 MR. JIN: F-e-n-g, Feng, F-e-n-g.

1 MS. PENDERGRASS: F-e-n-g.
2 MR. JIN: Yeah.
3 MS. PENDERGRASS: Okay.
4 MR. JIN: Jin is J-i-n.
5 MS. PENDERGRASS: J-i-n. Okay. Got it.
6 MS. LANE: Jackie Lane, community involvement,
7 EPA.
8 MS. PENDERGRASS: Jackie Lane.
9 MR. ELLESTAD: Ed Ellestad, SFPD bomb squad.
10 MS. PENDERGRASS: Can you spell your last name,
11 sir?
12 MR. ELLESTAD: E-l-l-e-s-t-a-d.
13 MS. PENDERGRASS: And I can remind everybody,
14 you can sign in. That would be really great.
15 Yes. Sorry.
16 CAPT. MARTEL: Good evening. I'm Captain
17 Dennis Martel, police department, Special Operations
18 Division.
19 MS. PENDERGRASS: Thank you.
20 MR. ROBINSON: Dennis Robinson, Shaw
21 Environmental, Inc.
22 MS. PENDERGRASS: Thank you.
23 MR. DA COSTA: Francisco Da Costa, director
24 Environmental Justice Advocacy.
25 MS. PENDERGRASS: Thank you.

1 And if we could start with the fellow in the
2 gray, back here, please.

3 MR. DELHOMME: Steve Delhomme, Tetra Tech.

4 MS. PENDERGRASS: Steve . . . ?

5 MR. DELHOMME: Delhomme.

6 MS. PENDERGRASS: Delone [phonetic]? Tetra
7 Tech. Thank you.

8 MR. ACHARYA: Arvind Acharya, I.T.S.I.

9 MS. PENDERGRASS: Okay. Thank you, Arvind.

10 MR. DAVENPORT: Doug Davenport with Tetra Tech.

11 MS. PENDERGRASS: Thank you, Doug.

12 All right. We'll start in the side. Are there
13 any other new RAB members that came in? No.

14 MR. ATTENDEE: Yeah. Barbara just came in.

15 MS. PENDERGRASS: Who came in?

16 MR. BROWN: Barbara.

17 MR. ATTENDEE: Barbara and James.

18 MR. BROWN: Barbara and James.

19 MS. PENDERGRASS: Okay. Well, we'll get them
20 when they sit down.

21 Yes, sir.

22 MR. BAILEY: Hi. My name is Fabian Bailey.
23 I'm a formal participant in YCD.

24 MS. PENDERGRASS: Fabian --

25 MR. BAILEY: -- Bailey.

1 MS. PENDERGRASS: Bailey, and you're with YCD.

2 MR. BAILEY: Yes, ma'am.

3 MS. PENDERGRASS: Thank you.

4 MS. THOMAS: Hi. I'm Maria Thomas. I'm a
5 resident of the Bayview-Hunters Point.

6 MS. PENDERGRASS: Maria Tomason?

7 MS. THOMAS: Yes -- Thomas.

8 MS. PENDERGRASS: Thomas.

9 MS. THOMAS: Yes. And I'm also with the
10 environmental program with Young Community Developers.

11 MS. PENDERGRASS: Thank you.

12 Yes, ma'am.

13 MS. COLEMAN: Hi. My name is a Penina Coleman.

14 MS. PENDERGRASS: Bayleena?

15 MS. COLEMAN: Yes.

16 MS. PENDERGRASS: Kuhlmann?

17 MS. COLEMAN: Yes.

18 MS. PENDERGRASS: Thank you.

19 MS. COLEMAN: I'm from [inaudible] YCD, and I'm
20 the [inaudible] . . .

21 THE REPORTER: I can't hear.

22 MS. PENDERGRASS: You're with YCD?

23 MS. COLEMAN: Yes.

24 MS. PENDERGRASS: Thank you.

25 MS. COLEMAN: You're welcome.

1 MR. SIONE: My name is Murphy Sione.
2 MS. PENDERGRASS: Murphy? What's the last
3 name?
4 MR. SIONE: Sione.
5 MS. PENDERGRASS: Spell it.
6 MR. SIONE: Sione.
7 MS. PENDERGRASS: Sione.
8 MR. SIONE: Yes.
9 MS. PENDERGRASS: Okay.
10 MR. SIONE: Resident of Hunters Point, and I'm
11 member of YCD.
12 MS. PENDERGRASS: Thank you, sir.
13 MR. CONLEY: My name is Tommy Conley
14 MS. PENDERGRASS: Tommy?
15 MR. CONLEY: Yes.
16 MS. PENDERGRASS: Conley?
17 MR. CONLEY: Conley.
18 MS. PENDERGRASS: Okay.
19 MR. CONLEY: Resident of San Francisco
20 representing YCD.
21 MS. PENDERGRASS: Thank you, sir.
22 MR. FORKS: Dominique Forks, resident.
23 MS. PENDERGRASS: Dominique --
24 MR. FORKS: Forks.
25 MS. PENDERGRASS: -- Fork?

1 MR. FORKS: Forks.

2 MS. PENDERGRASS: Okay.

3 MR. ATTENDEE: Forks.

4 MS. PENDERGRASS: Forks. Okay. Thank you.

5 She's trying to wr- -- spell it, so that is why

6 I'm repeating it just so that she can get it. Okay.

7 And you're with?

8 MR. FORKS: San Francisco resident, YCD.

9 MS. PENDERGRASS: Okay, resident and YCD.

10 Thank you.

11 MR. SIMPSON: Alonzo Simpson.

12 MS. PENDERGRASS: Alonzo -- what's the last

13 name?

14 MR. SIMPSON: Simpson.

15 MS. PENDERGRASS: Simpson.

16 MR. SIMPSON: San Francisco resident, YCD.

17 MS. PENDERGRASS: Thank you, sir.

18 MR. HANIF: Chris Hanif, Young Community

19 Developers program coordinator.

20 MS. PENDERGRASS: Chris Honey?

21 MR. HANIF: Hanif, H-a-n-i-f.

22 MS. PENDERGRASS: Thank you, sir.

23 MR. RAMIREZ: Oscar Ramirez, San Francisco

24 resident, YCD.

25 MS. PENDERGRASS: Okay. That was Oscar

1 Ramirez.

2 Yes, sir.

3 MR. FALANI: Komisi Falani for Hunters Point
4 resident with YCD.

5 MS. PENDERGRASS: And Otis? Did I get that
6 wrong? What --? Say it again, your name again.

7 MR. FALANI: Komisi, Komisi Falani.

8 MS. PENDERGRASS: Ma- -- Macy Falani.

9 MR. FALANI: Komisi.

10 MS. RINES: Komisi.

11 MS. PENDERGRASS: I'm butchering it. Okay. I
12 can't hear it back over here, so I know that she's
13 having trouble too. Okay.

14 Yes, sir.

15 MR. HOCKER: Bob Hocker, Lennar-BVHP.

16 MS. PENDERGRASS: Okay.

17 MR. WILSEY: Peter Wilsey, San Francisco
18 Department of Public Health.

19 MS. PENDERGRASS: Thank you.

20 MS. A. HARRISON: Arien Harrison, community
21 member.

22 MS. CLARK: Deborah Clark, Katz & Associates.

23 MS. PENDERGRASS: Okay, Miss Clark. Thank you.

24 MR. McCRIGHT: Remley McCright, Young Community
25 Developers.

1 MS. PENDERGRASS: You're going to have to say
2 it again.

3 MR. McCRIGHT: Remley McCright with Young
4 Community Developers.

5 MS. PENDERGRASS: Remley McCright.

6 MR. McCRIGHT: Yes.

7 MS. PENDERGRASS: Thank you, sir.

8 MR. McLIN: Gregory McLin.

9 MS. PENDERGRASS: Gregory McLin.

10 MR. McLIN: Right.

11 MS. PENDERGRASS: Thank you, sir.

12 MR. McLIN: YCD.

13 MS. PENDERGRASS: YCD. Thank you.

14 MS. BUSBY: Kizzy Busby, representative of YCD.

15 MS. PENDERGRASS: Kizzy Busby?

16 MS. BUSBY: Yes.

17 MS. PENDERGRASS: Thank you, ma'am.

18 MR. JONES: Raymond Jones, YCD.

19 MS. PENDERGRASS: Raymond Jones, YCD.
20 Yes, sir.

21 MR. OLIVER: Lou Shaw Oliver, participant in
22 YCD.

23 MS. PENDERGRASS: Brewchard Jones?

24 MR. OLIVER: No. Lou Shaw Oliver.

25 MS. PENDERGRASS: Lou Shaw Oliver.

1 MR. OLIVER: Yes.

2 MS. PENDERGRASS: Okay. Thank you.

3 MR. PRINCE: DeRoyce Prince, YCD.

4 MS. PENDERGRASS: Je- -- Je- -- Say it again.

5 MR. PRINCE: DeRoyce.

6 MS. PENDERGRASS: Je- --

7 MS. ATTENDEE: DeRoyce.

8 MS. PENDERGRASS: DeRoyce.

9 MR. PRINCE: DeRoyce.

10 MS. PENDERGRASS: Prince.

11 MR. PRINCE: Yes.

12 MS. PENDERGRASS: Thank you, sir.

13 MR. REDWOOD: Starvon Redwood --

14 MS. PENDERGRASS: Starvon?

15 MR. REDWOOD: -- representing YCD.

16 MS. SPEARS: La Tanya Spears representing YCD.

17 MS. PENDERGRASS: Tanya Spears. Thank you,

18 ma'am.

19 Yes, sir.

20 MR. DURANTE: Angel Durante, member of YCD.

21 MS. PENDERGRASS: A- -- Angel -- what's the

22 last name?

23 MR. DURANTE: Durante.

24 MS. PENDERGRASS: Spell it.

25 MR. DURANTE: D-u-r-a-n-t-e.

1 MS. PENDERGRASS: Durante. Thank you.

2 MR. VARGAS: Lester Vargas, YCD.

3 MS. PENDERGRASS: Lester Vargas. I got that
4 one. Okay.

5 Yes, sir.

6 MR. DURANTE: Alfonso Durante, YCD.

7 MS. PENDERGRASS: Thank you.

8 MR. ELLINGTON: Dario Ellington, YCD.

9 MS. PENDERGRASS: Dari- -- what's the first
10 name?

11 MR. ELLINGTON: Dario.

12 MS. PENDERGRASS: Dario Ellington. Okay.

13 MS. BISHOP: Jacqueline Bishop, resident and
14 participating in YCD.

15 MS. PENDERGRASS: All right. Thank you so
16 much.

17 Anyone new around the table that we did --?

18 Yes, ma'am.

19 MS. BUSHNELL: Barbara Bushnell, RAB and ROSES
20 and resident.

21 MS. PENDERGRASS: Thank you.

22 MR. MORRISON: James Morrison, private
23 citizen --

24 MS. PENDERGRASS: Thank you --

25 MR. MORRISON: -- Bayview-Hunters Point.

1 MS. PENDERGRASS: -- Mr. Morrison.

2 Did we get Michael? Let's see. Anybody else

3 that came to the table? Anybody else new over here?

4 MR. ROBINSON: James Robinson, YCD.

5 MS. PENDERGRASS: James Robinson, YCD.

6 MR. LEWIS: Marcus Lewis representing

7 Bayview-Hunters Point and YCD.

8 MS. PENDERGRASS: Marcus Lewis. Thank you so

9 much.

10 MR. DICKERSON: Torrio Dickerson representing

11 Hunters Point and YCD.

12 MS. PENDERGRASS: Thank you.

13 MS. DICKERSON: Leticia Dickerson representing

14 YCD.

15 MS. PENDERGRASS: Thank you.

16 MR. BRUNO: Russell Bruno, YCD.

17 MS. PENDERGRASS: Okay.

18 MR. NOA: Ladale Noa, resident, YCD.

19 MS. PENDERGRASS: Say your name again.

20 MR. NOA: Ladale Noa.

21 MS. PENDERGRASS: Ladelle?

22 MR. NOA: (Nods.)

23 MS. PENDERGRASS: Okay. All right. Got

24 everybody? Anybody else? Yes?

25 MR. NGUYEN: David Nguyen representing YCD.

1 MS. PENDERGRASS: Anybody else?

2 All right. We've got a packed house today.

3 We've got quite a few people in the audience today.

4 MR. TISDELL: Very good.

5 MS. PENDERGRASS: Welcome, everybody.

6 Let me tell you a little bit about how this is
7 going to go tonight. We've got quite a few things to
8 get through tonight. We've got a couple of unexpected
9 things tonight.

10 So at this point, we need to approve the
11 minutes. Have we --? Has everybody had a chance to
12 look at the minutes?

13 MR. TOMPKINS: Separating the minutes from the
14 agenda, correct?

15 MS. PENDERGRASS: Right now we're doing the
16 minutes. That's the first thing we're going to do is
17 the minutes. And then we're going to move into the

18 agenda. Okay.

19 So is everybody --? I don't hear any motions
20 on the floor.

21 MR. TISDELL: What?

22 MS. RINES: I put a motion to accept the
23 minutes as is.

24 MR. TISDELL: Second.

25 MS. BUSHNELL: Second.

1 MS. PENDERGRASS: Okay. We've got a motion
2 from Ms. Rines to accept the minutes. We have a second.

3 All in favor of accepting the minutes from the
4 August 28th meeting as they are printed here in favor,
5 say, "Aye."

6 THE BOARD: Aye.

7 MS. PENDERGRASS: Anybody opposed? Anybody
8 abstaining?

9 MS. BUSHNELL: I wasn't here, so . . .

10 MS. PENDERGRASS: One abstention?

11 Okay. So the minutes have been approved.

12 Okay. Before we get into our action items,
13 maybe we need to talk a little bit about the agenda.

14 Mr. Brown, were there some things on the agenda
15 that needed to be on the agenda, or what did you want to
16 do?

17 MR. BROWN: Yes. Tonight I'd like to make a
18 motion that extend the meeting until 8:30. For one
19 thing, Mr. Manuel will be bringing in the attorney to
20 talk about the removal of the radium dials. Remember,
21 he said he's going to bring him in?

22 And another thing, Mr. Tompkins wanted -- was
23 on the action item to talk about this 30-day transfer
24 and have those -- Lennar do the --

25 MR. FORMAN: Mm-hmm.

1 MR. BROWN: -- cleanup.

2 MS. PENDERGRASS: Which one is that?

3 MR. BROWN: Ask --

4 MR. TOMPKINS: What was happening [inaudible].

5 MS. PENDERGRASS: You need to speak up.

6 MR. TOMPKINS: What is happening a couple of
7 meetings that it was brought up to my attention by
8 representatives that there's a 30- -- there's a proposal
9 on the table for a 30-day turnover -- quick deed
10 turnover, and Lennar takes the lead point on the
11 cleanup.

12 I have a real problem with that. If that was
13 the case, I felt that this committee should have been
14 informed. And in previous meetings, Lennar said they do
15 not have the background -- all three bidders at the time
16 when we met on 1400 F had no background in cleaning up.
17 That's something I'd like to discuss what's going on to
18 have it cleared up.

19 MR. FORMAN: I don't think we should discuss it
20 because I've never heard of it, and I -- and if I've
21 never of it, chances are it's total fiction.

22 MR. TOMPKINS: Well, it came --

23 MR. FORMAN: I've never heard of that. Never
24 heard --

25 MR. TOMPKINS: It came from Lennar and also the

1 city officials.

2 ATTENDEE: Do you have some documentation?

3 MR. TOMPKINS: No.

4 MS. PENDERGRASS: No. What we need to do is
5 decide whether or not this is going to be an action item
6 on the agenda. Excuse me, gentlemen. We need to decide
7 whether or not this is going to be on the agenda tonight
8 or whether or not we are going to table this and
9 continue it to the next meeting.

10 MR. FORMAN: Mr. Tompkins, could we talk so I
11 understand exactly --

12 MR. TOMPKINS: Right.

13 MR. FORMAN: -- 'cause I've never heard of what
14 you spoke of the way -- at least the way I --

15 MS. PENDERGRASS: And Mr. Tompkins, are you
16 requesting time on the agenda?

17 MR. TOMPKINS: Still, yes.

18 MS. PENDERGRASS: To talk about this
19 particular --?

20 MR. TOMPKINS: In fact time -- since Keith is
21 going to address the issue at between 6:40 and 6:50
22 dealing with the fires, I like then to discuss other
23 issues at that time on the fire.

24 MR. FORMAN: Oh.

25 MR. TOMPKINS: Tending your report and then

1 I'll entertain at that time. Is that okay?

2 MR. BROWN: The motion is still on the floor.

3 MS. PENDERGRASS: Okay. The motion is still on
4 the floor. There's --

5 MR. RAB MEMBER: Second.

6 MS. PENDERGRASS: -- any other discussion about
7 that before --? We do have a second. Is there any
8 other --?

9 RAB MEMBER: Third.

10 MS. PENDERGRASS: And a third.

11 Do we have any other discussion about it? So
12 the two things that would be -- one thing that would be
13 added to the agenda is --

14 MR. BROWN: J. R. --

15 MS. PENDERGRASS: Okay.

16 MR. BROWN: -- and the attorney talking about
17 the --

18 MR. FORMAN: IR-02 RAD dial removals.

19 MS. PENDERGRASS: Okay. Very good. IR-0 RAD
20 2 --

21 MR. FORMAN: IR-02 radium dial removals.

22 MS. PENDERGRASS: Perfect. Okay. So we'll
23 extend the meeting and add that.

24 So all in favor of doing that and adding that
25 to the agenda, say, "Aye."

1 THE BOARD: Aye.

2 MS. PENDERGRASS: Anybody opposed?

3 MR. RAB MEMBER: No.

4 MS. PENDERGRASS: Anybody abstaining from that?

5 Okay. The ayes have it. We will adjourn

6 tonight at 8:30. What that will do is that we will have

7 to have a break, and we will have to have a second break

8 in order to give our reporter a chance to rest her

9 fingers. Okay?

10 So let's move along at this point and cover the

11 action items, make sure we cover these.

12 MS. M. HARRISON: Excuse me. A point of

13 clarification. Was the other item that -- that Ray

14 wanted to address, was that tabled?

15 MR. TOMPKINS: It was tabled that Keith and I

16 will discuss, and then the other issue when Keith makes

17 the report; I'll be given the opportunity to speak at

18 that point.

19 MS. M. HARRISON: Okay.

20 MR. TOMPKINS: So it's on the same topic.

21 MS. PENDERGRASS: Very good. And it sounds

22 like we have a -- a little bit of a -- we must have some

23 issues that will be discussed from the community

24 tonight, I'm assuming. So we will try to get some

25 comment in at the end so we can move through quickly

1 here. Will appreciate it.

2 Carry-over items are: Navy to invite Sergeant
3 Mark Potter from the SFPD to give presentation at the
4 September RAB to address why SFPD is conducting
5 maneuvers on Parcel A.

6 It's my understanding they are on the agenda
7 today?

8 MR. FORMAN: Yes, not -- Sergeant Mark Potter
9 himself couldn't make it, but we have Lieutenant and
10 then Mr. El- -- Ellestad here.

11 MS. PENDERGRASS: They will -- they will
12 address this issue?

13 MR. FORMAN: Yes.

14 MS. PENDERGRASS: Okay. That is on our agenda
15 tonight, so that is no longer on our action item list.

16 [Reading]: Number 2, Michael Work to research
17 potential hazards posed by the detonation of ammunition,
18 specifically potential for toxic contaminants to become
19 airborne as a result of those detonations.

20 MR. WORK: Actually, I had a slightly different
21 interpretation of this action item, and that was to find
22 out whether or not there was any contamination --

23 MS. PENDERGRASS: Okay.

24 MR. WORK: -- potential in the area of
25 contamination.

1 MS. PENDERGRASS: Are you prepared tonight to
2 report on that, or is that something you want to be
3 placed on the agenda? What --? How do you want to
4 handle that?

5 MR. WORK: I do have some information on this.

6 The Navy provided me with a very good map of
7 the area of detonation. In fact, I don't know if people
8 are interested, but I was told it would be available
9 tonight to be projected.

10 I took the map, and I pulled a document from
11 '98 called the Basewide Environmental Baseline Survey.

12 The Navy can jump in at any time if my
13 information is dated.

14 This is an area that was identified as a IR-17.
15 It was a Triple A site, No. 10 and 11. Triple A was a
16 lessee.

17 There were some actions that took place at this
18 site in '66 to '88 time frame, according to the baseline
19 survey. And let's see. During this time frame, stained
20 soil was consolidate to piles and removed. Currently --
21 and this is again, remember, in '98. Currently minor
22 soils staining is visible, and some industrial debris
23 remains at the site.

24 This site was not proposed for any action in
25 the Parcel D Record of Decision. I think that's an

1 important point to make here.

2 So that's -- that's the information I was able
3 to pull together in this -- for this area when that took
4 place.

5 MS. PENDERGRASS: Any questions about that
6 information?

7 Yes, sir.

8 MR. BOZEMAN: Is there any conclusion drawn
9 from the information that he gathered?

10 MS. M. HARRISON: I could barely hear you.

11 MR. BOZEMAN: Is there any conclusion to be
12 drawn from the information gathered?

13 MR. BROWN: Right.

14 MR. BOZEMAN: Because all he's done is stated
15 the information at this point.

16 MR. BROOKS: I think the conclusion could be
17 drawn that the detonation didn't occur in the
18 contaminated area.

19 MS. OLIVA: Pardon me?

20 MR. BROOKS: There's some industrial debris,
21 but it wasn't an area identified as having contamination
22 and would require further action.

23 So --

24 MS. OLIVA: All right.

25 MR. BROOKS: -- the detonation didn't occur in

1 an area where there was contamination.

2 MS. PENDERGRASS: All right. That satisfies
3 that action item?

4 All right. Any other discussion?

5 MR. BROWN: Not really.

6 MS. M. HARRISON: I think we have a question
7 here.

8 Keith?

9 MR. TISDELL: What?

10 MS. PENDERGRASS: Is there a question?

11 MS. M. HARRISON: Do you have a question to
12 that?

13 MR. TISDELL: My question -- it all come
14 together.

15 MS. M. HARRISON: Okay.

16 MR. TISDELL: I'm just -- I'm just waiting.

17 MS. PENDERGRASS: Okay. So is it okay with
18 this group to take this off as an action item? Okay. I
19 didn't hear anything --

20 MR. TISDELL: No.

21 MR. BROWN: No.

22 MS. PENDERGRASS: No what?

23 MR. BROWN: We don't want you to take it off
24 from a action item, because what they done --

25 MR. TISDELL: It may not be satisfied tonight.

1 MR. BROWN: Right.

2 MS. PENDERGRASS: Okay. So in order for this
3 to remain an action item, since Mr. Work has already
4 made a report, given the information that he thinks
5 satisfies this item, either there needs to be some
6 clarification to keep the item on, or there needs to be
7 another action item.

8 MR. BROWN: First may I say this, Marsha?

9 MS. PENDERGRASS: Yes, ma'am. Yes, sir.

10 MR. BROWN: They should hash it out -- get that
11 information to the RAB members, because we haven't seen
12 anything.

13 MS. PENDERGRASS: Is there a request, then, for
14 this to be in writing?

15 MS. M. HARRISON: I -- I -- Can I make that
16 request, then? I'll -- I'll -- I'll lead to
17 Mr. Tompkins.

18 MR. TOMPKINS: I would ask that the report be
19 submitted to the subcommittees for their review and
20 evaluation and then be submitted to the Board at the
21 next meeting. So that would give time for both EPA for
22 any additional information to come forth that report be
23 submitted to the subcommittees for review and --

24 MR. FORMAN: Which subcommittees, Ray?

25 MR. TOMPKINS: The Technology --

1 MR. FORMAN: Oh.

2 MR. TOMPKINS: -- Technology & Risk
3 Assessment --

4 MR. FORMAN: All right.

5 MR. TOMPKINS: -- Risk Review, since this
6 affects both.

7 MS. PENDERGRASS: Well, we need agreement from
8 Mr. Work with that.

9 MR. WORK: Oh, that's fine. I -- in fact, I
10 can give you -- I had copied some of the pictures out of
11 the document. I can give that to you tonight.

12 MS. PENDERGRASS: All right.

13 MR. TOMPKINS: Later, you know, so we get a
14 full report, then really look at it --

15 MS. PENDERGRASS: Okay.

16 MR. TOMPKINS: -- do justice with it.

17 MR. BROWN: May I say something? Can we get a
18 copy of the whole -- the full document?

19 MR. WORK: It's two volumes. Each one's
20 about --

21 MR. BROWN: Well, we --

22 MR. WORK: -- 4 inches thick.

23 MR. BROWN: -- we see them all. We have seen
24 them all, Mike, you know, that we have volumes and
25 volumes of. Can we get a copy of the whole document?

1 You can put it on pdf file and send it out.

2 MR. WORK: It's -- Given the size of this
3 document, EPA would request that the Navy provide a
4 copy.

5 MS. BROWNELL: The Navy's document.

6 MR. TISDELL: The Navy do what?

7 MS. M. HARRISON: Provide a document.

8 MS. PENDERGRASS: Okay. At this -- at this --
9 at this point, we -- we have something that's just kind
10 of floundering here, and that is a request to have the
11 information sent to the RAB.

12 You're saying you have the information. You're
13 not willing to copy it because it's -- it's vol- --
14 voluminous.

15 So at this point, what we need to do is refer
16 this back to the Navy in terms of giving this to
17 Mr. Keichline to figure out some way to disseminate.

18 MR. TOMPKINS: Just one copy.

19 MS. PENDERGRASS: So, I mean, either we can
20 pick it up and -- and make the copies for you so you
21 don't have to do any copying at all, Mr. Work.

22 MR. WORK: Right. I don't know -- I don't know
23 that it's not available now in the library. And I can
24 make arrangements for somebody to view it at EPA's
25 office, but we're not willing to make a copy of this

1 document.

2 MS. PENDERGRASS: Okay. Yes. So can we move
3 on from this topic?

4 Yes?

5 MR. TOMPKINS: Clarity, please.

6 MS. PENDERGRASS: Yes.

7 MR. TOMPKINS: We would, Mike, please, to give
8 summary of a review and then points within the document
9 if you could highlight it whatever way just points.

10 MR. WORK: Got it right here.

11 MR. TOMPKINS: Beautiful.

12 MS. PENDERGRASS: Okay.

13 MR. TOMPKINS: And then we -- just one copy.

14 MS. PENDERGRASS: All right.

15 MR. TOMPKINS: Needs one, not two or three.

16 MR. FORMAN: What I think we could do is: I
17 think you were on -- on -- in the right direction here.
18 Ron Keichline, who -- who does the upkeep on the IR
19 library at the Anna Waden Library on Third St- -- Third,
20 go ahead and check and see that that document's there,
21 okay?

22 MR. KEICHLINE: Okay.

23 MR. FORMAN: And if it's not there, we'll get a
24 new copy then.

25 MS. PENDERGRASS: Okay. Very good. All right.

1 So that's the -- that is an -- an action item to make
2 sure that that's in the library.

3 Mr. Keichline, you'll -- you'll be requested to
4 report at the next meeting that that is actually there
5 at the library.

6 MR. KEICHLINE: Yeah.

7 MS. PENDERGRASS: Okay?

8 Does that satisfy you, Mr. Tompkins?

9 MR. TOMPKINS: Yes.

10 MS. PENDERGRASS: Okay. Very fine.

11 Thank you, Mr. Work.

12 All right. So that is off the action item list
13 at this point.

14 New items was: The SFRA to provide copies of
15 the SFPD Lease Agreement to the RAB, and Don Capobres is
16 supposed to handle that.

17 Is that being handled? You can't get out.

18 Can you move over just a little bit? Thanks.
19 appreciate it. Okay.

20 MR. CAPOBRES: Don Capobres, San Francisco
21 Redevelopment Agency.

22 I didn't realize how thick the actual lease was
23 between the SFPD and the Redevelopment Agency, but I do
24 have five copies of the full lease and all attachments
25 here available for the RAB. I also had staff do a lease

1 abstract, which on two pages summarizes the key terms of
2 the lease.

3 I thought I had a lot of copies of that with
4 me, but I don't have that. So if anyone's interested in
5 a full copy of the lease or the lease abstract, I'm
6 available at 749-2400, or indicate to me during the
7 break if you're interested in that.

8 It may come to a point if there's a lot of
9 requests for the full document, then we need to turn to
10 the Navy for some help on the copying of that. But
11 there are five -- five full copies there and a really
12 good lease abstract that someone can leaf through.

13 MS. M. HARRISON: Excuse me, Don. I believe
14 that I -- I personally asked for a copy of that.

15 MS. PENDERGRASS: Okay. There's five copies
16 here tonight.

17 MS. M. HARRISON: I'm --

18 MS. PENDERGRASS: And -- and what -- it's not a
19 problem to get additional copies of that. It just may
20 not be for everybody tonight.

21 So if -- if the requestors can see Ron in order
22 to get the copy tonight and then make sure you retain
23 one, and anyone else you can make sure that they get a
24 copy of that, or it's in the library or whatever you
25 need to do. Does that make sense?

1 MR. BROWN: Yes, that's right.

2 MS. PENDERGRASS: Okay.

3 MR. BROWN: That's what I was going to say.

4 MS. PENDERGRASS: It needs to be in the
5 library.

6 Yes, Ron?

7 MR. KEICHLINE: Karen Pierce suggested that the
8 subcommittee leaders get copies of these.

9 MS. PENDERGRASS: Okay.

10 MR. KEICHLINE: Would that be okay with the RAB
11 at this point?

12 MS. PENDERGRASS: There's four subcommittees.
13 So if -- if each subcommittee leader gets it, and then
14 that way you can -- and then one would be in the
15 library? Does that make sense?

16 MR. FORMAN: Yes. Yeah.

17 Ron, if you could -- if you could have a copy
18 of that lease and put it at the Anna Waden Library, that
19 would be another good way to make sure that it's there
20 for all kinds of people to look at.

21 MS. PENDERGRASS: All right.

22 MS. M. HARRISON: Excuse me.

23 MS. PENDERGRASS: Yes, ma'am.

24 MS. M. HARRISON: I'm going to restate this
25 again. I -- I actually have a job that actually

1 requires me to be out of the community a great deal; and
2 by the time I'm back over here, the library is usually
3 closed.

4 So I'm going to make this request again. I'd
5 like to have a copy. That does not exclude you from
6 putting a copy in the library or giving the
7 subcommittees a copy, which should happen anyway.

8 MS. PENDERGRASS: Ms. Harrison, Mr. Capobres
9 will make sure that you have one --

10 MS. M. HARRISON: I thank you kindly.

11 MS. PENDERGRASS: All right. Very good. We
12 will remove that from our action item list as well.

13 "Navy to contract the SF Fire Department and
14 Local Federal Fire Department to obtain copies of the
15 fire reports related to the detonation on Parcel A."

16 And Mr. Forman, you were going to handle that?

17 MR. FORMAN: Actually, Mr. Brooks is ha- --
18 Mr. Brooks is going to handle that.

19 MS. PENDERGRASS: Okay. Okay.

20 MR. BROOKS: And we can talk about that during
21 the --

22 MR. FORMAN: He's going to talk about that at
23 6:40.

24 MS. PENDERGRASS: Okay. Very good. So we're
25 going to hold that.

1 Number 3 was: The Navy to report back to the
2 RAB regarding recommendations that air quality samples
3 be collected at all future Hunters Point Shipyard fires.

4 Are you going to handle that as well,
5 Mr. Brooks?

6 MR. BROOKS: Would you read that again.

7 MS. PENDERGRASS: The Navy to report back to
8 the RAB regarding their recommendation that air quality
9 samples be collected for all future Hunters Point
10 Shipyard fires.

11 MR. BROOKS: Still under evaluation. We should
12 carry that one over for the next RAB.

13 MS. PENDERGRASS: So you will have it --

14 MS. OLIVA: Could you speak up?

15 MS. PENDERGRASS: -- for the next RAB?

16 MS. M. HARRISON: I didn't hear him.

17 MS. PENDERGRASS: He said if he -- He asked if
18 it could be carried over to the next meeting because he
19 didn't have the information tonight.

20 Mr. Brooks, is that all right with you?

21 MR. BROOKS: Yes.

22 MS. PENDERGRASS: Okay.

23 MR. BROOKS: That's my recommendation.

24 MS. PENDERGRASS: All right. So this one
25 will -- No. 3 will be added to the October RAB meeting.

1 And, Mr. Brooks, your name will be on that one directly,
2 okay?

3 MR. BROOKS: Very good.

4 MS. PENDERGRASS: Okay.

5 Then the final action item to be followed up on
6 was the half-life of radium-226; and the resolution on
7 that, was that 1600 years? Who's handling that one?

8 MS. SUMCHAI: I actually thought it was only
9 1,300 years.

10 MS. ATTENDEE: 360.

11 MS. PENDERGRASS: Okay. So is this satisfied
12 in terms of --?

13 Dr. Sumchai, is it --?

14 MS. SUMCHAI: No. Actually, I am wrong. It is
15 1600 years.

16 MS. PENDERGRASS: Okay. So that is correct,
17 then. Okay. So that information is complete.

18 MR. BROWN: Right.

19 MS. PENDERGRASS: All right. Thank you all for
20 your patience on that. We're going to now move to
21 announcements by the co-chairs.

22 MR. BROOKS: Michael?

23 MR. FORMAN: I'll go first.

24 MS. PENDERGRASS: Yes.

25 MR. FORMAN: Okay. Some quick announcements

1 here.

2 One of the new things you notice is -- that we
3 talked about is that we want to make sure -- this is
4 brought to us by some of the RAB members. I personally
5 happen to agree with this, that we'll have the names
6 from now on, make sure that your correct affiliation is
7 by your name on the name tents here on the table.

8 Keep in mind that the Membership & Bylaws
9 Committee is now called the Membership, Bylaws &
10 Community Outreach Committee. So I believe I'm going to
11 be invited and the rest of the Navy team's going to be
12 invited much more often because of that.

13 One of the things that I'd like to propose here
14 tonight is that we at the next Membership, Bylaws &
15 Community Outreach Subcommittee start talking about the
16 Community Notification Plan update. I think that would
17 probably be the -- the perfect subcommittee to discuss
18 that topic on.

19 So I invite everybody to the next subcommittee
20 meeting, and I believe that will be posted later on by
21 the -- the co-chair.

22 MR. TISDELL: October 7th.

23 MR. FORMAN: October 7th?

24 MS. RINES: No. 14th.

25 MR. FORMAN: October 14th. Okay.

1 And then October 14th Mr. Tisdell, Ms. Rines,
2 if we could talk about the Community Notification Plan,
3 that would be great.

4 Couple of upcoming dates.

5 Here at Dago Mary's, September 30th, I'll be
6 back here. We will have another public meeting.

7 We committed to you to have a public meeting on
8 the five-year ROD review document that the Navy put out.
9 And we are going to have a public meeting there, and we
10 will have a recorder with us. It will be a formal
11 meeting. We will give presentations, and we will
12 entertain questions on that document. There was quite a
13 bit of interest in that, and I invite all of you here --
14 I believe that's 6:30 p.m. -- on September 30th.

15 Also, at the Membership, Bylaws & Community
16 Outreach Subcommittee, we talked a lot about community
17 outreach and some of the efforts we are doing.

18 When -- when the RAB co-chair election was last
19 held and Mr. Brown won reelection, one of his pledges to
20 you was to work with the Navy to do a community
21 information fair concerning Hunters Point. We have been
22 working on that with a number of people, including --
23 including Lynne, and we have a tentative date for that
24 now, and that is Tu- -- Tuesday. What am I saying? --
25 Saturday, November 15th. And that's a bit of a change.

1 We also committed that we could have it in the
2 94124 ZIP Code area, but it was also specifically
3 requested that we have it up in the neighborhood here up

4 on the hill, and we are having it at the E. P. Mills
5 facility. Tentatively we are going to schedule it on
6 that Saturday, the 15th, from 10:00 to 3:00.

7 And tentatively again what we plan on doing is
8 having booths; and there'll be a booth for each parcel,
9 A through F, that the Navy has.

10 There'll be a booth on radiological issues, and
11 we have invited Laurie Lowman and the Lowmans to come
12 and -- and help us man that booth. Hopefully, she can
13 make it.

14 We are also going to invite San Francisco
15 Redevelopment Agency and Lennar to have a booth to help
16 explain the redevelopment plan and -- and some of future
17 planning and answer some of the community's questions,
18 and they'll have an opportunity to do that.

19 And we may have some more booths as well.
20 Particularly for some of the nonprofit organizations, if
21 they would like to have a booth at the community fair,
22 we'll -- we'll entertain that idea.

23 If you want to know more about this,
24 participate in the planning. There's a lot of people
25 who do a lot of good work to make one of these things

1 happen. Come to the subcommittee meeting, the
2 Membership, Bylaws & Community Outreach Subcommittee
3 meeting, on October 14th.

4 And lastly, I need to give you a little bit of
5 an update. We had a very last-minute change the agenda.
6 As you realize, Laurie Lowman and Dick Lowman were going
7 to be out here and be talking about the historical
8 radiological assessment.

9 We are no longer going to cover that topic this
10 evening. Laurie Lowman requested that we defer this to
11 October. She's had a very tough month. As you heard,
12 Hurricane Isabel hit Virginia very hard. She lives in a
13 little town called Yorktown, and Yorktown in southern
14 Virginia was particularly hard hit.

15 Her house survived Hurricane Isabel, but there
16 is quite a bit of damage, and Mr. Lowman is not feeling
17 well right now either. So she has to spend some time
18 getting her house back in order.

19 In addition to that, where she works at RASO,
20 the Radiological Affairs Support Office, that office --
21 that base was closed during the hurricane, and there was
22 some fairly extensive damage done to where she works.
23 So they are in the process of cleaning that up too.

24 So all that to say that instead tonight you'll
25 see the agenda's changed, and we are going to talk about

1 the Site 1 landfill gas removal action instead. That
2 was also an item that was of RAB's interest.

3 So in October we are inviting Laurie Lowman and
4 Dick Lowman back, and then we will be back on track with
5 radiological issues.

6 That's all I have.

7 MS. PENDERGRASS: Thank you.

8 MR. BROWN: Good evening, ladies and gentlemen.

9 MS. PIERCE: Good evening.

10 MR. BROWN: Tonight of the artists would like
11 to say something from 366. I don't know if it's -- now
12 is the time to say anything or later on. I got --

13 MS. PENDERGRASS: Actually, it should be at the
14 end of agenda. But --

15 MR. BROWN: Okay.

16 MS. PENDERGRASS: But if you want to do it now,
17 we can take ten minutes. That's all you have.

18 MR. BROWN: Okay. It has to be fast, Georgia.

19 MS. OLIVA: I will be fast.

20 There are -- there are artists here from
21 Building 366.

22 Could all of you just stand up for a second?

23 Thank you. These people are welders in

24 Building 366. It would --

25 Turn it on [indicating microphone]?

1 About eight months ago, the Navy did a sweep
2 and said there wasn't any -- anything wrong with that
3 building.

4 And then they went back; and our master tenant,
5 David Terzian, was informed that there is cesium-137 in
6 a very large and vast venting system. They discovered
7 this at either end, which was assumed at the meeting I
8 was on on Monday that it's in -- in the middle. It was
9 detected in the drain, drains in the area; and it was
10 also detected in the flooring, which is cement.

11 Now, these people have been asked to relocate.
12 This is on Parcel D. One person did bring up an item
13 about it being a real-estate deal, because Mr. Forman
14 did say that the models that the Navy usually do are
15 based -- are pretty ultraconservative and that you don't
16 really have to worry about cesium-137. But I feel it's
17 on the Internet; you may say something different.

18 Our master tenant and two of its workers
19 repaired the roof on top of Building 366, and they are
20 worried a bit about any contamination that they received
21 and are asking for whole body counts to determine if
22 there are any radioisota- -- isotopes that have lodged
23 in their muscles or bones. A urine test usually after
24 you come into this whole thing is -- is gone within --
25 I'm not really sure, Mr. Brooks, but the other fellow

1 did bring it up.

2 We have 29 artists here who should be
3 considered as one. There could be an eviction. I'm not
4 sure.

5 Mr. Forman did mention that they are doing this
6 because of a conveyance item of the transfer of Parcel D
7 as soon as they can, which they estimate would be 2005.

8 Am I correct on that, Keith?

9 MR. FORMAN: No.

10 MS. OLIVA: 2007?

11 MR. FORMAN: Yes.

12 MS. OLIVA: Okay.

13 Building 366 is supposed to be cleaned up by
14 2005.

15 Am I correct on that?

16 MR. FORMAN: Well, it depends when you start
17 the process.

18 MS. OLIVA: When you start the process. The
19 pro- --

20 MR. FORMAN: We need to start the process.

21 MS. OLIVA: The process was supposed to begin
22 in January.

23 MR. FORMAN: Right.

24 MS. OLIVA: At this point, our master tenant,
25 David Terzian, and the Navy Real Estate and

1 Redevelopment are looking for new places -- new place or
2 places for the 29 -- the Shipyard 29.

3 And on that note, Parcel D is an area where the
4 national radiological laboratories had most of their
5 operations. And this is the only building that has
6 inhabitants that the Navy hasn't detected, the question
7 being why 366? Who found out about it?

8 Other buildings, the radiological removal and
9 transfer of that parcel is a little scary at this point.

10 Also, the other artists in Building 103, 104
11 and 101 -- there are many of us. I imagine there are
12 probably about 250.

13 I had requested that in the remediation of
14 Building 366, that it be tented. And Mr. Forman said
15 that it was in a -- it was already contained within a
16 tin building, which I imagine has a few holes in it
17 maybe.

18 And the artists upwind, which are 101, and if
19 they are going to be digging up the cement, pulling out
20 the vents, it's a little scary for all of us, since
21 cesium -- all that stuff can turn into gases and dust
22 and go all over the place. And I wanted to bring this
23 up.

24 And I have spoken to Chein Kao, who's given me
25 the name of a woman in Sacramento, the Health

1 Department, to find out how -- what we are talking
2 about.

3 And if any of the 29 artists have anything to
4 say at this point, I'd appreciate any information --
5 extra information.

6 They also have lots of equipment. They use
7 blow torches, and it's going to have to be moved, and I
8 suggest it not be moved on -- on metal wheels because it
9 would dig up the cement, and that their equipment be
10 scanned so that if there is -- it's an old venting
11 system, and there could be breaches.

12 And one of the welders told me that he comes
13 in, and there's all kinds of black stuff over, and he
14 just assumes it's dust. But we certainly would like to
15 find out more about the dust.

16 And I think that's all.

17 MR. BROWN: Thank you, Georgia.

18 MS. PENDERGRASS: Do you have any other
19 announcements --

20 MR. BROWN: No, I don't.

21 MS. PENDERGRASS: -- Mr. Brown? All right.

22 Barring no other announcements --

23 MS. ROSEN: Oh, excuse me.

24 MS. PENDERGRASS: Yes, ma'am.

25 MS. ROSEN: Oh. I was one of the -- one of the

1 artists from the building that was just being discussed
2 tonight. I believe I was -- we were given an
3 opportunity to speak.

4 MS. PENDERGRASS: All right.

5 MR. BROWN: At the end.

6 MS. PENDERGRASS: Okay. Very fine.

7 MS. ROSEN: My name's Karen Rosen. Oh.

8 MS. M. HARRISON: Karen, can you use the
9 microphone so we can hear you, please?

10 MS. PENDERGRASS: Miss? Actually, public
11 comments are at the end. So Ms. Oliva as a -- as a RAB
12 was discussing that, and can we have a look -- we can
13 have your comments at the end?

14 MS. ROSEN: Well, is there going to be any more
15 discussion on this item, or that's it?

16 MS. PENDERGRASS: There won't be any
17 discussion. That was the report.

18 MS. ROSEN: Well, like, I have to get home to
19 my daughter, and so it would be very difficult to stay
20 for the whole meeting just to make a comment.

21 MS. PENDERGRASS: All right.

22 MR. BROWN: Yeah. You know, I think what --
23 what should be done is to come back when RASO is here
24 with Laurie Lowman and Dick Lowman in October.

25 MS. LUTTON: Put it in writing.

1 MR. BROWN: Yeah, October the 21st.

2 MR. TOMPKINS: You have two board members.

3 MS. PENDERGRASS: All right. The ch- -- the
4 chair has spoken on that. I think that it's time to
5 move the agenda along. We don't really have any
6 discussion open on that.

7 MS. OLIVA: How can we open a discussion?

8 MS. M. HARRISON: We don't have a discussion.
9 I have a question, though.

10 MS. PENDERGRASS: Well --

11 MS. PIERCE: It's a report.

12 MR. BROWN: It's just a report. It was just a
13 report.

14 MS. PENDERGRASS: It was a report that was
15 allowed during the chai- -- the co-chair's time to
16 speak. There wasn't -- This is not open for a
17 community discussion at this point. It was a report.

18 MS. M. HARRISON: There's one report. I just
19 simply wanted to find out if in fact his suggestion was
20 that they be placed on the agenda for that day. You
21 asked them to come back. Are you asking them just to
22 come back, or you actually placing them on the agenda?

23 MS. PENDERGRASS: Miss Lowman is going to do a
24 report is --

25 MR. BROWN: Right.

1 MS. PENDERGRASS: -- what I understand; and
2 during her report, there is -- there has been
3 traditionally a question-and-answer period.

4 MS. M. HARRISON: Okay.

5 MR. BROWN: Right.

6 MS. PENDERGRASS: So that would be the time and
7 place to ask that. Is that --

8 MS. OLIVA: Marsha?

9 MS. PENDERGRASS: -- all right?

10 Yes, ma'am.

11 MS. OLIVA: Is -- is Lowman going to be doing
12 any kind of report, since she should be privy to this on
13 Building 366, since cesium-137? Can anybody answer
14 that?

15 MR. FORMAN: Yes, yeah. Good question,
16 Georgia.

17 There will be a report on Building 366. RASO,
18 Laurie Lowman herself, is currently reviewing that
19 report that was given to I believe by New World
20 Technologies, the contractor who did it.

21 MS. OLIVA: Foster Wheeler.

22 MR. FORMAN: Also 3 -- 366 will also be in the
23 draft final Historical Radiological Assessment that's
24 due out in November. And that's what Laurie is -- is
25 working on.

1 As far as the -- the Fact Sheet that you
2 received, that was edited and reread and edited again
3 and approved by RASO, actually Laurie. So . . .

4 MS. OLIVA: But Keith --

5 MR. FORMAN: She's well aware of it.

6 MS. OLIVA: -- don't you think that there's a
7 little bit of a health risk here because we are talking
8 about people in there that maybe it should be expedited
9 a bit about --?

10 MR. FORMAN: What are you referring should be
11 expedited?

12 MS. OLIVA: Expediting Miss RAS- -- Miss Lowman
13 to look at this document now.

14 MR. FORMAN: She is currently reviewing it now.
15 I -- That was -- well, before Hurricane Isabel, she was
16 currently reviewing that document.

17 MS. OLIVA: Right. But we are having a small
18 hurricane in here about this Building 366.

19 MR. FORMAN: I think what we should do is --

20 MS. OLIVA: Yes.

21 MR. FORMAN: -- I think the perfect table for
22 this -- and make a very short recommendation is: This
23 item could be handled why don't we have a meeting
24 between RAB meetings, and why don't you --? If you
25 spoke with Dr. Sumchai, and she's co- -- she's chair of

1 the Radiological Subcommittee. Why don't we set up --

2 MS. OLIVA: I haven't had a chance.

3 MR. FORMAN: -- a meeting through subcommittee
4 on this topic?

5 MR. BROWN: Right.

6 MS. SUMCHAI: As a point of clarification, I
7 had planned to just touch very, very briefly on the
8 discussion that we had about this matter last night.
9 I'm perfectly willing to curtail my committee report if
10 you all have a prepared statement.

11 I do think that it is important for us to hear
12 from you. I really don't want to have a -- you know, or
13 have you walk away from the meeting with any sense of
14 censorship around the matter. I do think that there is
15 a -- an element of -- of urgency with which the matter
16 needs to be addressed.

17 I did e-mail -- you know, I -- I did e-mail
18 you. I also e-mailed Mr. Terzian. So I --

19 MS. OLIVA: Who did you e-mail?

20 MS. SUMCHAI: I didn't e-mail you. I
21 e-mailed --

22 MS. OLIVA: Mr. Terzian.

23 MS. SUMCHAI: -- Mr. Terzian. So I'm sorry if
24 you --

25 MS. PENDERGRASS: Doc --.

1 MS. SUMCHAI: -- didn't receive this on paper.

2 MS. PENDERGRASS: Dr. Sumchai, I -- I

3 appreciate --

4 MS. SUMCHAI: Okay.

5 MS. PENDERGRASS: -- that. So at this point at

6 the -- at your time to make your subcommittee report if

7 you'd like to defer it for a statement, that's fine.

8 MS. SUMCHAI: Yes.

9 MS. PENDERGRASS: You do have ten minutes at

10 that time. We do need to move the agenda along at this

11 point.

12 Okay. We're ready for the San Francisco Police

13 Department's report on Hunters Point Shipyard. Who's

14 going to handle that? I mean, are you going to help him

15 do that? Very good.

16 CAPT. MARTEL: Where would you like me to

17 stand?

18 MS. PENDERGRASS: Actually, if you could stand

19 in the middle of that screen, that would be --

20 MR. ATTENDEE: Yeah.

21 MS. PENDERGRASS: -- great.

22 And can we get him a microphone?

23 Perfect.

24 MR. FORMAN: Great.

25 MS. PENDERGRASS: Debra can do that. Perfect

1 thank you.

2 MR. FORMAN: Great.

3 CAPT. MARTEL: Good evening, ladies and
4 gentlemen. My name is Captain Dennis Martel from the
5 San Francisco Police Department. And before I get into
6 the two agenda items tonight, I'd just like to just take
7 a quick moment and introduce myself.

8 Been around a very long time. I've been with
9 the San Francisco Police Department for 31 years. I've
10 commanded numerous police districts in the downtown
11 area. And I've actually only been at Hunters Point for
12 about the last year.

13 Up until a month ago, I was doing some Homeland
14 Security antiterrorism planning and training efforts for
15 the department. And then one month ago I took over what
16 we call our crime prevention company, which is housed at
17 Hunters Point.

18 This is my first meeting before this body.
19 Delighted to be here. I'm a little bit of a loss,
20 though, 'cause I don't have a historical perspective for
21 what may have been discussed in the past. So I'd like
22 to take just another quick moment and advise you of what
23 police units we actually have housed here in
24 Building 606 at Hunters Point.

25 Again, it houses our crime prevention company,

1 and of that it's mostly a lot of specialized units. We
2 have what we call our special operations group, which is
3 our tactical teams.

4 We also house our Honda motorcycle unit. I'm
5 sure you've seen them going and coming to the facility
6 here. They patrol a lot of our parks, beaches, as well
7 as the downtown area.

8 We also house our bomb unit here, our municipal
9 railway response team. These are officers that citywide
10 patrol muni railway lines.

11 And we also have our K-9s here, and they tend
12 to work late afternoons and into the evening hours.
13 You'll see patrol units with K-9 markings on the side.
14 Probably occasionally you'll hear a bark or two, and
15 this building houses our K-9 unit.

16 We also have our criminalistics forensic
17 services. Not all of them, but some of them are housed
18 in the floor-level space of -- of Building 606.

19 I understand there was some sort of a
20 miscommunique, and I think you had one of our members
21 was scheduled last month. I can't reconstruct and
22 couldn't tell you tonight why there wasn't someone
23 there.

24 But I'd like to for the record put my phone
25 number down. My number is 671-30- -- I'm sorry -- 3104.

1 And if you should ever want a member of the crime
2 prevention company to appear at your meetings, please
3 give me a call, and we will make sure that either myself
4 or a member of the team is here to speak to you.

5 We are part of the community here. We want to
6 be good neighbors. We want to be part of and not
7 separate from the community that we serve. So if you
8 ever have any issues, don't wait for a meeting. Please
9 feel free to -- to give us a call as it pertains to our
10 activities here at Hunters Point.

11 Now, on to the two items at -- at hand. And
12 Item No. 1 I'll address is the fact that we had to -- or
13 felt it necessary to detonate a improvised explosive
14 device here at Hunters Point back on June 30th. I'll
15 give you a little history of what transpired.

16 In the uniblock of Oliver Street in our
17 Ingleside District, the police were called during the
18 evening hours. A elderly occupant of a residence on
19 that block had died. His family members were going
20 through his property, and they stumbled across a couple
21 of grenade-like mortar devices.

22 This is not an uncommon occurrence. We
23 probably get maybe one or two calls a month of this
24 variety. These were, I guess, in somebody's mind some
25 World War II souvenirs. Why someone would keep a

1 grenade in a closet for any length of time is somewhat
2 baffling to me, but some people do that.

3 Police were called --

4 MR. BROWN: Excuse me. In your lease, is it --
5 is it -- does it say where you detonate stuff off there,
6 the Shipyard?

7 MR. TISDELL: No, it don't.

8 CAPT. MARTEL: Let me -- I'm -- I'm going to
9 get to that, sir. I'm going to get to that.

10 And so the bomb technicians that were on site
11 evaluated this device. It had Japanese markings on it.
12 They felt as though it was safe to transport.

13 This was transported in a containment magazine
14 attached to one of our bomb trucks. It was taken here
15 to our facility at Building 606. And the plan was to
16 then further transport it during the daylight hours to a
17 facility that we have available to us outside the City
18 and County of San Francisco limits where we detonate and
19 dispose of these type of munitions.

20 The next day additional bomb techs looked at
21 this item. We did some additional research. We
22 recently have obtained some new software from the
23 Department of Defense and the FBI, and we were able to
24 identify this item. And once identified, it was
25 determined that it was the recommendation of bomb

1 experts that this device not be transported or moved and
2 that it should be detonated in place.

3 So we realized that we had obviously erred the
4 previous evening. Unfortunately, the bomb techs did not
5 have these reference materials and that software, and
6 they transported it to Building 606 here at Hunters
7 Point.

8 So at that time, there was a decision that --
9 that had to be made. We basically had two options.
10 Number 1 was to transport this item to our facility
11 outside the city limits. That would have done a couple
12 things.

13 Number 1, it would have placed our police
14 officers at risk, and equally as important it would have
15 placed the community and the neighborhoods that we would
16 have gone through at risk if this device would have
17 detonated.

18 The other option, the safer option, in this
19 emergency circumstances was to take it to a location
20 here at Hunters Point that we felt was safe.

21 In the layman's terms, Officer Ellestad over
22 there from our bomb unit basically dug a very deep hole,
23 and they placed the device inside, and we detonated that
24 device. We notified the Navy that we were going to take
25 this course of action.

1 And again, this is not in our lease agreement
2 to detonate devices here at Hunters Point. It is the
3 first and only time that it has happened, and we will
4 take every precaution to ensure that it never happens
5 again.

6 But again, given the total -- totality of all
7 the circumstances, it was felt that this was the safest
8 course of action.

9 And there was no toxicity [sic] remains. This
10 basically was detonated in whole. It caused absolutely
11 no damage. There was no flying fragmentation, and there
12 was no one that was endangered by these actions.

13 If it's appropriate, not knowing the protocols,
14 is it appropriate to take questions?

15 MS. PENDERGRASS: Well, is that the end of your
16 report?

17 CAPT. MARTEL: Well, that's the end of Item 1,
18 and then I'll move to our activities on Parcel A. So
19 you tell me.

20 MS. PENDERGRASS: Okay. The -- the question
21 from Mr. Brown was whether or not that detonation was in
22 your lease --

23 MR. BROWN: Right.

24 MS. PENDERGRASS: -- and the answer from --
25 from your presentation was no, it's not in your lease,

1 and it will never happen again. Is that correct?

2 CAPT. MARTEL: Yeah.

3 MS. PENDERGRASS: Okay.

4 CAPT. MARTEL: We will certainly take every
5 steps to ensure that that never happens again. It was
6 only due to these extraordinary circumstances that had
7 happened back on June 30th.

8 Sir.

9 MR. BROWN: But yet, you brought the -- the
10 bomb from Ingleside all the way back across how many
11 communities to bring it out here to the Shipyard to our
12 community out at the Shipyard?

13 I think it would have been easier to just take
14 it right out to the beach there like they do all the
15 time and detonate stuff where, like, at the bank they
16 might have a bomb and they bring in the people, and they
17 detonate it.

18 But that was wrong bringing it through the
19 community.

20 CAPT. MARTEL: No, I understand. And the
21 technicians that were there during the evening hours,
22 again, did not have the availability of some of the
23 reference materials that we had the following day, and
24 they felt that it was safe to transport.

25 MR. BROWN: And the taken too --

1 CAPT. MARTEL: Ultimately --

2 MR. BROWN: -- take them out there.

3 CAPT. MARTEL: Ultimately --

4 MR. ATTENDEE: Okay.

5 CAPT. MARTEL: -- that was in error, and I will
6 be the first to admit that that was in error. Had we
7 had the ability to identify that, we would have had to
8 detonate it in that residence on the uniblock of Oliver
9 Street, which probably would have required some degree
10 of evacuation of a few houses each side of the affected
11 residence.

12 In fact, just a quick sidebar: A very similar
13 type device approximately five weeks later was located
14 in a house on 15th Avenue a half a block off of Lincoln.
15 Very similar circumstances: Elderly person deceased.
16 People were going through the property, discovered this
17 device. And in that circumstance, we did make a
18 positive identification. We evacuated about a half a
19 block radius and had no alternative but to detonate that
20 device in the house.

21 We instituted all kinds of mitigations to limit
22 the damage to that residence and the surrounding
23 residences, which there was none. But this was a lesson
24 learned for us, and hopefully we will never have a
25 repeat occurrence again.

1 MS. PENDERGRASS: Okay. Captain -- Captain
2 Martel. Okay. We -- we have -- we've run out of time
3 for this segment. However, since we are going to
4 continue on, we have three questions. After those three
5 questions, you'll continue as briefly as you can, and
6 then we'll take three more --

7 CAPT. MARTEL: Sure.

8 MS. PENDERGRASS: -- questions.

9 So we have Miss Pierce, Miss Harrison, and
10 Mr. Campbell.

11 MR. TISDELL: Hey.

12 MS. PENDERGRASS: I'm sorry. Four questions.
13 And Mr. Tisdell. Please forgive me. I did see you,
14 Mr. Tisdell.

15 MS. PIERCE: It's more of an observation and if
16 you may be able to respond to it. But I was happy to
17 hear that -- that you were part of the Homeland Security
18 unit, and it's hard for me to say this with a straight
19 face because I have to laugh. Otherwise, I would cry.

20 My understanding of a dirty bomb is: You take
21 a bomb, and you detonate it somewhere where there's
22 chemicals and other things that can make that detonation
23 a lot more devastating to the community.

24 So I don't understand why the City of San
25 Francisco, especially our Homeland Security unit, would

1 ever consider be- -- bringing something that is
2 explosive to the one federal Superfund site in the city
3 limits. I just cannot understand that.

4 And so your -- your assurance that it may not
5 happen again, I think, should be reviewed by our current
6 Homeland Security unit to ensure that it is never done
7 again.

8 CAPT. MARTEL: In terms of a real brief
9 response, we handle on somewhat sporadic but also
10 frequent basis things like hand grenades and like this
11 small mortar device.

12 Most of them are -- if you know what you're
13 doing, if you're a trained technician, like Officer
14 Ellestad, they are perfectly safe to handle and
15 transport. It's only when you, in essence, pull the pin
16 to detonate the device does there become a problem.

17 Our officers on that evening did transport this
18 device in error because they didn't have the
19 identification materials in the middle of the night to
20 make a positive ID. But it is a lesson learned, and
21 I -- I appreciate your comments.

22 MS. PENDERGRASS: Miss Harrison and then
23 Mr. Campbell and then Mr. Tisdell.

24 MS. M. HARRISON: I will refrain from sounding
25 the drum here, but I -- but -- because I do have a

1 definite question, but I need to say something too.

2 I absolutely positively resent the fact that
3 you brought that through our community, especially being
4 that it was so old, I mean, obviously old from World War
5 II, which means it was totally unstable. Could have
6 exploded in the middle of our community before you got
7 out here to this dirty Shipyard.

8 However, you are a -- you have a team that is a
9 bomb expert. Now, I've got to believe that you know
10 that you could have brought a container that you drop
11 this -- Marie, please say this right. Don't you have
12 this container that you drop explosives in that you can
13 shut it up, that'll keep it -- all that garbage inside
14 and explode it that way without causing any damage to
15 land, homes, folks, what have you?

16 MS. PIERCE: Or digging a hole.

17 CAPT. MARTEL: We --

18 MS. M. HARRISON: Or digging a hole, especially
19 in such a toxic ass area. Excuse me. I -- you know, I
20 apologize, because I am flustrated [sic] with that
21 because, you see, I have family that lives here in --
22 and it really disturbs me that such a device was
23 transported through the community, me being a mother and
24 grandmother knowing that something that old is
25 automatically unstable.

1 However, but don't you have --? I mean, you
2 have all this -- these wonderful tools that you're
3 exposed to. Do you not have a tool to drop this thing
4 into?

5 CAPT. MARTEL: We do and we did. This
6 device --

7 MS. M. HARRISON: You just said you dug a hole --

8 CAPT. MARTEL: No.

9 MS. M. HARRISON: -- digging a hole and
10 bringing this -- this --

11 CAPT. MARTEL: No. You --

12 MS. M. HARRISON: -- box, or whatever container
13 it is, to that thing --

14 CAPT. MARTEL: This device --

15 MS. M. HARRISON: -- you dropped in there
16 differ.

17 CAPT. MARTEL: This device was transported in a
18 containment magazine, and that is where it spent the
19 night until further -- in our building until further
20 research was done the next day.

21 The decision was then made to very cautiously
22 move this to where it could be safely detonated. Had we
23 detonated it --

24 MS. M. HARRISON: It was not taken --

25 CAPT. MARTEL: -- in our containment magazine,

1 it probably would have caused some damage to that,
2 possibly rendering -- it would have probably contained
3 the blast, but it would have rendered it unusable for
4 future use. It would take some time to get another one.
5 So --

6 MS. M. HARRISON: But, sir, do you realize what
7 you just said to me? You just virtually in very plain,
8 simple English --

9 CAPT. MARTEL: Okay.

10 MS. M. HARRISON: -- said you didn't -- you
11 didn't care. You wanted to save your -- your explosive
12 box rather than -- I mean, you --

13 CAPT. MARTEL: That's one of the --

14 MS. M. HARRISON: I believe -- I believe it's
15 because I'm getting frustrated, and we will have an
16 opportunity to talk because --

17 CAPT. MARTEL: Sure.

18 MS. M. HARRISON: -- this ain't happening.

19 CAPT. MARTEL: Sure.

20 MR. BROWN: Right.

21 CAPT. MARTEL: Sure.

22 MS. PENDERGRASS: All right.

23 CAPT. MARTEL: Any other questions?

24 MS. PENDERGRASS: Mr. Tom- -- Mr. Tompkins is
25 next and then Mr. Tisdell.

1 MR. TOMPKINS: No. I defer --

2 MS. PENDERGRASS: I'm sorry. Mr. Campbell.

3 I'm sorry. I just called you --

4 MR. CAMPBELL: One of the things that came up

5 in our meetings was the Navy they initially brought this

6 up --

7 MS. PENDERGRASS: Mi- --

8 MR. CAMPBELL: -- in order the Redevelopment --

9 MS. PIERCE: We can't hear you. We can't hear

10 you.

11 MR. CAMPBELL: Okay. The Navy --

12 (Simultaneous interruption.)

13 MR. CAMPBELL: -- Redevelopment was really

14 aware of what had taken place at that particular point.

15 MS. PENDERGRASS: That's what you just said.

16 That's what the captain said is that --

17 MR. CAMPBELL: Well --

18 MS. PENDERGRASS: -- they talked to the Navy

19 first.

20 MR. CAMPBELL: They what?

21 MS. PENDERGRASS: They talked to the Navy.

22 MS. M. HARRISON: The Navy knew this in

23 advance?

24 MR. CAMPBELL: No. No. That's not what we

25 were told. We were told the Navy didn't notice till

1 after the fact.

2 MS. OLIVA: Right.

3 MR. CAMPBELL: And I think any number of us
4 could wave our hands and attest to that fact.

5 MR. BROWN: Right.

6 MR. CAMPBELL: So we want to make sure that
7 that -- that doesn't happen in the future, that whoever
8 the -- interfaces from your department to the Navy and
9 to Redevelopment, that it is very clear that there is a
10 procedure to be followed.

11 So the Navy -- when we have a meeting here, the
12 Navy says they don't know what's going on. That is why

13 we have to then talk with EPA. We then have to find out
14 if it's an IR site and what possibly could have gone
15 into the air.

16 CAPT. MARTEL: Well, it's my understanding that
17 the Navy was advised.

18 Mr. Ellestad, can you --?

19 MR. ELLESTAD: It's my understanding --

20 CAPT. MARTEL: -- elaborate --?

21 MR. ELLESTAD: -- was advised also.

22 MR. TISDELL: Advise.

23 MS. PENDERGRASS: Just a minute.

24 MR. FORMAN: The Navy -- My understanding
25 of -- of what occurred is: There was a chain of command

1 from SFPD to the City of San Francisco. An attorney at
2 the City of San Francisco -- I believe it was
3 Mr. Cohen -- actually called one of our attorneys, I
4 believe, to report the incident.

5 MR. TOMPKINS: After the fact; is that correct?
6 After the fact to you?

7 MR. FORMAN: Using past tense.

8 MR. TOMPKINS: Please put it, it was after the
9 fact.

10 MR. FORMAN: That's my understanding of it.
11 That's -- again, I mean, Maurice, in all fairness, I am
12 not part of the chain of command. But -- that was even
13 reported to after that. I would have got it further
14 after that.

15 MR. CAMPBELL: Okay. So can I make a special
16 request? He is the BRAC officer in charge, that
17 somebody from your department gets ahold of him or his
18 designee to let him know that something like this
19 potentially -- because -- well, no, wait a minute. Hold
20 on. Let me finish -- because he has a staff that knows
21 where it's safe and where it is not safe on the
22 Shipyard.

23 MS. PIERCE: Ain't no safe. Ain't no safe.

24 MS. PENDERGRASS: All right. But -- and -- and
25 I don't know if -- if this body has any authority in --

1 in terms of requiring something like this. I don't know
2 if this is the format or the mechanism for that. I'm
3 just -- I'm just letting this fall out.

4 MS. PIERCE: No, but he can go to the police
5 commission and discuss this further.

6 MS. M. HARRISON: And/or make a request to
7 Redevelopment that they snatch that lease immediately.

8 MS. PENDERGRASS: Well, again, I'm not -- I'm
9 just -- I'm just advising you all in terms of the scope
10 of this discussion. And Mr. Tisdell?

11 MR. TISDELL: Yes.

12 Captain --

13 CAPT. MARTEL: Sure.

14 MR. TISDELL: -- are you familiar with lease
15 agreement at through the Redevelopment?

16 CAPT. MARTEL: I have only been briefed. I
17 have only been with the crime prevention company for one
18 month, and I have not actually read it page by page.

19 MR. TISDELL: Okay, 'cause, you know, in there
20 it says that you're not supposed -- you're not supposed
21 to disturb the soil whatsoever, you know, and --

22 CAPT. MARTEL: I don't doubt that.

23 MR. TISDELL: -- and -- and -- and -- and then,
24 you know, for you guys to bring some through the
25 community --

1 MS. PIERCE: Evict them.

2 MR. TISDELL: -- you know, could have -- even,
3 you know, could have detonated and then dig a hole and
4 set it off --

5 Was the fire department there?

6 CAPT. MARTEL: I was not present when that took
7 place.

8 MR. TISDELL: It was there?

9 MR. ELLESTAD: Yes.

10 MR. TISDELL: Now, if -- okay. If you got
11 purple smoke coming up by there, and the fire department
12 told you back off and then bring the HAZMAT team,
13 what -- what -- what kind of notification would have
14 happened for the people staying over in Mariner's
15 Village in the community?

16 MS. M. HARRISON: Would it have even done any
17 doggone good at that particular point?

18 MR. TISDELL: I'm waiting for an answer.

19 MS. PENDERGRASS: Okay.

20 MS. ATTENDEE: Is there any --?

21 MS. PENDERGRASS: Any more question --? We had
22 one question from the audience.

23 MR. TISDELL: I'd like to get an answer, if you
24 don't mind.

25 CAPT. MARTEL: This -- this device, as has been

1 explained to me by the technician, did not have any
2 toxicity in it. The dangerous part of this device was
3 the blast itself.

4 MS. ATTENDEE: It wasn't --

5 CAPT. MARTEL: And it was placed into a hole,
6 and the blast was contained.

7 MS. PENDERGRASS: Captain, I think the point
8 that the -- the RAB -- I'm just -- I'm just going to sum
9 this up so we can move on.

10 The -- the -- the point that they're trying to
11 make here is that it's not what you were detonating that
12 it was so hazardous as much as any disturbance of the
13 soil, the air, or whatever, around the area is the -- is
14 the problem.

15 MS. M. HARRISON: But it was a little bit more
16 detailed than that.

17 MS. PENDERGRASS: Yes, ma'am. Would you
18 like --?

19 MS. M. HARRISON: Marsha, it was a little bit
20 more detailed than that --

21 MS. PENDERGRASS: I was just --

22 MS. M. HARRISON: -- because --

23 MS. PENDERGRASS: -- trying to --

24 MR. TOMPKINS: -- summarize.

25 MS. M. HARRISON: Okay. What -- Le- -- let me

1 help you out here a little bit.

2 MS. PENDERGRASS: Yes, ma'am.

3 MS. M. HARRISON: The -- the real significant
4 part of this whole thing -- and I -- I -- I think I'm
5 calm enough now to do this -- is that you made a con- --
6 I take that back, 'cause you only been here a month. So
7 you weren't even here when it was done.

8 MR. BROWN: Right.

9 MS. M. HARRISON: I'd like to have the person
10 that was in charge when it was done because --

11 MR. BROWN: Right.

12 MS. M. HARRISON: -- he made a conscious
13 decision to save a piece of equipment from being
14 possibly damaged, in fact, to damage something that was
15 even more precious than a piece of equipment because it
16 could have damaged a lot of lives here.

17 So that to me meant that he decided arbitrarily
18 or with whatever information you gave him that the human
19 factor didn't count and that that machine was more
20 important. That's very serious to me.

21 That warrants a removal of this particular unit
22 from this community because you didn't care enough about
23 us to not -- to do things like this or to think them
24 through. You would not have detonated that thing in the
25 ground in another community.

1 CAPT. MARTEL: We had to detonate one five
2 weeks ago at a house.

3 MS. M. HARRISON: How did you detonate?

4 CAPT. MARTEL: We got techniques for -- for
5 detonating it.

6 MR. BROWN: Yeah.

7 MS. M. HARRISON: You got a machine, a --

8 MS. PENDERGRASS: Miss Harrison --

9 MS. M. HARRISON: -- machine. You know --

10 MS. PENDERGRASS: Miss Harrison? Miss
11 Harrison, you made -- you made your point, and I think
12 everybody here has heard that, that opinion, tonight,
13 you know, not that it's unfelt. Everybody's heard that
14 opinion.

15 MS. PIERCE: Disregard.

16 MS. PENDERGRASS: So --

17 MR. ELLESTAD: There's one piece of confusion,
18 ma'am, if I may, about this -- this piece of equipment
19 that I think was just a misunderstanding.

20 We are talking about a -- a magazine that's
21 used to transport commercial explosives. It's not a
22 containment vessel for -- for detonating devices. It's
23 a safe method of transportation. It's not something
24 that you can put something in and detonate it. Okay.
25 That's not what it's designed for.

1 MS. M. HARRISON: Sir, do you have --?

2 MR. ELLESTAD: So --

3 MS. M. HARRISON: My question --

4 MR. ELLESTAD: And -- and --

5 MS. M. HARRISON: -- did you have --?

6 MR. ELLESTAD: -- we did not have -- okay. Let
7 me say --

8 MS. M. HARRISON: Do you have one of those --
9 those machines?

10 He said yes.

11 MR. ELLESTAD: Okay. There -- there's -- That
12 was a -- a mis- -- There was a misunderstanding of the
13 question perhaps.

14 MS. M. HARRISON: Okay.

15 MR. ELLESTAD: The -- What we transported
16 the -- the devi- -- the munition in was in our bomb
17 truck. We have an explosive magazine that we carry in
18 the back that is designed to carry explosives, not
19 designed to detonate them. It's designed in the event
20 of an accidental explosion --

21 MS. M. HARRISON: In the event of an --

22 MR. ELLESTAD: -- it would help.

23 MS. M. HARRISON: -- accidental explosion. I
24 do understand that, sir.

25 MR. ELLESTAD: Okay. So it's not something

1 that you can -- that we can use to detonate a device.

2 MS. PENDERGRASS: But the question was: Is
3 there such a device available to you all?

4 MR. ELLESTAD: There is a device that is being
5 retrofitted now on the East Coast that we will be
6 getting back in a month, and it actually belongs to the
7 airport. We do not have total containment.

8 MS. M. HARRISON: But -- but -- but, sir, did
9 you understand?

10 MR. TISDELL: No.

11 MS. M. HARRISON: The concern --

12 MR. TISDELL: No.

13 MS. M. HARRISON: -- was that you have it in
14 something that could have possibly contained the
15 explosion --

16 MR. ELLESTAD: It actually --

17 MS. M. HARRISON: -- versus digging a hole in
18 our ground.

19 MR. ELLESTAD: I'm sorry. Ma'am, you just
20 couldn't understand the physics of explosion. Actually,
21 it would have made it worse, okay. It's -- it's
22 something that we would have had to -- to -- to deal
23 with as far as the vehicle. The vehicle could have
24 caught on fire, blown up. It's on a truck. We're
25 talking the bed of a pickup truck.

1 MS. M. HARRISON: You have a great big whole
2 ocean out there. You -- I have seen people take --

3 MS. PENDERGRASS: Okay. But --

4 MS. M. HARRISON: -- trucks that were
5 exploding.

6 MR. ELLESTAD: We -- Ma'am, I've been -- I've
7 been doing detonations for -- for 15 years, ma'am, and
8 we did this the safest possible way.

9 MS. PIERCE: Not quite. Not quite.

10 MR. TISDELL: No.

11 MS. PIERCE: Not quite.

12 MR. TISDELL: No.

13 MS. PIERCE: Not quite. The City knows that
14 this is a toxic area. It has been designated a
15 Superfund site. The City knows that.

16 And we as citizens and residents should be able
17 to rely on the police department to protect us. You are
18 here first to protect us.

19 And so the decision should have been: Do we
20 detonate this, knowing where we have it? And that's
21 called in legal terms reckless disregard --

22 MR. TISDELL: That's right.

23 MS. PIERCE: -- for the human life that could
24 have been affected.

25 MS. M. HARRISON: Even though --

1 MS. PENDERGRASS: All right. The -- the
2 point -- the points have been made.

3 At this point, can you continue on with your
4 next part of your report?

5 And --

6 CAPT. MARTEL: Sure.

7 MS. PENDERGRASS: -- then we will take the next
8 person.

9 CAPT. MARTEL: And I don't have specifics other
10 than this body wanted a report on some maneuvers, some
11 training we do in so-called Parcel A.

12 MR. BROWN: Right.

13 CAPT. MARTEL: And I don't know if the concern
14 is that we are using live munitions, which we are not.
15 But periodically we do some tactical maneuvers.

16 Let's have the scenario we have an armed gun
17 per- -- person with a gun in house, and we want to
18 approach that house safely. We do some of those types
19 of maneuvers.

20 There has been a few exercises where officers
21 relinquish their service weapon, and a safety officer --
22 and I've got Sergeant Vic Tsang over here, who serves as
23 a safety officer for a lot of these exercises, and
24 officers are issued a different type of a weapon that is
25 not capable of firing ammunition.

1 And basically, they are fitted to fire, if you
2 would, like a paint ball type device, like some people
3 go to the so-called amusement park for these paint ball
4 type exercises.

5 So if you hear anything at all that sounds like
6 a cap gun, that is what you're hearing. We are not
7 firing live rounds here on Hunters Point. That has
8 never taken place, and that never will take place.

9 MS. PENDERGRASS: All right. We are going to
10 take a break at this point, so if we can take a really
11 short ten-minute -- ten-minute break. Ten. She needs
12 ten minutes. And then we'll come back.

13 MR. TISDELL: I have my hand up when we come
14 back.

15 MS. PENDERGRASS: Yes, I understand.

16 (Recess 7:15 p.m. to 7:28 p.m.)

17 MS. PENDERGRASS: Can we readjourn, please? I
18 can't even talk now. Can we please sit, please?

19 All right. We had one question that was still
20 on the floor for the captain, Captain Martel.

21 MR. TOMPKINS: Grab the microphone.

22 MS. PENDERGRASS: Captain Martel? We have a
23 question for you.

24 CAPT. MARTEL: I see him running down Evans
25 Street.

1 MS. PENDERGRASS: All right. Who has a
2 question? I'm sorry. Okay. So we have a question
3 from -- from Mr. Tisdell and a question from
4 Mr. Tompkins.

5 MR. TISDELL: Meeting's starting, y'all.

6 MS. PENDERGRASS: Thank you, Mr. Tisdell. I
7 appreciate that.

8 MR. TISDELL: No problem. Any time.

9 But Captain, now, would you guys doing that --
10 that entry thing, you know, for Parcel E -- I mean
11 Parcel A, do you guys supposed to be on Parcel A?

12 CAPT. MARTEL: It's my understanding that the
13 land lease agreement does allow us to do some exercises,
14 but that is something I'm going to have to check on.
15 Some of these issues are new to me, but I know that they
16 have been conducting some exercises and maneuvers up in
17 that area for some time. I think it's fairly
18 infrequent, maybe once a month. But -- but I -- that is
19 something I will look into.

20 MR. TISDELL: Going up there three times a
21 month. I know. I see it and I hear it.

22 MS. PENDERGRASS: Mr. Tisdell, did you get an
23 answer to your question?

24 MR. TISDELL: Yeah.

25 MS. PENDERGRASS: Thank you, sir.

1 All right, Mr. Tompkins and --

2 MR. TOMPKINS: Yeah.

3 MS. PENDERGRASS: -- Lea.

4 MR. TOMPKINS: May I have the mike? I have an
5 issue, one, and I need some clarity for -- both from the
6 Navy and from the police department on this matter.

7 First off, Captain, are you aware of the fact
8 that on Parcel A, there's still contamination issues?

9 For example, in the buildings, that there's
10 asbestos. Even though you are not setting off explosive
11 devices, because of the fact asbestos dust that it's
12 being disturbed by just presence on the property, that
13 is causing that risk factor to your officers and to the
14 adjacent people and my brother and his family right next
15 door to you.

16 Secondly, where's the Navy's responsibility as
17 the landlord to deal with control mechanisms for the
18 safe occupancy of the land? Could I get two clarities,
19 clarification?

20 One, Captain, were you aware of the danger risk
21 factor to your men?

22 CAPT. MARTEL: First of all, I am aware that
23 there is some asbestos, at least that's what I hear,
24 inside those structures.

25 And I have not actually observed one of those

1 training maneuvers, and it's something that I'm
2 certainly going to take it upon myself to do; that it is
3 my understanding that they make approaches in and up to

4 the buildings, but they do not actually conduct
5 maneuvers inside the structures themselves.

6 MR. TOMPKINS: But the adjacent property around
7 it may also have the contamination because it's
8 deteriorating and floating. Asbestos will float. It's
9 not just stationary object.

10 CAPT. MARTEL: But they are not inside as far
11 as I know.

12 MR. TOMPKINS: Yes, sir.

13 Secondly, how is the Navy handling controls on
14 this issue? Because in terms of it's almost like
15 history is repeating itself from the issues of when the
16 Navy was dealing with the lease agreement with Triple A
17 and their violations, and here we go again inadvertently
18 or lack of knowledge, whichever, there are violations of
19 the lease agreement, and then also then they are
20 occupying -- they're doing exercises on contaminated
21 grounds.

22 How is the Navy going to put control factors in
23 this matter since you are the tenant responsible for the
24 safety?

25 MR. FORMAN: Yeah. On this -- sure.

1 MS. PENDERGRASS: Thank you.

2 MR. FORMAN: Yeah, this is a good point to
3 clarify on. This particular lease is between, I
4 believe, the San Francisco Police Department and the
5 Redevelopment Agency.

6 MS. M. HARRISON: You are the -- still the
7 owners.

8 MS. PIERCE: Sh. Let him finish.

9 MR. FORMAN: No. In this instance, it's still
10 federal property. But the SFRA actually maintains the
11 leases and maintains the responsibilities for the
12 leaseholders.

13 MR. TOMPKINS: Okay. But, Keith, fine in terms
14 of the chain of command. But if the third party
15 violates the agreement with you and that the -- how does
16 the Navy, then, address and San Francisco Redevelopment
17 Agency on the violations of the lease agreement?

18 MR. FORMAN: Okay.

19 MR. TOMPKINS: Because you --

20 MS. PENDERGRASS: We got you.

21 MR. TOMPKINS: -- are responsible.

22 MR. FORMAN: After the incident occurred in
23 June, we spoke about it in July and I spoke at the RAB.
24 And I told you at that time that the Navy, specifically
25 Marie Avery, had written a letter to the San Francisco

1 Redevelopment Agency.

2 MR. TOMPKINS: And --

3 MR. FORMAN: And so, I mean, if you'd like to
4 speak later, Don Capobres is here. We could talk about
5 this and what their response to that letter was.

6 MR. TOMPKINS: Okay.

7 MS. PENDERGRASS: All right.

8 MR. TOMPKINS: Not quite.

9 MR. FORMAN: Sorry.

10 MR. TOMPKINS: That's okay.

11 Therefore, until the matter is cleared, I'd
12 like to put an action motion before the Board on this
13 matter that -- one, that all exercise and activities
14 cease and desist by the police department on Parcel A
15 till we get a very clear responsibility and then
16 assurances of protection in the community.

17 MS. M. HARRISON: Question.

18 MS. PENDERGRASS: Yes. There's -- This is a
19 motion on the floor?

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

21 MS. PENDERGRASS: It has not been seconded.

22 MR. BROWN: I second it.

23 MS. PENDERGRASS: All right.

24 Is there a discussion about that?

25 Miss Harrison, do you have discussion about

1 that motion?

2 MS. M. HARRISON: Just one minor modification,
3 probably.

4 To whom will you --? To whom do we make this
5 request to? Obviously, if the federal government -- and
6 you're representing the federal government, in my eye --
7 says that you have site control, you have the obligation
8 to make sure that we are safe.

9 Redevelopment simply is a -- is a leaseholder.
10 I -- I'm having a problem with which one of you all or
11 both of you all, you know, is going to take on the
12 responsibility of this motion.

13 MR. FORMAN: In this case, it would be -- I
14 don't --

15 Amy, help me here.

16 I don't believe it's -- It would probably be
17 San Francisco Redevelopment Agency.

18 MR. TOMPKINS: It would be the Navy.

19 MR. FORMAN: No, it would not be the Navy in
20 this case because they would be administering the lease
21 and they maintain the leases, or at least the lease
22 would be San Francisco Police Department.

23 Don, did you want to speak now, or did you want
24 to defer this?

25 MS. PENDERGRASS: We have an open motion on the

1 floor in terms of, you know, stopping the actions.

2 MR. FORMAN: Well, Marsha, she -- she asked who
3 the point of contact was.

4 MS. PENDERGRASS: Right. I -- I understand
5 that. I'm just clarifying so that Mr. Capobres can
6 bring the appropriate amount of clarity to this
7 discussion --

8 MR. FORMAN: Right.

9 MS. PENDERGRASS: -- because it's regarding the
10 motion at this point.

11 MS. M. HARRISON: Okay.

12 MR. FORMAN: In that instance, then, I guess he
13 would just have to say yes as a point of contact.

14 MR. TOMPKINS: Say yes.

15 MS. ATTENDEE: You have a question over here.

16 MR. CAPOBRES: Is the question who should you
17 address this request to?

18 MR. TOMPKINS: About the action of the motion.
19 Since the Navy is saying that the lease agreement is
20 with you and that you would then be leasing to the San
21 Francisco Police Department, I am addressing as a
22 advisory board member in dealing with the issue of the
23 usage and the violation of the lease agreement and that
24 if that they are the ultimate party -- if a lawsuit came
25 out, the Navy is, then, you know, the chain of command

1 on this.

2 MR. CAPOBRES: Clarification: Are we talking
3 about the Parcel A maneuvers?

4 (Simultaneous colloquy.)

5 MR. TOMPKINS: Yes.

6 MR. CAPOBRES: Yes, you are talking about
7 Parcel A maneuvers?

8 MR. TOMPKINS: Agreement --

9 MS. ATTENDEE: Yes.

10 MR. TOMPKINS: -- as a violation --

11 MR. CAPOBRES: Right.

12 MR. TOMPKINS: -- right.

13 MR. CAPOBRES: So the actual chain of
14 command -- well, the ch- -- the chain of the lease, if
15 you will -- we master-lease the Parcel A open space. We
16 have a license from the Navy. We sublicense to SFPD on
17 this. The request can come -- go to us.

18 MR. TOMPKINS: Okay. Therefore, it can come to
19 you. In other words, for the wording for -- for the
20 agreement is that then we can then address it to you and
21 then subset it to the Navy since they are the master
22 tenant on the property?

23 MS. PENDERGRASS: Okay. Point of -- point
24 of --

25 MR. TOMPKINS: -- attorney so she's going to

1 ask --

2 MS. PIERCE: Listen to that, do that. This is
3 on this issue.

4 MS. PENDERGRASS: Okay.

5 MS. PIERCE: I would just like to suggest that
6 we add something to your motion --

7 MS. PENDERGRASS: Friendly --?

8 MS. PIERCE: -- and add this -- maybe a
9 friendly amendment --

10 MR. TOMPKINS: Yeah.

11 MS. PIERCE: -- and that is we include in that
12 cease and desi- -- desist a requirement for the police
13 department to open a dialogue to build a partnership
14 with the community the same way we have asked PG&E to do
15 that and the Navy to do that.

16 If they are going to be out here in the
17 neighborhood with us, they need to come to some
18 agreements and understanding about how they conduct
19 themselves in our neighborhood.

20 MS. PENDERGRASS: Miss Pierce, can you add --
21 can you restate the motion with your friendly amendment
22 so that we can --?

23 MS. PIERCE: Okay. So . . . that the --

24 MS. PENDERGRASS: I can re- -- rephrase it.

25 MS. PIERCE: Okay. Good.

1 MS. PENDERGRASS: The way I understand the
2 motion is that the RAB is requesting from the
3 Redevelopment Agency to ask SFPD to cease and desist
4 with any activities until there's some dialogue between
5 the San Francisco Police Department and the Navy and RAB
6 regarding their activities on Parcel A. Is that
7 correct?

8 MS. PIERCE: Yes.

9 MR. TOMPKINS: Yes.

10 MS. PENDERGRASS: Okay. Now, is everybody
11 clear about that? There's more discussion.

12 And -- and Lea, I haven't forgotten about your
13 question earlier.

14 Yes, Mr. Manuel.

15 MR. MANUEL: Maybe I can -- I guess I really
16 don't need that [indicating microphone], but I guess
17 nobody else --

18 MR. TOMPKINS: Save your voice, brother.

19 MR. MANUEL: All right.

20 First off, it is my understanding that you have
21 a governmental agency that takes a lease from another
22 governmental agency, particularly one of the state
23 agency versus a federal agency, that the state agency
24 has a jurisdiction, and it's improper to approach the
25 Navy on this. This is my understanding.

1 But my friend here will be talking later on
2 another issue, was not only a city attorney, but also a
3 bunch of other things, and he has a degree in government
4 and all this other stuff. So I could, if you'd like,
5 let him answer it.

6 But I believe that this is the case, that
7 basically the whole motion toward the Navy is very
8 improper and at some point --

9 MS. PIERCE: It was to --

10 MS. PENDERGRASS: The Navy is --

11 MR. MANUEL: -- has been taken out of it?

12 MS. PIERCE: Yes.

13 MR. TOMPKINS: Yeah. Redevelopment.

14 MR. MANUEL: Okay. So now the new motion is
15 just towards Redevelopment?

16 MS. PIERCE: Yeah.

17 MS. PENDERGRASS: Yes.

18 MR. MANUEL: Okay. Well, then, that's -- that
19 I would, you know, basically --

20 MS. PENDERGRASS: We are asking Redevelopment
21 to sit down with the Navy as well as the San
22 Francisco --

23 MR. MANUEL: Okay, but -- but -- but -- but the
24 point of the matter is if they are -- is now the master
25 lessor, they then have on their own the authority to

1 make the changes with the police department. And I
2 believe the relationship has to be arm's length between
3 the Navy and them so the Navy wouldn't be able to get
4 involved in it after leasing it to them in the first
5 place.

6 MR. ATTENDEE: That's right.

7 MS. PENDERGRASS: They're asking them if --

8 MS. PIERCE: That's not true. That's not true.

9 MS. PENDERGRASS: They're asking -- wait.

10 But the motion is asking the Navy as their --
11 as the convener -- as the convener and co-chair of the
12 RAB to sit down at the table --

13 MR. MANUEL: I get it.

14 MS. PENDERGRASS: -- to talk a- --

15 MR. MANUEL: Okay.

16 MS. PENDERGRASS: -- -bout --

17 MR. MANUEL: That -- that's fine.

18 MS. PENDERGRASS: -- about the plans.

19 MR. MANUEL: Okay. I wasn't clear on that.

20 That -- that's fine.

21 MS. PENDERGRASS: And -- and let's -- okay. We
22 have Miss Harrison, and then we have Mr. Capobres who
23 would like to make a comment on that. Could we take a
24 comment and then Miss Harrison? Okay.

25 MS. M. HARRISON: I am going to second this

1 motion with -- with the -- the understanding that this
2 is -- I mean, I guess my level of frustration is so
3 high, and we are being very nice, and we are asking the
4 Redevelopment Department whatever lease you have with
5 this guy -- with these people -- excuse me -- to ask
6 them.

7 I'm going to ask you as the master leaseholder
8 to demand that they honor the agreement that they signed
9 with you, the lease that they signed with you, insist
10 that they stop all maneuvers until we have some kind of
11 dialogue going on because --

12 MS. PENDERGRASS: Miss Harrison, again, we have
13 a motion on the floor --

14 MS. M. HARRISON: That -- that's my -- that is
15 my --

16 MS. PENDERGRASS: But that's not the amendment
17 at this point.

18 MS. M. HARRISON: Then if you don't -- if you
19 don't include the "insist" instead of "ask," it doesn't
20 have any weight, because you can ask, and then you say,
21 "Well, no, I'm not going to do it."

22 MS. PENDERGRASS: Okay.

23 MS. M. HARRISON: Okay?

24 MS. PENDERGRASS: Again, the originatio- -- the
25 originator of the motion has to accept that as a -- as

1 an amendment.

2 MR. TOMPKINS: I shall.

3 MS. PENDERGRASS: Okay. Whew. All right. So
4 now we've got the same motion with "insist" instead of
5 "ask." Okay.

6 Mr. Capobres, did you want to add something
7 else, a question?

8 MS. M. HARRISON: I second.

9 MR. CAPOBRES: I just want to be clear to be
10 fair to SFPD and the Redevelopment Agency, since we are
11 now party to this request, I want to be able to
12 deliver -- I want to be able to deliver whatever you're
13 asking for, and I just want to be clear.

14 You are asking us to enter into a dialogue with
15 SFPD to provide some control mechanisms for --?

16 MS. M. HARRISON: That, and to have them stop
17 all maneuvers --

18 MR. TOMPKINS: We have --

19 MS. M. HARRISON: -- until --

20 MR. TOMPKINS: We have that agreement.

21 (Simultaneous colloquy.)

22 MR. TOMPKINS: -- asbestos.

23 MR. CAPOBRES: So let me just for everyone's
24 point -- I'm kind of on the record as saying this
25 already from the last RAB meeting -- SFPD and the

1 Redevelopment Agency have already entered into lease
2 negotiations for -- for a renewal of their lease,
3 because we are -- we have now kind of gone into a
4 carry-over month-to-month lease situation. We are in
5 those discussions.

6 I am on record already saying that as soon as
7 we get a term sheet together with SFPD, which we are
8 working on right now, that we would go to the
9 community -- that would include the RAB. I've already
10 included Community First Coalition -- about other issues
11 related to the SFPD lease to us.

12 So those discussions will already -- are -- are
13 kind of already under way. We'll escalate to include
14 the community in the next couple -- couple weeks. I'm
15 not sure what you're asking us to do more than that.

16 MR. TOMPKINS: Cease and desist.

17 MS. M. HARRISON: Cease and desist.

18 MR. TOMPKINS: Stop -- stop -- stop activities
19 on property.

20 MS. PENDERGRASS: And you may not have that
21 power to say that.

22 CAPT. MARTEL: Can I make a comment? Can I
23 make a comment?

24 MS. PENDERGRASS: At this point, we still have
25 a motion, unless you're adding new information to the

1 motion for clarity. Then we -- all we want, we need

2 to --

3 (Simultaneous colloquy.)

4 MS. M. HARRISON: I second it. We call for the

5 motion.

6 MR. ATTENDEE: Chein.

7 MS. ATTENDEE: I --

8 MS. PENDERGRASS: Mr. Chein? Mr. Kao.

9 MR. KAO: I just want to clarify one thing.

10 This motion may not be necessary, the fact that this is

11 federal Superfund site, and Navy's owner -- owner and

12 operator and the responsible party for the federal

13 Superfund site.

14 MS. M. HARRISON: Exactly.

15 MR. KAO: Any lease activity, Navy is required

16 to provide a document called Finding of Suitability for

17 Lease; and that particular document called FOSL, and

18 that document will prescribe what was the leasing

19 activity included.

20 So I would suggest the Navy go back and

21 research that FOSL document, which including the leasing

22 to the Re- -- Redevelopment Agency and their subleasing

23 to the police department. If those activities not in

24 that FOSL document, those are illegal activity. So we

25 need to clarify that.

1 MS. PENDERGRASS: And again, the -- the -- the
2 motion is -- as I understand it, is to ask the
3 Redevelopment Agency to request or to insist that the --
4 that the San Francisco Police Department cease their
5 activities and -- until they sit down and draft some
6 type of plan and activity and review these documents, as
7 you -- you said, Mr. Kao, around their leasing and their
8 activities on the property. That's actually the motion
9 right now.

10 MR. TOMPKINS: I would like to amend. As
11 original --

12 MS. PENDERGRASS: Go ahead.

13 MR. TOMPKINS: I was brought from for since it
14 is the fact Mr. Chein [sic] pointed out that it's in the
15 Fi- --

16 ATTENDEE: FOSL.

17 MR. ATTENDEE: FOSL.

18 MS. ATTENDEE: FOSL.

19 MR. TOMPKINS: -- that -- that it be -- that
20 the Navy looks up the agreement; and if they are in
21 violation of the lease, then that violation should be
22 acted upon, and that they are in violation and should be
23 fined. Those activities should be stopped.

24 MR. FORMAN: FOS- --

25 MR. TOMPKINS: The property. Then if it's on

1 record, listen to it that way. No need for this. I'll
2 withdraw.

3 But I ask that the Navy be requested to look it
4 up and find out that agreement. That will be the motion
5 on the floor.

6 MR. RAB MEMBER: Second.

7 MS. M. HARRISON: I second.

8 MS. PENDERGRASS: Okay. Again, the motion is
9 changed. You have --

10 MR. FORMAN: Clarify it.

11 MS. PENDERGRASS: We have discussion period now
12 that we have a new motion.

13 MR. FORMAN: I think Mr. Capobres mentioned to
14 me that it may not be a lease.

15 MR. CAPOBRES: It is not a lease.

16 MR. FORMAN: Parcel A, it may need a license to
17 access the property in the lease.

18 MS. PENDERGRASS: But that they would still be
19 authorized to do specific activities?

20 MS. M. HARRISON: It would still be --

21 MR. FORMAN: Well, no. Perhaps in the license
22 in which case it wouldn't be a case of anybody looking
23 at a FOSL. It wouldn't be a FOSL --

24 MS. M. HARRISON: Excuse me.

25 MR. FORMAN: -- license.

1 MR. TOMPKINS: Mr. Chein, is that -- if they
2 have -- how can they get on the property, which has
3 possible contamination, and use it and not have risk to
4 the community? This is a concern of ours at this board
5 for years.

6 MS. M. HARRISON: Exactly.

7 MR. FORMAN: So we have no further action
8 Record of Decision.

9 MR. TOMPKINS: If they are in the buildings and
10 there's asbestos in there, asbestos is a known factor of
11 risk to the -- to health. Therefore, inadvertently
12 the -- by the police being on there disturbing the
13 property till it's cleaned up, they shouldn't be there.
14 And if that's not in their agreement, they should not
15 have access to that property. It's not cleaned and have
16 a clearance for occupancy --

17 MR. FORMAN: Okay. So let's --

18 MR. TOMPKINS: -- in my view.

19 MR. FORMAN: Let's give Mr. Capobres some time
20 to look at what the license was. I'll -- I'll talk to
21 my chain of command. They'll look -- they'll look at
22 the license but also look at what the activities
23 specified in the lease are. That's important to do.

24 MR. TOMPKINS: Agree.

25 MS. M. HARRISON: That's all we ask.

1 MS. PENDERGRASS: Okay.

2 MR. FORMAN: Let's --

3 MS. PENDERGRASS: So at this point, though, we
4 have a motion on the floor . . . We have a motion on
5 the floor to add this as an action item?

6 MR. TOMPKINS: Yes.

7 MS. M. HARRISON: Yes. And I second it.

8 MS. PENDERGRASS: That -- and has been
9 seconded, but the -- the motion is to add the looking up
10 and examining of the acceptable uses and activities on
11 the parcel --

12 MR. MANUEL: The authority --

13 MS. PENDERGRASS: -- as outlined.

14 MS. ATTENDEE: The authority --

15 MR. MANUEL: The authority that it gives
16 people -- and if I -- if I can help you out here a
17 little bit.

18 It sounds like what Mr. Tompkins was asking for
19 is what is the authority that allows for occupancy on
20 that property at all and if in fact there's a violation
21 of that permission. And if there isn't one there, is
22 there something further up that can make it where people
23 are accountable to --

24 I mean, is there a EIR regarding that parcel?

25 MS. PENDERGRASS: But wa- -- wait, wait. We

1 have -- We had two -- we had --

2 MR. MANUEL: All I'm saying is whatever --
3 whatever the authority -- whatever the authority is or
4 whatever binds what people can and can't do on the
5 property -- on the -- on the parcel is, I think, what
6 Mr. Tompkins was saying unless -- let's give whoever's
7 in --

8 MS. PENDERGRASS: And we just -- But we just
9 heard from Mr. Capobres that they are already in
10 negotiations and sitting down at the table and
11 discussing their activities and all of that at this
12 moment.

13 So we still have a question, though.

14 CAPT. MARTEL: And I'd like -- I will stipulate
15 right now that we will cease and desist any further
16 exercises or maneuvers in Parcel A until all the issues
17 are resolved.

18 (Applause.)

19 CAPT. MARTEL: And let me just briefly say, we
20 have a lot -- we have a lot of open areas and ranges,
21 things like that; but we have very little areas that
22 simulate streets and -- and houses, and we don't
23 exercise up there because it's fun. We do it so we can
24 enhance our skills so that if there is a true emergency,
25 we can better -- do a better job for this city.

1 MS. PENDERGRASS: All right.

2 CAPT. MARTEL: But this community has issues.
3 We will see cease and desist until all the issues can be
4 resolved.

5 MS. PENDERGRASS: Thank you, Captain Martel.
6 So at this point, then, the -- the motion --
7 the motions have been withdrawn. There is no action
8 item. However -- and -- and there has been an agreement
9 reached by the RAB.

10 However, there's still the action that has been
11 requested to -- to document what exactly the appropriate
12 activities are and have that all spelled out and for the
13 RAB's review. Is that not correct?

14 MS. M. HARRISON: That is correct.

15 MS. PENDERGRASS: And if that's happening at a
16 subcommittee meeting or at a full RAB meeting?

17 MR. BROWN: Subcommittee.

18 MS. PENDERGRASS: That should be a subcommittee
19 meeting.

20 MR. TOMPKINS: Which committee would --?
21 Mr. Chairman, which one would you consider would be the
22 appropriate committee to decide --?

23 MR. FORMAN: Well, it could be Risk.

24 MS. RINES: Put it in the Community Outreach &
25 Bylaws and then --

1 MR. TISDELL: Community Outreach.

2 MS. PENDERGRASS: It would be in --

3 MR. FORMAN: Could be Community Outreach.

4 MS. PENDERGRASS: All right, all right.

5 MS. PIERCE: Community Outreach.

6 MS. PENDERGRASS: All right. So --

7 MR. BROWN: Where the office is held.

8 MS. PENDERGRASS: Okay. If -- if -- if that's

9 the appropriate subcommittee, then it would be up to

10 that subcommittee chair to make sure you schedule a time

11 where this is all reviewed with Redevelopment and all of

12 the necessary documents and people that talk about it

13 and have a full report for which RAB meeting?

14 MR. TOMPKINS: Next month.

15 MS. PENDERGRASS: Next month is probably too

16 soon.

17 MR. TISDELL: November.

18 MS. RAB MEMBER: November.

19 MS. PENDERGRASS: November, okay. So that will

20 be an action item to be reported on in the November.

21 Yes, sir.

22 MR. KEICHLINE: There is no November RAB

23 meeting. It's December -- first Thursday in December.

24 MS. PENDERGRASS: Okay. December RAB meeting.

25 MS. M. HARRISON: There is no November RAB

1 meeting. But there is a December.

2 MR. KEICHLINE: December, first Thursday in
3 December.

4 MS. PENDERGRASS: All right. Is everybody
5 clear on that?

6 MS. M. HARRISON: Yeah.

7 MS. PENDERGRASS: Whew. All right.

8 MR. TOMPKINS: Yeah.

9 MS. PENDERGRASS: Captain Martel, you've been a
10 jewel. However, we do have one more question from --

11 MS. LOIZOS: Yeah. I actually just had a
12 suggestion.

13 MS. PENDERGRASS: Yes, ma'am.

14 MS. LOIZOS: Considering all of the health
15 concerns people seem to have around the detonation, it
16 seems to me that you guys between the Navy and the
17 police department, that you probably have enough
18 information that you could do some type of an estimation
19 of, like, the distance that -- the maximum distance
20 that, you know, the sediments were of the soil around
21 the area that -- where it was detonated could have
22 possibly traveled. I think you know probably about the
23 type of -- am I correct in that assumption?

24 It seems like that -- could do some type of
25 analysis that might help allay some of the concerns

1 of --

2 CAPT. MARTEL: I believe post blast the Navy
3 did take some photographs and conduct some tests. And
4 basically, this device exploded in a hole. So there was
5 no flying debris. There was no damage whatsoever.

6 MS. LOIZOS: Okay. I just mean I -- well,
7 anyway, you and I can talk about on the side to move
8 things along.

9 MS. PENDERGRASS: Lea, could you -- could you
10 attend the meeting when --

11 MS. LOIZOS: Sure.

12 MS. PENDERGRASS: -- when everybody discusses
13 this? This would be great. Thank you very much. That
14 would be great. And so we would expect a report in
15 December. Thank you.

16 CAPT. MARTEL: Thank you all very much.

17 MR. RAB MEMBER: Thank you, Captain.

18 (Applause.)

19 MS. PENDERGRASS: All right. I'm sorry to do
20 this, but I've got to take the two minutes it takes to
21 check in with you all because we have an hour's agenda
22 left, and we have thirty minutes.

23 So we have a presentation and we have a update
24 on the fires, and then we have subcommittee reports.

25 What is going to go, or are we going to stay here until

1 9:00?

2 MR. RAB MEMBER: Who's going to --?

3 MS. PENDERGRASS: Or is the -- is the landfill
4 gas removal action update going to go?

5 MR. FORMAN: Excuse me. By "go," do you
6 mean --?

7 MS. PENDERGRASS: Not happen today.

8 MR. FORMAN: -- go away or "go" as in go next?

9 MS. PENDERGRASS: Which --? What is going to
10 be eliminated from the agenda?

11 MS. M. HARRISON: What's going to be removed
12 and moved to another date.

13 MS. PENDERGRASS: It's up -- It's the RAB's
14 pleasure.

15 MR. TISDELL: I say landfill gas be moved.

16 MS. PENDERGRASS: Moved to what?

17 MR. TISDELL: Moved to another date.

18 MS. PENDERGRASS: Okay.

19 MR. FORMAN: The next RAB?

20 MR. TISDELL: Yes.

21 MS. PENDERGRASS: Which will be in December.

22 MR. BROWN: And I second.

23 MR. ATTENDEE: October.

24 MS. PENDERGRASS: I'm sorry. October. I'm
25 sorry. I keep thinking it's already October.

1 So is it --?

2 MS. M. HARRISON: Excuse me. Hold.

3 MS. PENDERGRASS: So it would be in October is

4 what you're suggesting?

5 MR. FORMAN: Is that the motion?

6 MS. PENDERGRASS: Well, it was.

7 MR. FORMAN: Mr. Tisdell?

8 MS. PIERCE: The rest of us say yes.

9 MS. PENDERGRASS: All right. So do we have a

10 motion on the floor to move that?

11 MS. FRANKLIN: Yes.

12 MS. PENDERGRASS: Okay.

13 MS. PIERCE: Second it.

14 MS. PENDERGRASS: All right. And as long as we

15 have a party to agree to that, will you be willing to do

16 that in October?

17 MR. FORMAN: Yes.

18 MS. PENDERGRASS: Okay. October it is.

19 So that means that we are going to have make --

20 MS. M. HARRISON: The motion isn't over yet,

21 was it?

22 MS. ATTENDEE: Yes.

23 MR. BOZEMAN: The question was called.

24 MS. M. HARRISON: You guys move a little too

25 fast for me, so can we recap that? You guys are tabling --

1 MR. BROWN: -- the land- --

2 MS. M. HARRISON: -- the landfill gas --

3 MR. BROWN: Right.

4 MS. PENDERGRASS: -- removal action update.

5 MS. PIERCE: Update.

6 MR. ATTENDEE: Yeah.

7 MS. PENDERGRASS: It will be updated in

8 October.

9 So all in favor of that motion?

10 THE BOARD: Aye.

11 MS. PENDERGRASS: Any opposed? Any abstaining?

12 We got one -- one abstention, two --

13 MS. M. HARRISON: I'm not abstention. I'm

14 saying no.

15 MS. PENDERGRASS: One no, two noes. Okay. But

16 the ayes do have it.

17 At this point, we're going to go on with the

18 update on the area fires and then into the subcommittee

19 reports. I'm sorry.

20 So Keith?

21 MR. FORMAN: Okay.

22 MS. PENDERGRASS: All right. Yes.

23 MR. FORMAN: Okay. I'm going to pass the mike

24 to Mr. Brooks, who was here from last RAB, and he put

25 together a series of materials and talk to us about the

1 fires.

2 MS. PENDERGRASS: Okay.

3 And then Mr. Brooks, you have ten minutes.

4 MR. BROOKS: Fifteen.

5 MS. PENDERGRASS: Ten minutes, Mr. Brooks.

6 MS. BUSHNELL: Talk fast.

7 MR. BROOKS: Okay. I'll give you a little
8 update on the -- on the fires that occurred this summer
9 with a total of 17 fires were identified, and we have
10 fire incident reports for ten of those that we've
11 collected so far.

12 The extra seven fire incidents that we don't
13 have the incident reports for were identified in the
14 Community Notification Plan messages that those of you
15 who are on the e-mail list have received. And if -- if
16 you didn't get that --

17 MS. M. HARRISON: I didn't.

18 MR. BROOKS: -- community notification of the
19 fire, then we need your e-mail address, okay?

20 So if you could -- if you could coordinate with
21 Ron here and make sure that he gets your current e-mail
22 address, 'cause I know folks change their addresses and
23 such. So we need your current address if you are going
24 to get these community notification messages.

25 MS. M. HARRISON: Would you please check and

1 make sure mine is current, Ron?

2 MS. PENDERGRASS: Miss Harrison, can we take
3 care of that --?

4 MR. BROOKS: Okay. I'm just going to try to go
5 a little bit faster.

6 But the reported fires, which were
7 predominantly grass and brush fires that started outside
8 the Navy property and migrated onto the Navy property,
9 the heat source was often identified in these incident
10 reports: cigarette, fireworks. We had one case where a
11 cutting torch ignited some -- some of the anise, the
12 dried anise, that they had been removing on the
13 Shipyard.

14 The fire from the detonation was ab- -- is
15 about -- first of all, the -- the police department had
16 the Hunters Point Shipyard Fire Department standing by
17 at a safe distance away from the detonation site, and it
18 did cause a small fire about 4 feet by 5 feet, but it
19 was put out immediately and -- and didn't cause a risk
20 to property or anything like that.

21 We talked a little bit last month about what
22 kind of an agreement the San Francisco Fire Department
23 and the Hunters Point Fire Department had as far as
24 firefighting duties. And they have what they call an
25 automatic aid agreement that was signed in October of

1 2001 so the one fire department can request assistance
2 from -- from the other fire department. And it happens
3 when it's -- When it needs to happen, it happens, and
4 there -- it's not a problem with one fire department
5 coming to the aid of another fire department.

6 So that's in place.

7 We looked at some of -- ordinances for weed
8 abatement, because there's -- there's some properties
9 outside the Navy property that has weeds growing on it,
10 and you know, we identified stuff like old furniture and
11 mattresses, and one of the fires started in an old couch
12 that was abandoned.

13 So we looked at some of the ordinances, and
14 what we see is that we have an ordinance that requires
15 flammable materials to be kept 30 feet away from
16 buildings or structures; and then if the enforcement
17 agency deems that that 30 feet is not enough, then they
18 can ask it to be a hundred feet.

19 But it all has to do with structures. So if
20 you have an open field, which I guess there are darn few
21 of here in San Francisco, it's not -- as far as we can
22 tell in our preliminary investigation, it's not really
23 identified, not like it is down in San Diego where the
24 fire danger is a lot worse. So 30 feet, in general,
25 away from a structure.

1 And as far as what the Navy's doing for weed
2 abatement is -- what we are doing is -- we -- we have
3 had several contracts for weed abatement, and what we do
4 is: We go 50 feet away from the fence line, and we try
5 and get that vegetation down to a minimum of 3 inches
6 high.

7 So those are the contracts that we have put out
8 to the -- to the local contractors to cut our own weeds
9 down.

10 And we have plans to continue the weed
11 abatement, and we have looked around the property line
12 where there are areas that need some special attention,
13 especially on the boundary of Parcel A and Parcel E
14 where the vegetation seems to grow a little bit better
15 than it does in some of other places. So that's in
16 place.

17 Let's see here. Talked about our weed
18 abatement program, and then, of course, that will
19 continue.

20 And I believe -- yeah, I believe that's it for
21 the -- the fire update, unless you all have any
22 questions.

23 MR. BROWN: I have a question.

24 MS. PENDERGRASS: Okay. Mr. Tisdell and
25 Mr. Brown and then Mr. Tompkins and then Miss Lutton.

1 I'm sorry.

2 MR. TISDELL: Pat, are you getting any help
3 from the -- from the City as far as trying to do weed
4 aba- -- weed abatement? Because it's basically --

5 MR. BROWN: Outside.

6 MR. TISDELL: -- the weeds -- they can say the
7 weeds not toxic, but it's what's in the ground that the
8 weeds are feeding off of.

9 Is the City helping out? Because, you know, a
10 lot of fires that I seen started on city property; and
11 by the wind blowing, it carried over to the -- to the
12 Shipyard.

13 MR. BROOKS: Well, Amy, could you handle that
14 one?

15 MS. BROWNELL: I'm not sure what the question
16 is.

17 MR. TISDELL: Okay.

18 MS. BROWNELL: I know.

19 MR. TISDELL: The -- the fire starting out on
20 city property. And as far as a health risk or public
21 safety, you know, shouldn't it -- shouldn't that be
22 taken care of by the city? Because fire started on city
23 property and going onto federal property.

24 MR. BROOKS: I -- I think -- Do we have a
25 program, or does the City have a program where --? A

1 lot of these fires are starting with abandoned furniture
2 and mattresses and debris and stuff like that. I don't
3 know if we have cleanup --

4 MS. BROWNELL: I -- I don't have an answer, but
5 I -- I can check into it. I mean, your concern is about
6 the weeds and abandoned stuff on adjacent city and/or
7 private property?

8 MR. TISDELL: Right.

9 MS. BROWNELL: Okay. I can look into it.

10 MR. TISDELL: Could that be our action item?

11 MS. PIERCE: I -- I can just expand on that a
12 little bit because this neighborhood has a lot of
13 problems with dumping.

14 MR. BROWN: Right.

15 MS. PIERCE: And the Department of Public Works
16 does have a special project --

17 MR. BROWN: Right.

18 MR. TOMPKINS: -- to remove dumped materials,
19 including household goods, et cetera. And so I would
20 suggest that the Navy get in contact with the -- with
21 DPW to ask them to include in their daily patrols that
22 perimeter. That -- yeah, they do all of that.

23 MR. BROOKS: Okay.

24 MR. FORMAN: I'll follow that up, then.

25 MS. PENDERGRASS: So is that an action item?

1 MS. PIERCE: Yes.

2 MR. TOMPKINS: Yes.

3 MS. PENDERGRASS: And the action item
4 is . . . ? Please restate it.

5 MR. TISDELL: The fo- -- follow-up of -- of the
6 abatement of the weeds adjacent to federal property.

7 MR. BROOKS: With the Department of Public
8 Works.

9 MS. M. HARRISON: And of --

10 MR. TISDELL: Or Shipyard, however.

11 MR. FORMAN: Okay. That's fine, Amy. We
12 can -- I'll . . .

13 MR. BROOKS: Is there --?

14 MS. PENDERGRASS: And so you will report on
15 that, an action item --

16 MR. BROOKS: Any other questions?

17 MR. TOMPKINS: Yeah.

18 MS. PENDERGRASS: -- as an action item? I just
19 want to be clear.

20 MR. TOMPKINS: Yes, in itself.

21 MS. PENDERGRASS: Okay. Okay.

22 And the next person? I'm sorry. Who's the
23 next person that was speaking? Yes. No. Was it you?

24 MS. FRANKLIN: Yes.

25 MS. PENDERGRASS: Oh, sorry. I messed up.

1 MS. FRANKLIN: I was just saying that there is
2 a problem in the Bayview-Hunters Point areas pertaining
3 to the blight areas, and it has been -- it's an ongoing
4 situation, and I think that Redevelopment needs to
5 address that. The blight in the area is where people
6 dump, okay. And that's what's causing the problems.

7 MR. BROWN: They have to come?

8 MS. FRANKLIN: Thank you.

9 MS. LUTTON: Housing Authority.

10 MR. BROWN: Well, they'll come and dump
11 anywhere.

12 MS. PENDERGRASS: Okay. And I'm sorry.
13 Mr. Tompkins, and then who was the --?

14 MR. TOMPKINS: There was a third party.

15 MS. PENDERGRASS: And there was and Ms. Lutton.
16 I messed up.

17 MR. TOMPKINS: Okay. Fine.

18 In my previous discussion, again, as we
19 discussed in the subcommittee meetings, one, we -- I get
20 the notification, but -- again, about the fires. But in
21 terms of the content of -- chemical composition on the
22 fire, again, this is not being addressed.

23 I'd like for the Navy and the City and the fire
24 department come their agreement [sic] and that, one,
25 give me information.

1 We were presented in this meeting, previous
2 meeting, that, one, the adjacent property -- point in
3 case, Yosemite Slough, which is state owned, known
4 factor of DDT. DDT broken down to DD5 is a known
5 cancer-causing -- breast -- breast-cancer-causing agent.

6 Therefore, that the adjacent properties are
7 known to have contamination. We need to clean up all
8 fires. It's my request, should be treated as a
9 hazardous chemical fire.

10 And protocol should be set forth in agreement
11 between the Navy and the City on how to handle that all
12 fires, potentially chemical hazardous fires, until it's
13 cleaned up, until we get rid of the contamination, to
14 protect the citizens, this should be done in terms of
15 how to extinguish it, in terms of air sample collection,
16 which we have talked about.

17 These items need to be action, and I
18 strongly -- as an action item: The Navy and the city
19 agree upon protocols in handling potential chemical
20 fires, because all fires on the Shipyard and in adjacent
21 property are chemical hazardous fires based on the
22 information presented by the Navy, by RASO. They are
23 not to be played off as just a grass fire. They are
24 potential chemical fires.

25 And don't play off the lives and the well-being

1 of the people in this community. Please go forth and
2 come up with a protocol on how all fires are to be
3 treated as hazardous. Because as you pointed out, sir,
4 very clearly that the reporting mechanism from the San
5 Francisco Fire Department, there was nothing on the
6 breakdown of the chemical analysis in the documentation,
7 correct?

8 MR. BROOKS: Yeah, that -- that is correct, and
9 I -- I do have a question, if I can ask one.

10 MS. PENDERGRASS: Okay.

11 MR. BROOKS: The DD5 I've done a bit of
12 research. What's the -- the actual chemical name on
13 DD5?

14 MR. TOMPKINS: DD5 I forget right now. DDT
15 breaks down to DD5. And it acts in the female body as a
16 zeno-estrogen. You can look up SCIENTIFIC AMERICA 1995
17 October issue, and it has a detailed report on the whole
18 research on the matter.

19 Also, you can contact Dr. Lubren [phonetic] in
20 terms of his additional research on cancer.

21 MR. BROOKS: Would it be possible for if you
22 have a reference to bring one of the --

23 MR. TOMPKINS: You got it. I can give you an
24 extra copy. I have a copy of it. I'm sorry --

25 MR. FORMAN: Just --

1 MR. TOMPKINS: Sure. Our subcommittee,
2 Technical Committee, when we sit down, I'll get you a
3 copy.

4 MS. PENDERGRASS: So -- so there's an action
5 item or a request, right?

6 MR. TOMPKINS: Action item that the Navy please
7 sit down with the San Francisco Fire Department in terms
8 of how to handle chemical fires agreed-upon procedures.

9 MR. FORMAN: You just said Navy and City.

10 MR. TOMPKINS: Navy and City, yes.

11 MS. PENDERGRASS: And --

12 MR. TOMPKINS: -- fire department.

13 MS. PENDERGRASS: And present those -- and
14 present those to the RAB?

15 MR. TOMPKINS: Right.

16 MS. PENDERGRASS: So the time line on that,
17 action item line on that, so we want to say that by
18 December?

19 MR. TOMPKINS: By December. By December report
20 update by hopefully we can deal with proper procedures
21 by the time.

22 MS. PENDERGRASS: Well, at least by December
23 report on how far you are. Does that make sense?

24 MR. TOMPKINS: Yeah.

25 MS. PENDERGRASS: Okay. Is it clear about what

1 the -- what the action item is? Ron, are you clear on
2 that?

3 MR. KEICHLINE: I think so. I'll get it in the
4 transcript.

5 MS. PENDERGRASS: But that -- I just want to
6 clarify, then. Is that -- the action item is to come up
7 with some kind of protocol to handle all fires on the
8 Shipyard as hazardous fires and -- and communicate that
9 to the San Francisco Fire Department and responding
10 units. So that -- that's -- that's the item, okay?

11 All right.

12 MR. ATTENDEE: Question on the fire.

13 MS. PENDERGRASS: Christine, do you need a
14 break?

15 (The Reporter nods.)

16 MS. PENDERGRASS: Okay. We need to take -- we
17 need to take a five-minute break, and we'll come back,
18 finish up the agenda. We have -- Mr. Manuel has
19 someone that's part of the subcommittee reports. And
20 then what I need to do on the break is find out who --
21 how -- the order we're going to send subcommittee
22 reports in tonight.

23 (Recess 8:09 p.m. to 8:16 p.m.)

24 MS. PENDERGRASS: We got to reconvene. I'm a
25 little bit excited. It's past my bedtime.

1 MS. RINES: Past all of our bedtimes.

2 MS. PENDERGRASS: So let's move it right along.

3 All right. Okay. We've got two more things
4 things to do. We have got the executive -- I mean the
5 committee reports, and part of the committee reports
6 Mr. Manuel has something that's going on with that.

7 So what committee is going first? And we're
8 going to try to keep it to five minutes max. And so if
9 you could just cut right to the action item or motion
10 that your committee is suggesting for the RAB, it would
11 be great.

12 So, Dr. Sumchai, should we start with you?

13 MS. SUMCHAI: Sure. We had a very productive
14 meeting last night. I want to thank the Navy -- Navy
15 representatives who attended.

16 I also appreciated that -- that Jesse Mason and
17 Maurice, Francisco, Lynne Brown, Andrew dropped in.
18 Mr. Starr from Foster Wheeler and Mr. Neon Monroe
19 [phonetic] who's a new executive director of Young
20 Community Developers was there. We were in college
21 together.

22 We talked about the proposed removal action in
23 IR-02. We talked about not only issues with regard to
24 this being a -- a -- rapidly improving it and very
25 aggressive action, but also, you know, a fact- --

1 factors around, you know, doing it right and doing it
2 safely.

3 Mr. Forman reassured us that the health and
4 safety of the community was going to be the highest
5 priority. We commended the Navy on the undertaking the
6 department a little bit from the mission of the
7 committee in talking about the role of trying to augment
8 economic opportunities and incorporating of the
9 community as much as possible in the labor for the
10 endeavor and strategies for making sure that people have
11 the appropriate certifications.

12 Let me just cut to the chase. I have had an
13 opportunity to talk very quickly to some of the artists.
14 I'm sorry that the artists weren't able to -- to make
15 the meeting. And I've also talked with Mr. Terzian.

16 And I just want to say that I -- I would like
17 to convene an emergency meeting of the Radiological
18 Subcommittee. I would like to have Deirdre Dement from
19 the California Department of Health Services attend.
20 I'd like to have representation from the Department of
21 Public Health.

22 I am concerned about the health and human
23 safety issues in Building 366. I am not convinced after
24 eyeballing the information from the findings in the
25 drains and vent that these findings are consistent with

1 current health and safety standards.

2 There are levels of cesium-137 and radium-226
3 in the drains and in the vents that are seven times the
4 cleanup goal of -- for cesium and three times the
5 cleanup goal of -- for radium.

6 And I just don't know how we can come up with
7 statements like all detectio- -- "all detected radiation
8 levels over the current health and safety standards," I
9 mean, unless this is wrong. These seem to me to be
10 significant elevations in -- you know, in the -- in
11 these radium nuclides.

12 So I would like to do that, and I would like
13 the Navy's cooperation in this, and I would like the
14 Department of Public Health's consideration in this to
15 make sure that we are all on the same page with regard
16 to the, you know, first priority of making sure that
17 those tenants in Building 366 are in fact safe.

18 I will, you know, defer the rest of the
19 discussion to Mr. Manuel. We did talk about some of the
20 ongoing RAD surveys and ongoing RAD rules. I was
21 assured that there are no astounding, earth-shaking
22 developments that we need to be aware of.

23 And we will continue to monitor in support of
24 the Navy in its efforts to go forward on the removal
25 action at IR-02.

1 But again, first and foremost, I really would
2 like us to be on the same page with regard to whether
3 these levels that were found in the vents and the drain.
4 The finding of these radionuclides in the vents concerns
5 me because if it's in the vents, it means that the
6 air-conditioning system could have disbursed these --
7 you know, the -- these radio --

8 MS. PENDERGRASS: Doc --

9 MS. SUMCHAI: -- radionuclides throughout the
10 building.

11 MS. PENDERGRASS: Dr. Sumchai, would -- now, I
12 mean, you had said in the beginning of your opening
13 statements that you were going to convene an emergency
14 meeting to discuss all of this and so forth. Do you
15 have a time for that at this point?

16 MS. SUMCHAI: No. It depends on the
17 availability of some --

18 MS. PENDERGRASS: Okay.

19 MS. SUMCHAI: -- key people. I would like to
20 contact Deirdre Dement from the California --

21 MS. PENDERGRASS: Okay.

22 MS. SUMCHAI: -- Department of Hea- -- of
23 Health Services, Dr. Katz, Dr. Bhatia, Amy Brownell. I
24 understand that Joel Cane is an expert from the City.

25 MS. PENDERGRASS: So perhaps -- perhaps at that

1 point, I mean, if you -- you could let us know so if you
2 could get that out prior to your next meeting? So when
3 is the next meeting?

4 MS. SUMCHAI: There's not going to be a next
5 meeting until this meeting has taken place.

6 MS. PENDERGRASS: I --

7 MS. SUMCHAI: This meeting will be --

8 MS. PENDERGRASS: -- will supersede? Okay.

9 MS. SUMCHAI: Yes.

10 MS. PENDERGRASS: All right. All right. Very
11 good. Thank you.

12 All right. Mr. Manuel, were you --?

13 MR. MANUEL: Yeah.

14 MS. PENDERGRASS: Okay.

15 MR. MANUEL: Good evening, everyone. I --
16 First off, I'd like to apologize to Dr. Sumchai because
17 she did e-mail me, but we put on a gubernatorial mayoral
18 forum at the state building on 17th, and we were ate up
19 for time for several weeks.

20 Also, my friend and an attorney here was out of
21 town on personal business. There was family losses, et
22 cetera, in his family. But I did get him here tonight.
23 Sorry about the delay.

24 So, basically, I guess is the way we will do
25 this is that, you know, I'll introduce him; and he can

1 give you some of his background. I'll give you very
2 briefly some of the things I do know.

3 He was general counsel for -- a legal counsel
4 for the cities. He was a city attorney. He was -- I
5 mean, the list is very long, degrees and government, et
6 cetera, et cetera, et cetera. He can explain himself
7 better than I can.

8 But I would also like to defer to the first
9 question that -- that the entire group was interested in
10 being answered at the last meeting. I would like to
11 defer once he introduces himself the first question to
12 Dr. Sumchai so that we can get that out of the way. And
13 any other questions, I'm sure he will be more than glad
14 to answer. So --

15 MS. PENDERGRASS: So -- so what's the first
16 question?

17 MR. MANUEL: Well, she will ask the question,
18 but I believe the question was generally about the
19 procedure and the process for doing this remedial action
20 and whether or not any re -- redepositing of soil or et
21 cetera, et cetera. I mean, I think she can ask -- ask
22 the question better.

23 MS. PENDERGRASS: Okay. I just want to refresh
24 everybody --

25 MR. MANUEL: So --

1 MS. PENDERGRASS: -- so we can make sure we ask
2 the question.

3 MR. MANUEL: Okay, but she could ask that
4 question when -- when the time comes.

5 But anyway, his name is Richard Chiozza, little
6 Italian, and I'll introduce him now, and maybe he can
7 give you some background about himself, and then if you
8 have any questions . . .

9 MR. CHIOZZA: Thank you. Thank you for having
10 me. My -- he said it all. I have been an attorney for
11 14 years, and 10 of which has been in government service
12 mostly at the local and regional level and --

13 MS. RINES: You have to speak up. Put the mike
14 closer to your mouth.

15 MS. PENDERGRASS: Thank you.

16 MR. CHIOZZA: Ten of my fourteen years
17 practicing law have been in government service mostly at
18 the local and state and regional level, which includes
19 counties and subdivisions and agencies.

20 I have some considerable experience in land use
21 and policy and hazardous waste and toxics. And Mike
22 [sic] invited me here tonight not necessarily to make a
23 presentation, however, but to answer some questions if I
24 can generally with regards to the process with regards
25 to removal -- remediation and removal of toxic waste in

1 San Francisco with the national and federal, NEPA, and
2 Environmental Policy and Protection Act perhaps if
3 there's any state regulation, much more experience than
4 the California Environmental Quality Act.

5 MS. PENDERGRASS: Thank you, sir. And so
6 Dr. Sumchai, did -- can you rephrase the question that
7 we had I think it was at the last RAB meeting that we
8 needed clarification on?

9 MS. SUMCHAI: Well, I -- I'm sure that, you
10 know, that -- that, Pat, you understand the question as
11 well as I do.

12 But from the proposed removal action, you're
13 going to remove 1 foot of soil, screen for and separate
14 radioactive materials, and then stockpile the soil, and
15 then the so- -- let's see. Then it will be used as a
16 backfill.

17 And I -- and I guess the issue was whether or
18 not using that soil as a backfill, because you've only
19 screened for one contaminant, and there are other known
20 contaminants that are likely to be in that if that
21 represents legally a -- a re-release of those
22 contaminants to the environment. That is what I
23 understood the -- the issue to be.

24 And J. R., I think that you actually stated it,
25 you know, as clearly as I can.

1 MS. PENDERGRASS: Did you understand the
2 question?

3 MR. CHIOZZA: I think if I --
4 Are you asking if once -- once the soil has
5 been analyzed and replaced, if there's a re-release,
6 does that activate another study or . . . ?

7 MS. SUMCHAI: See, they're -- they are going
8 to -- well, they're -- they are screening and scanning
9 the surface for specifically the radium dials or the
10 radium point sources. They're going to remove 1 foot of
11 soil, screen for and separate the radiological
12 materials, stockpile the soil, and then the soil would
13 go back in.

14 So there's only one element, the radiological
15 materials that will be removed, and whether any other
16 toxins in the soil that are being placed back into the
17 ground -- whether that represents a new release.

18 MR. CHIOZZA: Yeah, that would -- that would be
19 under -- under both CERCLA and NEPA, that constitutes,
20 in my opinion, a release or potential release. And it
21 would activate another study and an activation with
22 regards to analysis --

23 MS. PENDERGRASS: But --

24 MR. CHIOZZA: -- before you could remove that
25 and remediate that soil. That would be my -- just based

1 on the confines of your limited question.

2 MS. SUMCHAI: Sure.

3 MS. PENDERGRASS: Okay. But the -- the -- let
4 me just make sure. I'm going to say this. So somebody
5 help me, because I'll get the names all wrong.

6 But the way I heard this last time and the
7 reason why there was some concern was that the Navy had
8 proposed a plan. It's -- Their plan was to dig up the
9 soil, to analyze it for one particular element, to put
10 the soil back, and then later at another time redig it
11 up to look for an -- other types of -- of element.

12 In a nutshell, that was what I understood it to
13 be.

14 MR. BROWN: Yeah.

15 MS. PENDERGRASS: And there was some question
16 to the Navy about why can't you do it all at once?
17 And --

18 MR. CHIOZZA: I -- I understand what you're
19 saying.

20 MS. PENDERGRASS: Okay.

21 MR. CHIOZZA: There are under the United States
22 Government -- and forgive me for not having those off
23 the tip of my tongue, but once -- once there is a
24 release, a potential release of that soil, there is a
25 list of contaminants that must be analyzed.

1 MS. PENDERGRASS: Okay.

2 MR. CHIOZZA: And there's an exhaustive list,
3 and I don't have them at the tip of my tongue. But I
4 can safely say that it -- it would behoove the Navy or
5 anyone who's conducting that study to take a closer look
6 at that list -- and I can provide that list if -- if you
7 want later on -- to analyze and research for all of
8 those potential contaminants of that soil, not
9 necessarily one.

10 MR. FORMAN: Yeah.

11 MS. PENDERGRASS: Can you respond to the -- to
12 the -- I mean what you had said last time about what you
13 could actually --?

14 MR. FORMAN: Yeah. Right. I was -- I believe
15 it was Ryan Ahlersmeyer who gave the presentation, but
16 yeah. I don't -- It's really unfair to an attorney
17 to -- unless he has all the background materials and --
18 and the details of it, to -- for him to answer those.

19 I don't necessarily disagree with anything you
20 just said, sir. But the situation here is that we have
21 a very focused specific action memorandum. We are only
22 taking an interim removal action, not a remed- --
23 remedial action under CERCLA, but a removal action, an
24 interim one that is consistent with what the action
25 memorandum calls for. It's purely a radiological action

1 memorandum that covers the base. That's why it's called
2 Basewide Radiological Action Memorandum.

3 And the way that's implemented, including at
4 Hunters Point -- this one is specific to Hunters Point,
5 but there's others on BRAC bases -- is: We know that
6 this is a concentration of radium dials for disposal.
7 We are taking this focused removal action to remove the
8 radium dials now. We are not removing from the area of
9 contamination, but we are indeed putting the soil back
10 in. I wouldn't classify it as backfill necessarily, but
11 we are taking out, sifting it, and then -- and then not
12 removing it from the site, but merely putting it back
13 into the trench.

14 Now, knowing that, that soil is consistent with
15 the larger installation restoration site -- happens to
16 be Site No. 2 -- in which we want to apply a remedy over
17 that entire site later on as a remedial action, a final
18 remedy.

19 So this interim removal action is -- is very
20 focused in that regard, and we -- if we are going to
21 follow it -- we are required to follow that existing
22 action memorandum when we do the focused --

23 MR. CHIOZZA: That's correct.

24 Doctor . . .

25 MS. SUMCHAI: "Ahimsa" is fine. "Ahimsa" is

1 fine.

2 MR. CHIOZZA: What you -- what you may want to
3 ask of the Navy is with regards to the findings. And
4 generally, these action memorandums come down -- I know
5 under California Environmental Quality Act, it's done in
6 different phases, and they are called environmental
7 studies and toxic soil research studies. And they are
8 done in separate phases; and in each one of those
9 phases, there are findings and a legacy -- historical
10 legacy behind each one of those findings.

11 You can probably gander some of that
12 information from the Navy and then ask more specific
13 questions about how they are handling this particular
14 site at this time, whether they are intending to remove
15 and release these toxic substances and remediate them
16 and -- and put them back; or in -- oftentimes in certain
17 circumstances, some of the contaminated soil is actually
18 vacated from the premises and, with all due respect,
19 taken down someplace in the Central Valley, and there
20 are other sites specified by the state and federal
21 government for those disposals.

22 MR. TOMPKINS: Counsel, in our discussion
23 previous to the last meeting, the state and the
24 Department of Toxicology [sic] was in dispute with the
25 Navy -- and please correct me if I'm not getting all the

1 sequences correct -- that, one, the Navy wanted specific
2 removal of the radiation; but it was the position of the
3 State of California that you had to address the chemical
4 in terms of digging up the soil and that dealing with
5 exposure, that was the issue that we were discussing
6 before the removal of the radiation, because once you
7 dig the soil, it could be considered an exposure.

8 MR. CHIOZZA: That's correct.

9 MR. TOMPKINS: And that -- that was the issue
10 in terms of steps that should be followed. And has that
11 issue been resolved between the state and the federal
12 government?

13 MR. CHIOZZA: That's a very good question, and
14 your analysis is correct, in my opinion.

15 MR. TOMPKINS: So has that been removed yet
16 satisfactorily with -- by the state?

17 MR. KAO: No, it has not.

18 MS. PENDERGRASS: And so --

19 MR. TOMPKINS: So, Counsel, if the issue has
20 not been resolved by the state and the federal
21 government, should, in your -- in legal opinion, this
22 procedure proceed until those two -- until that issue is
23 resolved?

24 MR. CHIOZZA: Again, qualifying -- I'm not
25 dodging a bullet here, but I believe -- based on the

1 limited confines of your question, I believe that that
2 would be -- that would be a prudent action. You would
3 need more information.

4 MR. TOMPKINS: Thank you.

5 MR. MANUEL: You know, I would just like to add
6 one -- one other thing too.

7 And, you know, I -- I was operator of a
8 hazardous waste disposal business for several years, and
9 another thing that I do remember but maybe should be
10 added here is: Even the process that is being offered
11 or attempted here, I believe, requires a certain amount
12 of -- of permitting.

13 I don't believe it can be done pretty much
14 willy-nilly. There needs to be a process that is
15 approved by -- by the government agency. I would assume
16 it's the EPA or -- or the State Health or someone.

17 I believe it's a process, and the process has
18 to be approved before they could even do -- and I'm just
19 shooting from the hip here. I'm not -- right now. I --
20 But I believe there's a process; and I think before you
21 can do anything, I think the process has to be approved
22 first before --

23 MR. FORMAN: You hit on something here, J. R.,
24 and that's why I -- I think we ought to talk about this
25 more in the future, because this could be considered a

1 little premature because you haven't seen a work plan
2 yet, and -- and that's what we have to put forth.

3 We have an action memorandum, but the work plan
4 is the site-specific document that tells us how we are
5 going to do it and what the site specifics that drive
6 the particular way we are going to do it are going to
7 be.

8 So once that document comes out, then it's
9 subject to -- the RAB will review it, the regulators
10 will review it, and then we will all have time to
11 discuss it, and we will get comments.

12 But until that time --

13 MR. MANUEL: Right.

14 MR. FORMAN: -- it's tough for people to engage
15 in too much conversation until they see a work plan.

16 MR. MANUEL: You know, I agree. I --

17 MS. PENDERGRASS: The work plan was presented
18 at the last -- at the last RAB, or a draft, wasn't it?

19 MR. MANUEL: Well, but -- but -- but -- but in
20 all fairness, in all fairness, Keith wasn't here to
21 present his side of that issue. And I think in all
22 fairness, I have spoke to him -- to him briefly about
23 this tonight; and the process he's talking about, I
24 believe, is more than adequate.

25 But what was said at the last meeting was

1 inadequate and basically suggested that something pretty
2 much willy-nilly was going to take place, at least from
3 what I heard.

4 MR. FORMAN: Okay.

5 MR. MANUEL: So --

6 MR. FORMAN: Well --

7 MR. MANUEL: -- I -- I think we should in all
8 fairness give him an opportunity to do his thing and
9 then the process that he was suggesting.

10 MR. CHIOZZA: I might add, you made an
11 excellent point. NEPA and -- The congressional
12 findings and NEPA back in 1969 and '70 was enacted, and
13 the California Environmental Quality Act are all based
14 on -- it's all participation, knowledge getting out to
15 the public and discussing these items.

16 And when that occurs, you need to be very
17 sensitive as to the time limitations that are -- that
18 are involved, because they are very strict. And if you
19 miss your time to participate, ask questions, read
20 documents, review and analyze and discuss, you may be
21 precluded.

22 So take heed with what the chairman said. When
23 those discussions began, it was when congressional
24 findings, whether in the federal government and the
25 legislative environment and state government, these

1 processes and these laws are enacted so people such as
2 yourselves can come out and be part of the process and
3 make sure that you know what's happening.

4 MS. MENACK: I just want to say something to
5 follow up on that comment. I'm Julie Menack from the
6 Regional Water Board. Tonight I'm not really going to
7 talk about anything technical. It just has to do with
8 the schedule for the document.

9 It's my understanding that -- it's my
10 understanding that the document is the draft work plan.
11 It will be out on the 17th of October, and that will be
12 before the next RAB meeting. But I'm also looking at
13 what is on the s- -- on the plate for the next RAB
14 meeting, and it's a completely overscheduled meeting
15 already.

16 So I would like to just ask the question about
17 how this will fit into the process.

18 MR. FORMAN: That's a good -- I would say --

19 MR. CHIOZZA: Thank you.

20 MR. FORMAN: -- Julie, generally, when you have
21 a work plan because it's a detailed execution-type
22 document, that's the perfect type of document for the
23 Technical Subcommittee meeting. In the past, they are
24 the ones that have really analyzed the work plans.

25 MS. MENACK: I just want to make sure that was

1 discussed today so that --

2 MR. FORMAN: Yeah.

3 MS. MENACK: -- it could be planned out and --

4 MR. FORMAN: So would recommend --

5 MS. MENACK: -- scheduled.

6 MR. FORMAN: -- that --

7 MS. LOIZOS: It's on the agenda.

8 MS. ATTENDEE: Yeah.

9 MR. FORMAN: Okay. Two steps ahead of me.

10 Yeah. So that will be good.

11 And if you want to invite the Navy for that, we
12 could come, and then we can talk about the work plan
13 once it comes out on the 17th. Okay.

14 MS. PENDERGRASS: All right.

15 MR. KAO: I just want to -- Actually, this is
16 the issue that I brought up at last -- last meeting. So
17 I just wanted to clarify one thing.

18 You know, to Navy's credit, they came out early
19 prior to their issuing of the draft work plan, presented
20 what -- their approach to this removal action to the
21 RAB. And so this is the RAB's input. And so that they
22 can incorporate that into their draft work plan and kind
23 of expedite the review process that people would not --
24 you know, as -- have as much problem with the work plan
25 itself. So . . .

1 So -- But the issue itself doesn't seem to be
2 addressed right here that I want to make sure that
3 people understand the issue here is that we have an area
4 that has radiological contamination the Navy trying to
5 address.

6 At the same time, the same area has chemical
7 contamination that we know is at a level of higher than
8 hazardous waste level, which by definition qualify for
9 RCRA waste.

10 So when they dig soil up for the radiological
11 cleanup, they mixed up the soil. Some are cleaner than
12 the others. So they mixed up the soil with the chemical
13 contaminations.

14 So when they put it back in, we will not be
15 able to find those hot spots anymore. Soil taken out of
16 the ground, going through the conveyor belt, going
17 through the sifting process, then they are all mixed up.
18 And then when you put it back in the ground, you will
19 not find any hot spot anymore; and then that impedes the
20 further remediation of chemical contamination.

21 So my pro- -- my proposal was that you need to
22 address the chemical contamination at the same time you
23 address the radiological contamination.

24 MS. PIERCE: Right.

25 MR. KAO: And -- and this proposal having

1 presented to the Navy, and we have not given any
2 positive response.

3 THE REPORTER: Hold it.

4 (Steno paper restocked during
5 colloquy.)

6 MS. PENDERGRASS: So at this point, I guess we
7 just need to get some closure to this --

8 MR. BROWN: Right.

9 MS. PENDERGRASS: And the closure is . . . ?

10 MR. FORMAN: The closure is: The work plan
11 will be issued on October 17th, is it, Julie? Do you
12 have a schedule?

13 MS. MENACK: I have that in my notes.

14 MS. PENDERGRASS: Okay.

15 MR. FORMAN: Okay. And we should discuss it at
16 the Technical Subcommittee, and then the Technical
17 Subcommittee chair should make a recommendation to
18 the -- at the next RAB meeting.

19 MS. PENDERGRASS: Okay.

20 MR. FORMAN: That will be my recommendation.

21 MS. PENDERGRASS: All right. So at the next
22 RAB meeting, then, there'll be a re- -- there will be a
23 report on this is what you're saying? No. It will be
24 at the next subcommittee.

25 MR. FORMAN: It is -- right. It'll be

1 discussed at the Technical Subcommittee, and then the
2 chair will make a recommendation to the RAB at-large.

3 MS. PENDERGRASS: All right. Okay. We are
4 running so long. Sounds good. That's -- Everybody
5 okay with that.

6 Let's move to the -- Who's that over there?

7 MS. RINES: Membership, Bylaws & Community
8 Outreach.

9 MS. PIERCE: You now have three minutes.

10 MS. RINES: All right. Basically, we had to --

11 MS. PENDERGRASS: I'm sorry. Before you start,
12 can I just say thank you to our guest --

13 MR. BROWN: Right.

14 MS. PENDERGRASS: -- and --

15 MS. ATTENDEE: Yes, thank you.

16 (Applause.)

17 MS. PENDERGRASS: And thank you for everybody
18 kind of crystallizing and holding onto their concerns
19 and making sure that they are all focused and -- and put
20 to the right place.

21 Thank you, Bylaws Committee.

22 MS. RINES: Okay. We sent out -- We amended
23 the bylaws. We got -- going to make a motion. You
24 should have received them. We need to vote on this.

25 The last meeting that we had was the last time

1 to amend the bylaws.

2 MS. LUTTON: You keep saying that.

3 MS. RINES: No, this is it till next year,
4 okay?

5 Basically what we want to do -- what we amended
6 was the statement saying that renewing RAB members do
7 not have to come in front of the subcommittee for their
8 application. New member -- New applicants still do.
9 We changed the actual application to reflect that, and
10 we put that into the bylaws.

11 So the subcommittee wants to make a motion to
12 accept the bylaws as we have suggested the amendment.

13 MS. PENDERGRASS: Can I just ask a question
14 about arbitra- --? Never mind. Just a joke.

15 MS. PIERCE: So moved.

16 MS. FRANKLIN: Second.

17 MS. PENDERGRASS: Okay. All in -- All those
18 in favor of accepting the bylaws as they are printed and
19 received? And we still have a quorum here, so it's not
20 a problem. All in favor, say, "Aye."

21 THE BOARD: Aye.

22 MS. PENDERGRASS: All of those opposed? Any
23 abstentions?

24 MS. BUSHNELL: I have to abstain. I haven't
25 read them. I was just given them tonight. I think we

1 really need to have more time to read, and I don't know
2 whether you have to change the bylaws.

3 MS. PENDERGRASS: They were -- they were handed
4 out at the last RAB meeting, and they were also
5 e-mailed, if I'm not --

6 MS. ATTENDEE: Yes.

7 MS. PENDERGRASS: -- mistaken.

8 So -- so I'm sorry if you missed those.

9 So -- okay. So we have still -- we have two
10 abstentions and no opposing votes. So the ayes have it.

11 Now, just -- just to recap what this means,
12 right -- I just want to make sure it's clear -- these --
13 this is -- the newly revised date will be changed.
14 These are the new bylaws, the operating procedures, for
15 the RAB and that any new changes to the RAB bylaws won't
16 happen or take effect until the next year.

17 So what happens is -- is that if you want to
18 make some change or -- to the way we operate and all
19 that, you can certainly take that to the subcommittee,
20 is that not correct?

21 MS. RINES: Yes.

22 MS. PENDERGRASS: And you will log those; is
23 that not correct?

24 MS. RINES: Yes. But in the bylaws, it says we
25 can only amend them once a year.

1 MS. PENDERGRASS: But it will only change the
2 act- --
3 MS. RINES: Correct.
4 MS. PENDERGRASS: -- -ual bylaws --
5 MS. RINES: Correct.
6 MS. PENDERGRASS: -- at the time. That will
7 incorporate all those things that you all are keeping
8 track of.
9 MS. RINES: Correct.
10 MS. PENDERGRASS: Very good. Anything else?
11 MS. RINES: The next meeting is October 14th at
12 the library, 6 p.m.
13 MS. PENDERGRASS: Can we put that on the board
14 over there, "October"? Thank you.
15 Any --?
16 MS. RINES: I will be running that meeting
17 because Keith will be out. He will be maybe this time
18 having his knee surgery.
19 MS. PENDERGRASS: All right. You guys did a
20 lot of work on that. Thank you. Thank you very much.
21 MR. BROWN: Good job.
22 MS. PIERCE: Real good job.
23 MR. TISDELL: You have a question back there.
24 MS. PENDERGRASS: Yes, ma'am. I'm sorry.
25 MS. WRIGHT: This application says RAB members

1 are -- or excuse me. Members who miss four or more
2 consecutive meetings will be asked to resign. The
3 bylaws do not use that word "more."

4 MS. RINES: Where do you see the "more"? Oh, I
5 see that.

6 MS. PIERCE: Typo.

7 MS. RINES: Typo.

8 MR. TISDELL: It's a typo.

9 MS. RINES: It's four. It's just four.

10 MR. BROWN: And that's another thing, the type
11 is too small. What you --?

12 MR. KEICHLINE: That -- that'll be corrected on
13 the final version when it's passed out. That was a
14 computer pdf issue. It will be corrected.

15 MS. PENDERGRASS: All right. Very good. Then
16 let's move on to the -- let's see, restoration --
17 tech -- Technical Committee. Lea?

18 MS. LOIZOS: Technical & Risk Review.

19 Okay. At our last meeting, it was combined
20 Technical and Risk Review subcommittees meeting. We
21 talked about -- we did a little bit of preparation for
22 this upcoming Parcel B five-year review meeting that the
23 Navy's holding on the 30th. At the time, we only had
24 the draft document, not the draft final, but we kind of
25 just reviewed what a five-year review is, how is one

1 conducted, what the original ROD said, yada-yada-yada.

2 That's all in the minutes.

3 I want to let people know that for convenience'
4 sake, I've actually posted the draft final document on
5 line, since it's hard sometimes to get to the library.
6 So that can be found at our Web site, which is
7 www.communitywindowontheshipyard.org.

8 And when you go to that Web site, there's an
9 "Alert" button. You click on that, and you'll see one
10 of the items listed as a mentioning of the "Five Year
11 Review," and there's a link there to the document. If
12 you have any questions, call me or e-mail me about how
13 to find it.

14 And then I had a question for the Navy
15 regarding -- I appreciate you putting on the agenda,
16 even though we didn't have time for it, as I requested,
17 talking about the landfill gas removal action.

18 My question is: When is the closure --
19 close-out report for that removal action scheduled?

20 MS. PIERCE: December.

21 MR. FORMAN: I think currently it's -- well, we
22 talked about this --

23 MS. LOIZOS: We did and I can't remember.

24 MR. FORMAN: -- at the last BCT meeting.
25 December.

1 MS. LOIZOS: It's December, okay.

2 MR. FORMAN: Yes.

3 MS. LOIZOS: That's good. I just wanted to
4 make sure that the RAB had a chance to hear that
5 information before our close-out report came.

6 MR. FORMAN: Okay.

7 MS. LOIZOS: Okay. So I think we are having
8 two meetings.

9 MS. MENACK: It's the day after the RAB. It's
10 the day after the RAB.

11 MS. LOIZOS: Okay. One meeting will be to
12 discuss, I think, per someone's request the health risk
13 of the fires. That will be at 6 p.m. on Thursday, the
14 16th, at Karen's office in Milton Meyers auditorium.

15 And the second meeting will be on the 21st,
16 which is the BCT day, from -- at 6 o'clock at the
17 library; and that's when we will be talking about the
18 time-critical removal action with radium dials, I guess.

19 MS. PIERCE: And at the meeting on the 16th,
20 it's been requested that -- this is the meeting to
21 discuss the potential risks of the fires. It's been
22 requested that we have a representative from the Navy,
23 from DTSC, and from the EPA to be included in that
24 discussion. 6 p.m., 195 Kiska Road.

25 MS. PENDERGRASS: And that's 10/21?

1 MS. PIERCE: No. That's the 10/16.
2 MS. PENDERGRASS: 10/16.
3 MS. PIERCE: That's the Risk Review.
4 MR. FORMAN: At 6 o'clock?
5 MR. TOMPKINS: Six o'clock --
6 MS. PIERCE: Right.
7 MR. TOMPKINS: -- include the 5 o'clock.
8 MR. FORMAN: Which fire department?
9 MR. TOMPKINS: San Francisco's.
10 MS. LOIZOS: -- point about the dates, okay.
11 MS. PENDERGRASS: Okay.
12 MS. LOIZOS: I believe that's it. You're next.
13 MR. CAMPBELL: Thank you.
14 On September 9th we had our Economic Committee
15 meeting. There were about 12 people there. Some things
16 came out, and one of the things that we were hoping for
17 was the database.
18 Well, today there was quite a bit of movement
19 as far as the database was concerned and as far as some
20 of the prime contractors needing the database formally
21 in their hands to be able to find local contractors.
22 The HRC database, which is sortable by ZIP Code
23 and broken down, is in Chon Son's hands right now. The
24 Caltrains database link is in his hands right now.
25 BDI would like I.T.S.I.'s. We went through

1 some things that looks like it's resolved. That
2 database will also be there, and these databases are
3 going to be sent around to all of the prime -- prime
4 contractors, et cetera.

5 I met with Dean Veronica Hunnicutt on the
6 HAZ- -- HAZMAT certified trainees or graduates. She is
7 willing to work with us, and today we had a meeting with
8 the State of California Office of OPR on -- the
9 Governor's office.

10 MR. TISDELL: What's OPR?

11 MR. CAMPBELL: Oh. Planning and Research.

12 MR. TISDELL: Okay.

13 MR. CAMPBELL: Office of Planning and Research.

14 They have worked with the Navy in different areas, and
15 they are willing to work with us also and human rights.

16 So that's where our report is. Thank you.

17 MS. PENDERGRASS: And your next meeting, sir?

18 MR. CAMPBELL: October -- October 7th at 2:30.

19 MS. PENDERGRASS: Okay. Ron? And -- and just
20 want to say, Ron, Debra, Joni used to -- was sending out
21 a list, like, next week on -- that's great. Okay. All
22 right. Terrific.

23 We didn't get a chance for public comment. We
24 have two and a half minutes. Is there anybody who has
25 something to die -- that they are dying to say?

1 MR. ATTENDEE: Dying to say?

2 MS. PENDERGRASS: Dying to say?

3 MR. TOMPKINS: J. R., thanks for bringing your
4 associate.

5 MR. MANUEL: Oh.

6 MS. LOIZOS: I forgot something.

7 MS. PENDERGRASS: Yes, ma'am.

8 MS. LOIZOS: This [indicating microphone] is
9 on. No.

10 I forgot to mention that -- a separate issue.

11 We are having a workshop, Arc Ecology, and our Community
12 Window on the Shipyard project is having a workshop on
13 October 7th. No. I lied. The 9th. Thursday, the 9th.

14 I'll send you all a flier by e-mail, but it's
15 at 6:30 at Earl P. Mills talking about some of the PCB
16 contamination in Yosemite Slough and South Basin and the
17 risks to folks that are out there fishing and planning
18 how we can all work together to maybe resolve this
19 issue. Thanks.

20 MS. PENDERGRASS: Excellent. Thank you all.

21 We are adjourned.

22 (Off record at 8:52 p.m., 9/25/03.)

23 ---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