

RESTORATION ADVISORY BOARD MEETING

WEDNESDAY, JANUARY 28, 2004

NATIONAL CITY, CALIFORNIA

REPORTED BY: Nancy A. Lee, CSR No. 3870

LEE & ASSOCIATES



1 NATIONAL CITY, CA., WEDNESDAY, JANUARY 28, 2004

2 5:51 P.M.

3

17:51:13 4 MR. BISHOP: Good evening. Welcome to the  
17:51:28 5 32nd Street Navy's Restoration Board.

17:51:37 6 I'm Pete Bishop. Are there any  
17:51:38 7 guests? Pretty much everyone knows each other.  
17:51:43 8 Anybody new?

17:51:46 9 MR. BELTON: Jeanna Sellmeyer is the new  
17:51:47 10 contractor for the RAB, and she works for the  
17:51:49 11 ASSET Group.

17:51:53 12 MR. BISHOP: Welcome, Jeanna.

17:51:54 13 MS. SELLMAYER: Thank you.

17:51:56 14 MR. BISHOP: Okay. We're done with the  
17:51:57 15 introductions.

17:51:57 16 Review RAB meeting minutes of January  
17:52:06 17 29, 2003.

17:52:24 18 MR. BELTON: That should be April 30, 2003.

17:52:33 19 MR. BISHOP: April minutes. Anyone have  
17:52:38 20 anything to say about the April meeting minutes?  
17:52:47 21 No comments? Any questions? Accepted as written?

17:52:55 22 MR. BELTON: Second.

17:52:57 23 MR. BISHOP: All in favor? Moving on.

17:53:03 24 DTSC and RWQCB joint sediment letter  
17:53:03 25 and Navy's response.

17:53:04 1 MR. BELTON: Theresa's not here, so I'm  
17:53:06 2 going to be acting Navy Co-Chair.  
17:53:08 3 I'm going to go over a couple of  
17:53:08 4 things that we're going to talk about tonight so  
17:53:11 5 you'll have an understanding of what we're doing.  
17:53:12 6 This is an interesting RAB. We'd like  
17:53:14 7 to do this every year, talk about budget and  
17:53:17 8 things like that, what's coming up.  
17:53:21 9 First I'm going to talk about the  
17:53:22 10 Navy's response to the DTSC and Water Board's  
17:53:25 11 joint letter. The Navy issued a letter responding  
17:53:31 12 to those particular items.  
17:53:34 13 Budget. You guys get to ask us  
17:53:36 14 questions about where your money is going, how  
17:53:38 15 we're spending it, what projects are coming up in  
17:53:41 16 the new year. This is an interesting RAB.  
17:53:45 17 Carol is going to talk about Site 3  
17:53:47 18 Story Board, where we're going to go from where  
17:53:48 19 we're at right now. We've got a work plan out on  
17:53:53 20 the street. DTSC is reviewing it, and we think  
17:53:54 21 we're going to be back out in the field.  
17:53:58 22 Site 7. Oh, gosh. Summer of 2002 we  
17:54:02 23 went out with a proposed plan. You guys will find  
17:54:06 24 it interesting where we're at today on that  
17:54:08 25 particular site.

17:54:11 1 Ed is going to talk about the FFSRA.  
17:54:12 2 That's the agreement between the Navy and DTSC on  
17:54:17 3 how we conduct business, basically, how we go  
17:54:19 4 about -- how we negotiate disagreements and how we  
17:54:26 5 proceed on particular sites. It's tied to CERCLA  
17:54:29 6 and RCRA into one program.

17:54:33 7 We're going to have a public question  
17:54:35 8 and answer period, but feel free to ask questions  
17:54:39 9 any time throughout the RAB tonight.

17:54:52 10 MR. BISHOP: That's an overview of where we  
17:54:54 11 go tonight.

17:54:55 12 MR. BELTON: I'm up next.

17:55:04 13 MR. BISHOP: We're going to talk about this  
17:55:06 14 letter.

17:55:07 15 MR. BELTON: That's correct.

17:55:42 16 This presentation is to briefly update  
17:55:44 17 you on where we're at on the sediments.

17:55:50 18 We got multiple letters from DTSC and  
17:55:51 19 the Water Board on the Navy's position on  
17:55:58 20 sediments. Basically DTSC and the Water Board  
17:55:58 21 wants us to extend our IRP sites to include  
17:56:00 22 sediments.

17:56:04 23 MR. BISHOP: Sediments where?

17:56:04 24 MR. BELTON: Sediments at Naval Station San  
17:56:05 25 Diego.

17:56:07 1 MR. BISHOP: Okay.

17:56:08 2 MR. BELTON: This letter is our formal  
17:56:10 3 response to DTSC and the Water Board. You guys  
17:56:13 4 are the first to see it -- they're right over  
17:56:15 5 there on the table -- regarding their issues.

17:56:22 6 What I'm going to do is paraphrase the  
17:56:23 7 letter. I'm not going to go through it because  
17:56:25 8 it's pretty long, eight paragraphs. So I'm going  
17:56:29 9 to basically talk to you about the key points on  
17:56:31 10 it and why I believe those are key points.

17:56:36 11 Why was this paragraph in the letter?  
17:56:48 12 "We do not know of any scientifically defensible  
17:56:50 13 method to distinguish chemicals from historical IR  
17:56:50 14 sources from chemicals due to ongoing pollutant  
17:56:50 15 sources." Why is that important?

17:57:09 16 Historically DTSC and the Water Board  
17:57:10 17 have said we don't care if your groundwater is  
17:57:16 18 clean. You have to come to us and tell us that  
17:57:20 19 you haven't historically impacted IRP sites. The  
17:57:25 20 Navy has no way to do that. It's hard to go back  
17:57:30 21 with a crystal ball and say for scientific  
17:57:35 22 certainty that the sites did or did not impact  
17:57:37 23 sediments. That's why I believe this is the key  
17:57:42 24 portion of the letter.

17:57:46 25 "Because there are numerous sources of

17:57:48 1 contamination in the bay, there should be a  
17:57:49 2 Bay-wide program for source identification and  
17:57:53 3 elimination." Why is that important, source  
17:57:55 4 identification and elimination?

17:58:00 5                   If you're going to go and investigate  
17:58:00 6 sediments and potentially remediate sediments,  
17:58:02 7 does that make any sense when you still have  
17:58:06 8 ongoing sources? Now, that's like telling someone  
17:58:10 9 to go to Niagara Falls with a bucket, take a  
17:58:13 10 bucket of water out of Niagara Falls to lower the  
17:58:18 11 water level. We don't believe that makes any  
17:58:20 12 sense.

17:58:21 13                   We believe that we first need to  
17:58:23 14 identify the sources and eliminate the sources  
17:58:26 15 before we can actually address the quality of the  
17:58:29 16 bay sediments.

17:58:32 17                   MR. BISHOP: Darren, hang on here just a  
17:58:33 18 second. Go back to the last slide.

17:58:43 19                   The last slide says the Navy wants to  
17:58:45 20 work with the stakeholders. Is there in fact an  
17:58:54 21 organization of stakeholders on this issue?

17:58:57 22                   MR. BELTON: The Navy believes that the  
17:59:00 23 TMDL program, which has various stakeholders  
17:59:02 24 participating in it, is the best mechanism for  
17:59:05 25 addressing sediments.

17:59:07 1 MR. BISHOP: All the stakeholders should be  
17:59:10 2 involved in that process?

17:59:15 3 MR. BELTON: We know that NOAA is involved.  
17:59:15 4 The Water Board is involved. I don't know if --  
17:59:15 5 DTSC, do you have any members on there?

17:59:22 6 MR. BAUTISTA: No.

17:59:23 7 MR. BELTON: I'm sure that they're welcome  
17:59:25 8 to be involved.

17:59:26 9 MR. BISHOP: It's one of the issues,  
17:59:29 10 perhaps not for this month, but one of the issues  
17:59:32 11 that needs to be addressed here is if you're going  
17:59:35 12 to have a process that is going to address this  
17:59:38 13 issue, you need to get everybody on board.

17:59:45 14 MR. McNUTT: Didn't the Water Board really  
17:59:45 15 start cracking down here about a year ago with new  
17:59:47 16 people on board and they were going to really get  
17:59:50 17 tough with people up the stream?

17:59:53 18 MR. BELTON: I don't know.

17:59:57 19 MR. McNUTT: It was in the paper.

17:59:59 20 MR. BELTON: I know they've been coming  
17:59:59 21 down pretty hard on NASSCO.

18:00:03 22 MR. McNUTT: They've got money.

18:00:04 23 MR. BELTON: I don't have access for the  
18:00:06 24 City of San Diego to recover funds.

18:00:10 25 MR. McNUTT: Well, what is the Water

18:00:10 1 Quality Board doing about the people upstream?

18:00:14 2 MR. BELTON: That's a good question, and  
18:00:15 3 that's probably a question we should be posing to  
18:00:17 4 them. What about the other pollutants, other  
18:00:19 5 sources of contamination to the degradation of  
18:00:21 6 sediments.

18:00:25 7 MR. McNUTT: That was the Navy dumping  
18:00:28 8 tires and everything.

18:00:32 9 MR. MULLALY: Are there meetings with  
18:00:33 10 stakeholders?

18:00:36 11 MR. BELTON: With the TMDL program there  
18:00:38 12 are. I'm not that familiar with it, but I believe  
18:00:40 13 there are routine frequent meetings ongoing there.

18:00:43 14 Pete, are you familiar with the TMDL?

18:00:44 15 MR. STANG: The TMDL committee, I believe  
18:00:50 16 the chair or the co-chair is the Regional Water  
18:00:52 17 Quality Control Board, and they have been tasked  
18:00:56 18 by the State of California as the lead to develop  
18:00:59 19 the total maximum daily load of pollutants into  
18:01:04 20 specific water bodies or within water sheds.

18:01:09 21 And as Darren had mentioned, NOAA is a  
18:01:12 22 participant, so there's a federal level of  
18:01:14 23 participation along with the Navy both at the  
18:01:19 24 activity level such as Naval Station as well as  
18:01:22 25 Navy sciences with SPAWAR Science Center out on

18:01:26 1 Point Loma. The state is represented with the  
18:01:30 2 lead of the Regional Water Quality Control Board,  
18:01:31 3 and I believe there is also public participation.  
18:01:37 4 The Environmental Health Coalition and similar  
18:01:41 5 Baykeeper are active participants in the process.

18:01:47 6 MR. BELTON: There's a number of state  
18:01:48 7 agencies participating in that. That's why the  
18:01:49 8 Navy believes that's the best mechanism to address  
18:01:53 9 this.

18:01:55 10 MR. BISHOP: Well, my thinking is if you  
18:01:57 11 don't have the potential sources, the polluters,  
18:02:03 12 the people that could in fact have currently or  
18:02:06 13 historically have been part of the problem, if  
18:02:09 14 they're not part of the solution, you're not going  
18:02:09 15 to get a solution.

18:02:16 16 So are those folks identified? Have  
18:02:18 17 they been invited to get on board? Are the  
18:02:19 18 Regional Water Quality folks out there contacting  
18:02:29 19 the metal shops and the rest of the folks?

18:02:38 20 MR. BELTON: We could try to get them here  
18:02:38 21 at the next RAB to maybe articulate their position  
18:02:45 22 on why the Navy is the target for all the  
18:02:45 23 sediments.

18:02:48 24 CMDR. WINK: You're speaking of the  
18:02:48 25 Regional Water Quality Board?

18:02:51 1 MR. BELTON: That's right. We could  
18:02:51 2 probably get the Regional Water Quality Board  
18:02:51 3 here.

18:02:54 4 MR. DIAS: I'm sure that the Regional Water  
18:02:54 5 Quality Board might be able to explain it better  
18:02:59 6 than us.

18:03:04 7 MR. BISHOP: Okay. Thanks a lot.

18:03:06 8 MR. BELTON: I think this basically gives  
18:03:12 9 the analysis of what I just said about Niagara  
18:03:15 10 Falls. Until we eliminate the sources, it really  
18:03:20 11 doesn't make sense to investigate potential  
18:03:22 12 cleanup sediments.

18:03:26 13 MR. McNUTT: Why would DTSC recommend that  
18:03:26 14 course?

18:03:34 15 MR. BAUTISTA: Actually, DTSC is interested  
18:03:36 16 in finding out whether there is a pathway for the  
18:03:40 17 chemicals that they are finding in different sites  
18:03:44 18 at the base for contaminants to go into the bay or  
18:03:48 19 have been going into the bay historically, and  
18:03:53 20 that's what we are trying to get the Navy to do is  
18:03:57 21 find out whether there's a pathway by way of the  
18:04:00 22 groundwater.

18:04:00 23 We know that there is surface  
18:04:01 24 contamination in the past because they're adjacent  
18:04:05 25 to the bay. There's no other explanation that it

18:04:10 1 went into the bay at some point in time, and what  
18:04:14 2 we wanted to do is just find out whether that's  
18:04:16 3 what really happened.

18:04:20 4                   For surface contamination due to  
18:04:24 5 surface water runoff, contaminants that have been  
18:04:26 6 spilled in the soil before historically get washed  
18:04:30 7 to the bay. In the frontage of the bay where  
18:04:36 8 these sites are located, there has been some  
18:04:40 9 studies both by the Navy -- mostly by the Navy  
18:04:42 10 that shows there is contaminants in those bay  
18:04:48 11 formations in front of those sites where we are  
18:04:51 12 finding contamination now. So what we wanted to  
18:04:53 13 do is get the Navy to find out how much  
18:04:57 14 contaminants are there.

18:05:00 15                   And one big pathway that we are very  
18:05:03 16 much interested in is the groundwater. For  
18:05:07 17 example, groundwater at Site 1 is contaminated,  
18:05:11 18 and saturated soil contaminants is down to 70  
18:05:17 19 feet. We are finding contaminants down to 70  
18:05:19 20 feet. And although we have done some removal  
18:05:23 21 actions in the soil, that doesn't include the  
18:05:27 22 saturated zone.

18:05:29 23                   And since Site 1 particularly, the  
18:05:33 24 separation between the bay and the site is just a  
18:05:35 25 quay wall, so it is reasonable to suggest that

18:05:41 1 those contaminants have migrated into the bay and  
18:05:45 2 may be still migrating now.

18:05:47 3                   There was a study done by the Navy  
18:05:50 4 regarding fate and transport at Site 1. The fate  
18:05:54 5 and transport study showed that contaminants have  
18:05:56 6 been migrating to the bay. Now, what we wanted to  
18:06:00 7 know is to check that. That's just a table top  
18:06:08 8 investigation.

18:06:09 9                   Now, we would like to know did that  
18:06:12 10 really happen or is it still happening now, and  
18:06:15 11 the only way we can show that is find out where  
18:06:18 12 the groundwater is going. Is it really going into  
18:06:21 13 the bay? That information is not available at  
18:06:26 14 this time, and we are still finding waste or  
18:06:29 15 trying to find out how we could do that with the  
18:06:32 16 Navy.

18:06:33 17                   MR. DIAS: Wait a second. We're starting  
18:06:38 18 that apex problem right now. We are starting to  
18:06:42 19 confirm if groundwater is really migrating to the  
18:06:43 20 bay so maybe we can explain this better.

18:06:53 21                   MR. BELTON: I don't want to get too much  
18:06:54 22 off track, but I think what Ed is saying is that  
18:06:56 23 we are looking inward.

18:06:58 24                   The fact that we want to get the Navy  
18:07:01 25 investigating groundwater is not totally accurate

18:07:07 1 because you guys have seen the numbers from  
18:07:08 2 various sites -- Sites 1, 2, 3, 4 -- that proposes  
18:07:12 3 to investigate groundwater. For example, at  
18:07:15 4 Site 3 right now we have a letter from the Water  
18:07:18 5 Board not concurring with us to investigate  
18:07:20 6 groundwater to determine the pathway and see if it  
18:07:24 7 impacts sediments.

18:07:28 8                   In short, the Navy believes that the  
18:07:32 9 TMDL program is the better program. It brings all  
18:07:36 10 the state coalitions together. There's a  
18:07:38 11 multitude of sources out there, and the Navy may  
18:07:43 12 have contributed. But for the Navy to use your  
18:07:44 13 taxpayer dollars to unilaterally go out there and  
18:07:45 14 clean up sediment we don't feel is the best way to  
18:07:54 15 address the sediment issue.

18:08:00 16           MR. MULLALY: I'm kind of hearing two  
18:08:01 17 different things, though. I'm hearing you talk  
18:08:05 18 about cleaning up the bay, and the DTSC is talking  
18:08:10 19 about runoff coming from the Naval Station into  
18:08:14 20 the bay. So it sounds like two different  
18:08:17 21 responses.

18:08:19 22           MR. BELTON: We actually have two creeks  
18:08:20 23 that flow through Naval Station: Chollas Creek and  
18:08:21 24 Paleta Creek. Those are going into the bay. We  
18:08:27 25 have a lot of sources that are upstream from

18:08:29 1 those. The sites adjacent to those creeks such as  
18:08:33 2 2, 3, and 4, is that the Navy's problem or is that  
18:08:40 3 also upstream problems also?

18:08:45 4 MR. BAUTISTA: The question is are we  
18:08:49 5 really requiring the Navy to cleanup the bay now?  
18:08:52 6 The answer is no. What we wanted to do is  
18:08:55 7 investigate contaminants in the bay and find out  
18:09:00 8 whether contaminants that are now in the bay have  
18:09:04 9 been migrating from where the possibilities of  
18:09:08 10 migration of contaminants from the sites at the  
18:09:11 11 Naval base.

18:09:13 12 So actually now DTSC, we don't have  
18:09:16 13 enough information to tell the Navy to clean it  
18:09:19 14 up. What we have is an indication that there is  
18:09:21 15 contaminants in the bay and the contaminants are  
18:09:28 16 similar to the contaminants that we are finding at  
18:09:29 17 the sites that we are cleaning now. And, in  
18:09:32 18 addition, because of the proximity of these sites  
18:09:35 19 to the bay, it is very reasonable to say that  
18:09:40 20 those contaminants that we have found at the sites  
18:09:42 21 sometime in the past or even continuing now have  
18:09:46 22 been migrating to the bay.

18:09:49 23 MR. BELTON: Okay. But we're talking about  
18:09:49 24 the argument that contaminants that are adjacent  
18:09:51 25 to Naval Station are also found upstream.

18:09:56 1 MR. BAUTISTA: Oh, we are not saying that  
18:09:59 2 everything came from the Navy. Nobody can say  
18:10:03 3 that. The Navy cannot say not everything came  
18:10:06 4 from the Navy because we don't have that  
18:10:08 5 information. Nobody asked.

18:10:13 6 MR. BELTON: I'd like for all of you to  
18:10:14 7 read the letter so you can fully understand the  
18:10:16 8 Navy's position, and we will make the previous  
18:10:19 9 letters from DTSC and the Water Board available to  
18:10:22 10 you.

18:10:24 11 I believe there are courtesy copies to  
18:10:24 12 you guys on those letters, also.

18:10:28 13 MR. McNUTT: I've got a couple. I don't  
18:10:30 14 remember which ones.

18:10:32 15 MR. MULLALY: I'd be interested in does the  
18:10:33 16 letter contain an answer to the point that Douglas  
18:10:38 17 just made?

18:10:39 18 MR. BELTON: Yes.

18:10:41 19 MR. McNUTT: I don't know that I have this  
18:10:42 20 letter.

18:10:43 21 MR. BELTON: It's an eight-paragraph letter  
18:10:45 22 and I've reviewed a couple of paragraphs.

18:10:49 23 MR. BAUTISTA: Was the letter that we sent,  
18:10:51 24 even the joint letter, were the RAB members cc'd  
18:10:55 25 on them?

18:10:56 1 MR. MULLALY: I received it.

18:10:58 2 MR. BELTON: A couple of the letters were  
18:10:58 3 cc'd to the RAB members.

18:11:02 4 MR. BAUTISTA: So anybody that didn't  
18:11:05 5 receive a copy, there may be something wrong with  
18:11:07 6 the address, so let me know.

18:11:11 7 MR. MULLALY: I got a copy sometime ago.

18:11:13 8 MR. BAUTISTA: It was sometime ago.

18:11:20 9 MR. MULLALY: It was the week of the fires.

18:11:22 10 MR. BELTON: We're going to talk about the  
18:11:23 11 FY 04 budget. Basically the amount of money that  
18:11:24 12 we're going to get this year and which projects  
18:11:24 13 we're going to fund.

18:11:52 14 MR. DIAS: We have already met the Navy  
18:11:56 15 team who is going to execute this budget. They  
18:11:58 16 are Theresa, Mike, Darren, and myself. I'm Ed  
18:12:03 17 Dias. There are others also who are helping us in  
18:12:09 18 executing this project. To name a few:  
18:12:13 19 contracting specialists, program analysts,  
18:12:16 20 comptroller, the counsel, and of course the  
18:12:20 21 contractors, too.

18:12:37 22 To get the funding of what we need,  
18:12:53 23 the headquarters maintains a database called  
18:13:00 24 Normal. We populate this database with our budget  
18:13:08 25 requirements, and every year we get a locked

18:13:15 1 budget and they send us money. This year we are  
18:13:18 2 getting \$9.2 million to share among eight sites.  
18:13:44 3 This is really what we are budgeted.  
18:13:47 4 This is what we expect. This doesn't mean that we  
18:13:49 5 will get all this money.  
18:13:54 6 For Site 1 is that RI site move in  
18:13:57 7 money. Site 2 we'll have more funds to complete  
18:14:04 8 the RI phase. Site 3 we get money for the  
18:14:06 9 groundwater study and also some money expected for  
18:14:09 10 any removal actions they may have.  
18:14:14 11 CMDR. WINK: What's the boundary of Site  
18:14:16 12 2's work?  
18:14:20 13 MR. BELTON: It's an ongoing RI that we  
18:14:22 14 have right now with Bechtel and CDM. It's not  
18:14:28 15 that intrusive. It's basically we have the wells  
18:14:31 16 in the ground already. I think that's where  
18:14:32 17 you're coming from. Impacts.  
18:14:35 18 CMDR. WINK: Got it.  
18:14:37 19 MR. DIAS: We have some money for Site 4.  
18:14:38 20 That's for the deep aquifer studies. There is  
18:14:44 21 some contamination in the deep aquifer. We're  
18:14:46 22 going to study that.  
18:14:48 23 For Site 7 we have money, but Site 7  
18:14:50 24 is I think agreed to no further action, so that  
18:14:55 25 money will be utilized for other SWMUs.

18:14:59 1                   Also, we expect some money for Sites  
18:15:03 2 8, 10, 13 and SWMU 16.  
18:15:16 3                   MR. McNUTT: 18 is a new site, isn't it?  
18:15:23 4                   MR. BELTON: It is not. It has a SWMU  
18:15:27 5 number. Also in the summer our solid waste  
18:15:28 6 management is an IR site number also. You're  
18:15:30 7 probably more familiar with the SWMU number versus  
18:15:34 8 the IR site.  
18:15:38 9                   MR. DIAS: Our Site 5 will continue with  
18:15:44 10 their studies currently being done. Removal  
18:15:48 11 action may take place at four sites, and design  
18:15:55 12 phase for three sites, and then long-term  
18:15:58 13 monitoring for one site. That's Site 8.  
18:16:01 14                   This is the schedule of how we are  
18:16:16 15 going to spend the money. We get funds quarterly  
18:16:18 16 from headquarters, and our plan is to execute  
18:16:24 17 funds within the first three quarters. The  
18:16:26 18 numbers are not showing.  
18:16:33 19                   The first quarter is \$2.1 million.  
18:16:35 20 The second quarter is 3.1 million. And the third  
18:16:45 21 quarter we plan to spend 3.9 million.  
18:16:51 22                   The first quarter we'll receive  
18:16:53 23 \$2,147,782 and we will execute all of that. The  
18:17:01 24 second quarter we will receive \$2.8 million. Out  
18:17:06 25 of that we have already executed \$1.6 million and

18:17:10 1 we're working on the balance.

18:17:15 2 Up to date we have executed about \$4  
18:17:18 3 million at Naval Station. 40 percent of these  
18:17:21 4 funds will go to minority contractors such as  
18:17:24 5 ASSET Group. Bechtel, CDM, Foster Wheeler, and  
18:17:25 6 Tetra Tech have landed the bulk of the work.

18:17:31 7 MR. BELTON: I just want to make one  
18:17:31 8 clarification that 40 percent of the funds is a  
18:17:35 9 work plan designated number for us to meet, but  
18:17:39 10 it's not particular to minority groups. It's  
18:17:41 11 particular to small business or a firm which is  
18:17:45 12 considered a disadvantaged company. So small  
18:17:54 13 business or a disadvantaged company.

18:17:55 14 MR. DIAS: Any questions on the last slide?

18:18:00 15 MR. STANG: There's a distinction between  
18:18:02 16 small business and disadvantaged company in the  
18:18:05 17 mind of the comptroller.

18:18:10 18 MR. BISHOP: I'm looking at the map here  
18:18:14 19 and I can't find Site 18.

18:18:20 20 MR. STANG: Site 18 is SWMU 16.

18:18:26 21 MR. McNUTT: It's over by the gym.

18:18:28 22 MR. STANG: It's right near where Paleta  
18:18:28 23 Creek enters the bay.

18:18:33 24 MR. McNUTT: And it's close to 5.

18:18:36 25 MR. BISHOP: I see SWMU 9 and SWMU 12.

18:18:42 1 MR. STANG: It's right across the street  
18:18:43 2 from where we used to meet at Anchors & Spurs.  
18:18:48 3 MR. MULLALY: It's right there by the OCP  
18:18:50 4 Club.  
18:19:08 5 CMDR. WINK: Are the briefs going to be  
18:19:08 6 posted on the Web page?  
18:19:39 7 MR. BELTON: Yes. Hold it. No, just the  
18:19:47 8 minutes. We can do that, sir, if you want that to  
18:19:50 9 happen.  
18:19:51 10 CMDR. WINK: It's just that the black and  
18:19:51 11 white copies are hard to identify the legend.  
18:19:55 12 MR. BELTON: We have a new computer setup  
18:19:57 13 at MCI and it can't read some of our printers.  
18:20:00 14 But that's our problem. Next time we'll fix that  
18:20:04 15 for you.  
18:20:12 16 Carol's up next. She's going to talk  
18:20:15 17 a little bit about IRP Site 3 and where we are  
18:20:19 18 going to go.  
18:20:33 19 MS. YAMANE: We submitted a work plan for  
18:20:41 20 additional activity -- field activity at IR Site 3  
18:20:46 21 back in September, and I'm going to go over what  
18:20:49 22 those activities are.  
18:20:50 23 But since we haven't talked about the  
18:20:52 24 site in a while, I will give you an update on the  
18:20:54 25 project status, go over the background, and get

18:20:59 1 into the nuts and bolts of what we have planned  
18:21:02 2 for Site 3.

18:21:05 3                   So as I mentioned, we submitted an  
18:21:09 4 expanded IR work plan to the agencies, and the RAB  
18:21:14 5 members got copies as well in September. We did  
18:21:18 6 receive agency comments. The Navy responded to  
18:21:21 7 those comments, and we're moving to issue the  
18:21:25 8 final work plan very soon.

18:21:27 9                   Site 3, just to remind you is right  
18:21:34 10 over here in the center of the base.

18:21:37 11               MR. BELTON: Carol, I'm going to interrupt  
18:21:37 12 you. There's one outstanding issue on Site 3  
18:21:41 13 which is the sediments. The Water Board did not  
18:21:44 14 concur with the work plan and are holding up the  
18:21:49 15 final until we resolve the sediment issues. So  
18:21:51 16 even though we believe the issue is in the work  
18:21:53 17 plan in the future, the final won't happen until  
18:21:56 18 we resolve the issue on the sediments.

18:22:01 19               MR. BISHOP: That's the issue we talked  
18:22:02 20 about previously.

18:22:04 21               MR. BELTON: That's correct.

18:22:06 22               MS. YAMANE: As you probably remember,  
18:22:10 23 Site 3 was used from about 1943 to 1975 as a  
18:22:15 24 salvage yard operation, and some of the features  
18:22:21 25 that were on the site included a classified

18:22:22 1 incinerator and then two additional general  
18:22:27 2 incinerators as well as three underground storage  
18:22:31 3 tanks. All these features are no longer at the  
18:22:34 4 site.

18:22:36 5                   Just one other thing to know, the site  
18:22:37 6 is divided into two areas. It's actually divided  
18:22:40 7 by a fence, and we refer to this part of the site  
18:22:44 8 as the northern area and this part of the site as  
18:22:47 9 the southern area.

18:22:50 10                   So currently both areas of the site  
18:22:55 11 are paved and used for parking, and we're looking  
18:22:57 12 right now at a picture of the northern area of the  
18:23:01 13 site looking towards the northeast.

18:23:06 14                   And then here's another picture of the  
18:23:08 15 southern part of the site. It's probably paved  
18:23:12 16 parking lot now. And we're looking down Cummins  
18:23:16 17 Road, and there really isn't too much at the site  
18:23:18 18 except a little planter -- a strip planter for  
18:23:22 19 shrubs along one side.

18:23:27 20                   So there have been numerous site  
18:23:32 21 investigations as well as removal actions, and I'm  
18:23:39 22 not going to review them all, but I listed them  
18:23:42 23 just so you can get a flavor for the amount of  
18:23:45 24 work that's been done.

18:23:49 25                   This gives you an idea of the number

18:23:55 1 of soil samples that were conducted at the site.

18:23:59 2 The Navy's also collected groundwater

18:24:04 3 samples and they're shown on this slide. The

18:24:09 4 green dots represent wells that are still present

18:24:11 5 at the site. There's five of them. Groundwater

18:24:15 6 direction flow action is generally towards the

18:24:18 7 north. Currently we have no wells in this area of

18:24:22 8 the site. So as you'll see later, this is one of

18:24:26 9 the areas of investigation that we're going to

18:24:29 10 fill.

18:24:30 11 As I mentioned, there has also been

18:24:34 12 some removal actions. There's been four. Three

18:24:39 13 of them have been associated with construction

18:24:42 14 activities, and one of them has been associated

18:24:45 15 with the IR program, and I'll go through those

18:24:49 16 briefly.

18:24:50 17 In 1976 there was some soil removed in

18:24:56 18 the vicinity of the these older incinerators and

18:24:59 19 that soil contained some PCBs. And then during

18:25:04 20 the removal of the USTs, there was also some soil

18:25:08 21 that was affected by petroleum hydrocarbons

18:25:10 22 associated with those underground storage tanks.

18:25:15 23 This large area that's shown with

18:25:21 24 boxes represents the removal action that was done

18:25:25 25 as part of the IR program under CERCLA. And as

18:25:29 1 part of that 1997 TCRA, approximately 22,000 cubic  
18:25:32 2 yards of contaminated soil were excavated and  
18:25:39 3 removed and properly disposed of, and associated  
18:25:42 4 with construction activities after this removal  
18:25:50 5 action, there was just a little bit of soil  
18:25:53 6 removed.

18:25:54 7 MR. BISHOP: What does the color code mean?

18:25:57 8 MS. YAMANE: The color code -- I can't tell  
18:25:59 9 you exactly what it means. It refers to the  
18:26:01 10 elevation of the body of the excavation. So the  
18:26:04 11 elevations range from a few feet to 12 feet.

18:26:11 12 So where are we now in this process?

18:26:17 13 Well, the agencies and the Navy met to resolve  
18:26:20 14 some outstanding comments that were on the table,  
18:26:24 15 and this happened last year, and the parties  
18:26:28 16 agreed in concept on what additional field work  
18:26:32 17 needed to be done in order to get this approved  
18:26:37 18 plan.

18:26:38 19 The agreed upon scope was incorporated  
18:26:40 20 into a work plan, and that draft work plan was  
18:26:43 21 submitted for review, and that's the one that was  
18:26:45 22 submitted in September.

18:26:48 23 We received the agency comments, as I  
18:26:51 24 mentioned, and DTSC requested that the Navy  
18:26:58 25 collect a few additional samples, and the Navy

18:27:02 1 said that they would go ahead and collect those.

18:27:06 2 Darren's already mentioned that the sediment issue

18:27:09 3 is outstanding.

18:27:11 4 So aside from the sediment issues, the

18:27:13 5 parties have either agreed to or very close on

18:27:18 6 most all of the points, and the Navy is hoping to

18:27:21 7 proceed with collecting on-site data and hoping

18:27:27 8 that the outstanding sediment issue won't hold up

18:27:30 9 the investigation moving forward. I'm going to go

18:27:34 10 into the details of the investigation.

18:27:40 11 So I'm going to go over the objectives

18:27:45 12 of the work plan. The way that we're going to

18:27:50 13 approach implementing the work plan will be in

18:27:51 14 phases, and risk assessment process.

18:27:55 15 So the objectives include collecting

18:28:04 16 additional data in isolated areas, refine

18:28:09 17 information on the nature and extent of soil

18:28:10 18 contamination.

18:28:11 19 Essentially we want to complete our

18:28:18 20 soil investigation. We also want to complete our

18:28:21 21 groundwater investigation by defining the nature

18:28:21 22 and extent of groundwater contamination. And

18:28:25 23 we'll also refine the input that we'll use in

18:28:30 24 calculating risk.

18:28:36 25 We'll also address outstanding agency

18:28:38 1 comments and support the development of remedial  
18:28:43 2 alternatives if those are needed.

18:28:46 3                   So we're going to progress with the  
18:28:52 4 investigation in phases, and this is modeled after  
18:28:54 5 the approach for the nearby Site 4, and it worked  
18:28:59 6 very effectively with the regulators and the Navy.  
18:29:02 7 It allowed the parties to interact at interim  
18:29:05 8 points during the investigation and to get input.

18:29:09 9                   So the first phase we're going to  
18:29:13 10 refine the understanding of the contaminants  
18:29:15 11 remaining in the soil, and we're going to go out  
18:29:18 12 and collect soil samples at a few targeted  
18:29:21 13 locations that the Navy and DTSC agree upon.

18:29:26 14                   We're also going to look at the  
18:29:27 15 groundwater flow zones, and to do that we'll look  
18:29:32 16 at the sediments beneath the site, and we'll  
18:29:34 17 conduct geologic cross sections.

18:29:38 18                   Then when we have that information,  
18:29:42 19 we're going to have a meeting with the agencies  
18:29:44 20 and go over these geologic cross sections. We're  
18:29:48 21 going to finalize where we're going to put  
18:29:51 22 monitoring wells, where we'll install these wells,  
18:29:53 23 and agree whether additional soil samples are  
18:29:56 24 needed.

18:29:58 25                   And then Phase 2 we'll go out and

18:29:59 1 finish our groundwater investigation, and to do  
18:30:03 2 that we'll install and sample monitoring wells,  
18:30:05 3 and we're also going to perform a groundwater  
18:30:07 4 elevation study.

18:30:09 5                   So I'm not going to go over every  
18:30:10 6 single point, but the red dots are areas where  
18:30:18 7 we're going to advance borings to look at the  
18:30:21 8 sediment type beneath the ground surface so we can  
18:30:23 9 construct these ecological cross sections. And  
18:30:27 10 then the other dots are areas where we're going to  
18:30:30 11 collect soil samples and analyze those samples.

18:30:35 12                   And this shows conceptually our  
18:30:41 13 approach to the groundwater investigation. The  
18:30:43 14 green locations are where we have wells now; and  
18:30:48 15 the pink locations, they're open range, represent  
18:30:52 16 a shallow well; and the pink small dots represent  
18:30:57 17 a deeper well, and these are just estimates where  
18:31:01 18 we think we're going to be sampling these wells.  
18:31:04 19 We're planning on four shallow and four deeper,  
18:31:06 20 but that will actually be finalized during that  
18:31:10 21 meeting with the agencies so we'll all agree on  
18:31:14 22 what goes where.

18:31:18 23                   MR. BISHOP: Hang on a second. I've got a  
18:31:19 24 couple of questions.

18:31:25 25                   We've already characterized the

18:31:27 1 direction of the groundwater flow going north.

18:31:30 2 Why are we going back to do this again?

18:31:33 3 MS. YAMANE: We're getting more

18:31:35 4 information. We don't have any wells here, and

18:31:38 5 because we used to have contamination which was

18:31:41 6 excavated, but we used to have contamination here,

18:31:44 7 we want to put some wells up here to see if it's

18:31:47 8 impacted the groundwater.

18:31:51 9 And then the other issue is we have

18:31:53 10 got Paleta Creek right here, and that's tidally

18:31:55 11 influenced, so we want to get an idea of the

18:32:00 12 average groundwater flow, the direction of the

18:32:03 13 groundwater south of the wells.

18:32:06 14 MR. BISHOP: Are you talking about Paleta

18:32:06 15 Creek influence or are you talking about the

18:32:08 16 interaction between 3 and Paleta Creek? You said

18:32:12 17 something about tidal influence in Paleta Creek.

18:32:23 18 MR. McNUTT: There was no contamination.

18:32:26 19 MR. HEIRONIMUS: I want to add something as

18:32:27 20 far as what we're planning to do here is we

18:32:29 21 recently completed our RI work over at Site 4,

18:32:33 22 which is right across the road on the other side

18:32:36 23 there, and we learned quite a bit over there when

18:32:39 24 we did that investigation and put in those deeper

18:32:42 25 wells with shallow wells also on the site.

18:32:47 1                   And what we learned is the groundwater  
18:32:49 2 flow regime may be more complex than what we  
18:32:54 3 realized when we first went in, and those initial  
18:32:57 4 shallow wells were put in at Site 3 several years  
18:33:01 5 ago.

18:33:01 6                   So we think with putting in the deeper  
18:33:05 7 wells and tying that over to Site 4 with that  
18:33:08 8 information, we'll have a much better handle on  
18:33:10 9 how groundwater is really flowing here because the  
18:33:14 10 northern direction right now is somewhat at odds  
18:33:17 11 with what we see at Site 4, which is not  
18:33:21 12 consistent. So I think it is warranted that we  
18:33:24 13 put in those wells.

18:33:26 14           MR. BISHOP: Are you still getting data  
18:33:26 15 from the wells we have in the northern direction  
18:33:28 16 or is it the old analysis that we've looked at  
18:33:31 17 since it's been submitted?

18:33:33 18           MR. HEIRONIMUS: These are still  
18:33:35 19 consistent. These are -- I might also point out  
18:33:36 20 that these are all still shallow wells, so it may  
18:33:41 21 not actually reflect what the deeper groundwater  
18:33:42 22 direction is.

18:33:44 23           MR. BISHOP: So you're concerned with deep  
18:33:44 24 water, I take it.

18:33:48 25           MR. BAUTISTA: No. We are concerned with

18:33:49 1 groundwater flow direction. There's very  
18:33:54 2 intricate groundwater flow in this area -- in all  
18:33:59 3 of the sites, actually -- and because we've been  
18:34:04 4 doing shallow groundwater wells, as Tim mentioned,  
18:34:11 5 we went to Site 4 and started putting in deeper  
18:34:14 6 wells, things changed very drastically, and so we  
18:34:20 7 need to go back to Site 3 and do the same thing.  
18:34:23 8 So it's not just deeper; it's the entire  
18:34:25 9 groundwater region that we are looking at.

18:34:29 10 MR. BISHOP: Okay. Well, now, let's say  
18:34:29 11 you put in these wells and you find that there's  
18:34:34 12 two flow regimes, an upper and a lower, and the  
18:34:36 13 lower one is going in a different direction.

18:34:38 14 Does that mean that we're going to  
18:34:39 15 want in the future then to plan on putting wells  
18:34:43 16 off of this site in the direction of the flow to  
18:34:45 17 characterize any movement towards the creek or  
18:34:50 18 towards the bay? Are you looking at additional  
18:34:52 19 wells in the future, perhaps?

18:34:55 20 MR. HEIRONIMUS: That's a possibility, but  
18:34:58 21 we really want to take this stepwise and see if we  
18:35:05 22 actually have contamination that's significant  
18:35:05 23 enough that we're going to warrant putting in  
18:35:08 24 additional wells. It may be that we aren't  
18:35:10 25 finding any contamination, so it sort of becomes a

18:35:13 1 moot point.

18:35:15 2 MR. BISHOP: Well, you said there was  
18:35:15 3 contamination at depth. Is that at Site 4?

18:35:21 4 MR. BAUTISTA: On Site 1. On Site 4 we're  
18:35:23 5 not finding very much contamination.

18:35:27 6 MR. BISHOP: Site 1.

18:35:28 7 MR. BAUTISTA: Site 1.

18:35:29 8 MR. BISHOP: What were the chemicals at  
18:35:29 9 Site 1?

18:35:29 10 MR. BAUTISTA: We have PAHs and metals.

18:35:43 11 MS. YAMANE: So once we collect all the  
18:35:49 12 data, we're going to update our human health risk  
18:35:52 13 assessment calculations and incorporate the soil  
18:35:55 14 and groundwater data into that.

18:35:58 15 And we're also going to perform a  
18:36:00 16 screening-level ecological risk assessment which  
18:36:04 17 has not been performed before.

18:36:06 18 As I mentioned, we hope to finalize  
18:36:10 19 the work plan soon, and then follow that by  
18:36:15 20 getting out into the field.

18:36:19 21 Are there any other questions?

18:36:22 22 MR. McNUTT: If the sediment isn't  
18:36:22 23 resolved, do you have a backup plan to use the  
18:36:27 24 money somewhere else?

18:36:29 25 MR. BELTON: Well, that gives us two

18:36:30 1 options. We do not necessarily need the Water  
18:36:33 2 Board's concurrence to proceed. We'd like to get  
18:36:36 3 their concurrence. But, yes, we potentially could  
18:36:40 4 use the money somewhere else or we could  
18:36:42 5 potentially proceed forward. We haven't made that  
18:36:46 6 distinction yet. Right now I'm trying to bring  
18:36:49 7 them on board, and we'll just table that until  
18:36:53 8 later. I think that's the best approach.

18:37:00 9 MR. BISHOP: Thanks, Carol.

18:37:09 10 MR. BELTON: You guys probably remember  
18:37:09 11 Site 7. We've been on it for a year now or more.

18:37:15 12 We went out there with a proposed plan  
18:37:17 13 in the summer of 2002, and at that point our  
18:37:21 14 regulator, DTSC, felt they could not concur with  
18:37:24 15 us because we didn't have enough groundwater data.  
18:37:29 16 Since then we've negotiated a deal with them and  
18:37:33 17 went out and acquired additional groundwater data.

18:37:37 18 I'm pleased to say that on Site 7 that  
18:37:40 19 we will go to closure. Current information from  
18:37:45 20 DTSC have confirmed that they agree with our  
18:37:48 21 position and that we can close the site.

18:37:51 22 Just in case you've forgotten, this is  
18:37:57 23 Site 7.. This is the PWC complex. Building 291  
18:38:04 24 is right here. The main gate is right here.

18:38:18 25 MR. BAUTISTA: And I guess to what you just

18:38:22 1 stated, we received from the Navy a report on what  
18:38:29 2 they have been finding for the last two  
18:38:35 3 groundwater monitoring events, and we had a few  
18:38:36 4 questions that the Navy is very confident they  
18:38:38 5 will be able to respond positively, so we haven't  
18:38:46 6 made our determination yet. We're waiting for the  
18:38:51 7 Navy to come back to us and respond to the few  
18:38:56 8 questions that we had. And when we get that  
18:39:02 9 information, then we're going to discuss it and  
18:39:03 10 make our determination.

18:39:07 11 MR. BELTON: Doug, did you say you've  
18:39:07 12 already forwarded those questions?

18:39:10 13 MR. BAUTISTA: Yes. We are waiting for it  
18:39:14 14 to come back. The comments that we had we  
18:39:18 15 discussed it over the phone and forwarded it.

18:39:23 16 MR. BELTON: We believe we're very close to  
18:39:24 17 closure.

18:39:26 18 MR. BAUTISTA: Very, very close.

18:39:29 19 MR. BELTON: The three rounds of  
18:39:29 20 groundwater data is in there and they are  
18:39:29 21 consistent with our other groundwater data. That  
18:39:30 22 was the number one issue that we didn't have  
18:39:37 23 enough data to say 100 percent that the site is  
18:39:43 24 what it is. But now with the additional  
18:39:44 25 groundwater data we're fairly confident that soil

18:39:52 1 or groundwater is no risk to human or ecological  
18:39:54 2 receptors.

18:39:56 3 This is the current use of the site.

18:39:58 4 The Navy has basically used it just for a parking  
18:40:04 5 lot. There haven't been any industrial activities  
18:40:08 6 at the site.

18:40:12 7 There's a long history at Site 7.

18:40:16 8 It's been there a long time, but basically the  
18:40:19 9 Navy acquired the property in 1977. Full  
18:40:23 10 groundwater data in 2002. We completed additional  
18:40:27 11 three rounds of groundwater data just recently in  
18:40:29 12 2003.

18:40:32 13 Next step. Record of decision. What  
18:40:37 14 is that exactly? The Record of Decision is a  
18:40:40 15 decision document. Basically the lead agency goes  
18:40:43 16 out there and says this is the remedy for this  
18:40:47 17 site. In this particular case, no further action.  
18:40:47 18 The Navy is drafting that document as we speak.

18:40:56 19 This is the preliminary schedule we  
18:41:00 20 think that's going to occur, but I need to go back  
18:41:04 21 and look at Douglas' comments to see exactly if we  
18:41:08 22 can respond to these quickly.

18:41:10 23 We hope to get the draft proposed and  
18:41:12 24 the draft ROD out in February. This is a document  
18:41:17 25 that has to be signed by the commanding officer of

18:41:20 1 Naval Station.

18:41:26 2                   The agency and RAB review, we're  
18:41:26 3 hoping around an April time frame or sooner. I  
18:41:29 4 kind of gave us a long lead time here 'cause I  
18:41:29 5 didn't want to disappoint you guys. And comments  
18:41:34 6 and recommendations around June 2004.

18:41:39 7                   Any questions on Site 7?

18:41:46 8           MR. BAUTISTA: I just remembered. Last  
18:41:49 9 time that we spoke about the comments that we  
18:41:51 10 have, we have agreed that you are going to address  
18:41:55 11 those comments in your draft ROD.

18:41:59 12           MR. BELTON: Yes.

18:42:02 13           MR. BAUTISTA: So I'm waiting for the draft  
18:42:04 14 ROD.

18:42:05 15           MR. BELTON: Yes. I wasn't wrong.

18:42:07 16           MR. DIAS: That means there is an agreement  
18:42:09 17 that the site can move into progression?

18:42:13 18           MR. BAUTISTA: If we find that the ROD  
18:42:16 19 addresses our comments.

18:42:18 20           MR. BELTON: I don't remember exactly. I  
18:42:18 21 I'd have to review your comments.

18:42:23 22                   Any questions on Site 7? This will be  
18:42:34 23 the first ROD for Naval Station. Actually, the  
18:42:35 24 first ROD. I don't think North Island has a ROD.

18:42:40 25           MR. HEIRONIMUS: I might mention that this

18:42:40 1 ROD will actually be a ROD for Sites 5, 7, 11, and  
18:42:43 2 12. So 7 is the main site in this group. You  
18:42:48 3 have three other sites that are going no further  
18:42:48 4 action.

18:42:56 5 MR. McNUTT: 5, 7, 11, and 12?

18:42:56 6 MR. HEIRONIMUS: 5, 7, 11, and 12.

18:43:05 7 MR. McNUTT: Wasn't there -- sometime ago I  
18:43:07 8 thought Theresa proposed to us that they tried to  
18:43:10 9 close all these and they got kicked back?

18:43:13 10 MR. HEIRONIMUS: Well, actually the story  
18:43:14 11 on 5, 11, and 12 we have letters of concurrence  
18:43:19 12 from the regulatory agencies. What the ROD does  
18:43:23 13 is basically memorialize the agreements to close  
18:43:28 14 these sites out.

18:43:32 15 MR. BELTON: For example, a lot of times we  
18:43:32 16 get letters from other facilities that a site is  
18:43:34 17 closed, and the stipulation is that once a site is  
18:43:37 18 closed and there's another letter based on new  
18:43:40 19 information or maybe a new RPM that says there's  
18:43:43 20 additional work on the site, this ROD is just like  
18:43:47 21 saying this is closed once it's signed.

18:43:50 22 MR. DIAS: It is a legal agreement between  
18:43:51 23 the two parties, the Navy and the regulators.

18:43:56 24 The Federal Facilities Site  
18:44:01 25 Remediation Agreement or FFSRA. The comments were

18:44:14 1 already made to the agreement and revisions  
18:44:17 2 generally about the FFSRA have been sent back.

18:44:24 3                   This agreement came about because of  
18:44:26 4 the record that PWC has as a hazardous waste  
18:44:31 5 facility. This FFSRA will eventually be signed by  
18:44:41 6 DTSC, Douglas' boss John Scandura, and for the  
18:44:46 7 Navy by Elsie Munsell, Assistant Secretary of the  
18:44:49 8 Navy.

18:44:52 9                   The purpose of having an FFSRA is  
18:45:03 10 mainly to determine the responsibilities of each  
18:45:09 11 party, identify who's doing what. The Navy will  
18:45:13 12 later investigate and produce documents we can red  
18:45:18 13 line, and DTSC will have the authority to approve  
18:45:22 14 it. Both parties will work together to clean up  
18:45:26 15 sites in a cost effective way. That's what we are  
18:45:29 16 trying to achieve.

18:45:35 17                   Continuing with the purpose, a site  
18:45:38 18 management plan will be given to you with this  
18:45:43 19 schedule. That schedule will be given to us by  
18:45:47 20 agreement between the two parties, and that will  
18:45:54 21 prioritize the site; and based on that schedule,  
18:45:58 22 the funding well be additional according to the  
18:46:01 23 schedule.

18:46:03 24                   Some background: DTSC started  
18:46:12 25 preparing their draft FFSRA in June 2002, and it

18:46:20 1 took about ten months to produce the current draft  
18:46:23 2 which you have in front of you right now. We took  
18:46:29 3 about two months individually to look at the  
18:46:33 4 documents and complete our review.

18:46:38 5                   The people who participate in the Team  
18:46:47 6 who reviewed the document are Southwest Division,  
18:46:50 7 PWC, and the Navy Region. Some of the initial  
18:46:55 8 reviews of the document are documented there.

18:47:02 9                   One of the main things that DTSC was  
18:47:04 10 trying to involve was almost everything that the  
18:47:07 11 Navy does. Another big comment I heard was  
18:47:12 12 whenever we ask for DTSC concurrence from the  
18:47:16 13 DTSC, after the agreement, we will have to go for  
18:47:21 14 their approval.

18:47:24 15                   We've got a lot of similar comments.  
18:47:31 16 And another major comment is that the state will  
18:47:34 17 reserve the right to determine whether a site  
18:47:38 18 should be closed or not.

18:47:50 19                   After we reviewed the document  
18:47:52 20 individually and separately, we met together at a  
18:47:56 21 meeting, and we made those recommendations what  
18:47:59 22 action we should follow to fix the problem. And  
18:48:04 23 there are too many problems for us, so we decided  
18:48:10 24 to revise the document and rewrite it using the  
18:48:14 25 language we already have for the North Island.

18:48:17 1 To summarize, we will revise the  
18:48:31 2 document to be mutually acceptable to both  
18:48:35 3 parties, and we'll expedite the closure process.

18:48:44 4 MR. McNUTT: Has North Island been  
18:48:46 5 approved?

18:48:50 6 MR. DIAS: North Island uses the Point Loma  
18:48:53 7 plant for this one.

18:48:55 8 MR. McNUTT: Well, why wasn't that used as  
18:48:55 9 the boilerplate for this one?

18:48:58 10 MR. BAUTISTA: We thought it best to do  
18:49:02 11 some modifications. We've been hearing also from  
18:49:05 12 the Navy that they are finding some problems on  
18:49:09 13 the previously issued FFSRA. It doesn't look like  
18:49:12 14 that's the case with the case then as now.

18:49:17 15 So we tried to make it -- I mean,  
18:49:22 16 those who are doing that tried to make it a little  
18:49:24 17 bit better to what they think. I don't know. It  
18:49:31 18 doesn't seem to seed that way. We'd like to see  
18:49:35 19 the new draft that Ed and company has made for us.  
18:49:41 20 We haven't received it yet.

18:49:44 21 MR. DIAS: So we are going to wait for your  
18:49:48 22 comments. We have distributed the document to you  
18:49:50 23 today, and get a draft for internal review by  
18:49:58 24 about March 22nd, and DTSC will get to see the  
18:50:04 25 copy on April 19th. And we expect the finalizing

18:50:07 1 for site tours on November 15th this year.

18:50:23 2                   Within ten days of the comments from

18:50:26 3 the RAB, we will get a pre draft out, and DTSC

18:50:31 4 will have 126 days to review the document. You

18:50:42 5 will have till February 27th to review this

18:50:48 6 document. And please direct the comments to

18:50:50 7 Theresa Morley.

18:50:52 8                   Any questions?

18:50:57 9           MR. BISHOP: Yeah. We've been doing this a

18:51:00 10 long time. Why are we just all of a sudden

18:51:04 11 getting this? Where did this come from? New

18:51:09 12 legislative requirements that's been laid down by

18:51:12 13 the Congress?

18:51:14 14           MR. BELTON: Maybe I can answer that a

18:51:16 15 little bit.

18:51:19 16                   We have been doing this a long time,

18:51:20 17 but a lot of our sites are not going anywhere. We

18:51:22 18 have an analogous agreement with our state

18:51:26 19 regulators from the table. Site 7 is one example.

18:51:30 20 Site 3 is another example. Sediments is another

18:51:33 21 example.

18:51:34 22                   So we mutually thought that maybe this

18:51:36 23 is a good way to formalize who should be doing

18:51:42 24 what.

18:51:43 25           MR. BISHOP: And this has been done at

18:51:45 1 other sites because there's one at North Island.

18:51:47 2 MR. BELTON: As we're doing in North

18:51:47 3 Island; correct.

18:51:52 4 MR. BISHOP: Is North Island the only other

18:51:53 5 place that something like this has been done?

18:51:57 6 MS. YAMANE: Alameda in the Bay area has an

18:51:59 7 FFSRA.

18:52:01 8 MR. HEIRONIMUS: The Navy hasn't done an

18:52:01 9 FFSRA with the state in California. They have

18:52:07 10 concentrated on -- China Lake is recent, Long

18:52:14 11 Beach. So there are a number of these.

18:52:17 12 And kind of going back to what you

18:52:18 13 mentioned about the boilerplate as well, North

18:52:21 14 Island was the very first FFSRA for both the Navy

18:52:26 15 and DTSC. Since that time, every FFSRA has been

18:52:30 16 tailored to be base specific or unique to that

18:52:35 17 base, so there's been a multitude of changes made

18:52:38 18 to that boilerplate.

18:52:39 19 And I think part of the confusion with

18:52:42 20 the version that we've worked with now is that it

18:52:45 21 may not have gone back to the original

18:52:46 22 boilerplate. It could have been a mixture here

18:52:49 23 and there of different vintages of FFSRA with the

18:52:56 24 attempt, I think what Douglas said, to try and

18:52:58 25 make that document better.

18:53:01 1                   So that's sort of why it's not exactly  
18:53:03 2 like the North Island right now.

18:53:06 3                   MR. BELTON: Don't be angry when you read  
18:53:08 4 the document because both parties have to agree to  
18:53:11 5 this. It's an agreement between two parties, and  
18:53:13 6 we're going to revise it -- and we're revising the  
18:53:16 7 document based on what we believe the document  
18:53:18 8 should read, and DTSC is going to get another  
18:53:19 9 opportunity to comment on the revisions of the  
18:53:22 10 document.

18:53:24 11                   MR. DIAS: Having an FFSRA is an advantage  
18:53:28 12 to us because the sites move up on the priority  
18:53:33 13 list, and the funding provision means we will have  
18:53:37 14 more funds.

18:53:41 15                   MR. BAUTISTA: I guess one thing that I  
18:53:42 16 should clarify here is that the FFSRA is not being  
18:53:43 17 provided to the RAB, the original one or your  
18:53:44 18 revised?

18:53:50 19                   MR. McNUTT: That was my question.

18:53:52 20                   MR. BELTON: The original one.

18:53:55 21                   MR. DIAS: We haven't revised the other one  
18:53:58 22 yet. We are working on the comments.

18:54:00 23                   MR. BELTON: The original comes to DTSC.

18:54:06 24                   MR. BISHOP: But you haven't made the  
18:54:06 25 second one yet. You're not happy with it?

18:54:08 1 MR. BELTON: We don't want to bias you.

18:54:14 2 MR. BAUTISTA: I think he's leaving that up  
18:54:14 3 to you.

18:54:40 4 MR. BELTON: Your comments will be  
18:54:40 5 incorporated.

18:54:44 6 MR. BISHOP: I'll be glad to take your  
18:54:44 7 comments.

18:54:48 8 MR. BELTON: RAB public question and answer  
18:54:53 9 period?

18:54:55 10 MR. MULLALY: At the last meeting we talked  
18:54:58 11 about the TAPP program. And after thinking about  
18:55:05 12 that, it seems to me like a pretty good idea where  
18:55:10 13 the RAB members could have advice from an expert  
18:55:15 14 to help us on things. I think this may be an  
18:55:18 15 example of something that an expert could help us  
18:55:20 16 with.

18:55:23 17 And I'd like to know how the other RAB  
18:55:26 18 members feel, but I would like to see something  
18:55:28 19 like that if it's possible. I guess we would have  
18:55:31 20 to initiate it.

18:55:38 21 MR. BELTON: Actually, it has been  
18:55:39 22 initiated. I believe Captain Kemp has signed it.  
18:55:39 23 It's going up the chain of command. I helped  
18:55:42 24 write the scope myself. We're just waiting for a  
18:55:45 25 final approval and we'll go out and we'll have a

18:55:49 1 TAPP.

18:55:50 2 I don't know exactly where it is up  
18:55:51 3 the chain of command, but I will check.

18:55:56 4 MR. MULLALY: Thank you.

18:56:01 5 MR. BISHOP: I'd be glad to take a look at  
18:56:03 6 this, but as Gene said, I'm looking at this from a  
18:56:08 7 position of little technical knowledge of the  
18:56:13 8 process that you're trying to address here. So I  
18:56:18 9 don't think the RAB is really going to be able to  
18:56:21 10 give you any cogent comments on what we see here  
18:56:25 11 as far as "Sounds good to me. Yeah, that's  
18:56:29 12 reasonable." And then later we see something from  
18:56:31 13 the Navy that it's not reasonable.

18:56:31 14 I don't understand the technical  
18:56:34 15 issues that you're probably basing that on. So  
18:56:40 16 really if you want the public to make an input on  
18:56:45 17 this or perhaps give you what we think about it,  
18:56:49 18 we need a little more information about what the  
18:56:49 19 issues are that are being negotiated or what you  
18:56:52 20 guys are arm wrestling over. Otherwise, have at  
18:56:57 21 it and arm wrestle away. We'll be glad to watch.

18:57:04 22 MR. BELTON: We know this is quite  
18:57:04 23 technical, but we don't want to go into an  
18:57:04 24 agreement without having our RAB members at least  
18:57:09 25 have a shot at it.

18:57:11 1 MR. BISHOP: Sure. We're interested in the  
18:57:15 2 agreement. I'd like to have DTSC and the Navy  
18:57:21 3 come in and say, "Okay, look. Here's what we're  
18:57:24 4 going to do. Here's our position." And DTSC says  
18:57:29 5 "We don't want to do it this way." And then the  
18:57:30 6 Navy says, "Well, this is why we don't think we  
18:57:30 7 can do that." And I think you guys ought to just  
18:57:34 8 sit down and come back and tell us instead of  
18:57:44 9 playing tennis -- I hit my letter to you and you  
18:57:44 10 hit my letter back.

18:57:49 11 MR. BELTON: And that may be a pretty good  
18:57:50 12 idea. What we could do is go ahead with our  
18:57:51 13 revisions and give them to DTSC. And what we  
18:57:52 14 don't agree on, we can bring it back to you, the  
18:57:59 15 RAB, and explain why we don't agree.

18:58:06 16 MR. BAUTISTA: That's basically what we --

18:58:09 17 MR. MARGOLIN: One comment is the basic  
18:58:11 18 point of disagreement is who's in charge? And the  
18:58:18 19 RAB cannot determine who is going to be in charge  
18:58:21 20 of something. This is strictly a political  
18:58:23 21 decision.

18:58:26 22 MR. BELTON: One thing that this agreement  
18:58:29 23 will not do, it does not take away any rights from  
18:58:34 24 either party. Either party can terminate from the  
18:58:38 25 agreement within 90 days. So it doesn't take

18:58:43 1 anything that we have been given by Congress by  
18:58:46 2 law away from the Navy and give it to DTSC. It  
18:58:50 3 doesn't do that. We don't have the authority to  
18:58:53 4 do that even if we wanted to.

18:58:57 5 MR. BISHOP: Okay.

18:59:05 6 What's next? Question and answer  
18:59:06 7 period. Any more questions?

18:59:11 8 MR. BAUTISTA: With that, Darren, are you  
18:59:17 9 going to study what Peter has proposed because  
18:59:23 10 your are drafting your comments to us. Now we are  
18:59:26 11 waiting for the RAB to come back to you and submit  
18:59:29 12 their comments before you finally give the draft  
18:59:33 13 to us.

18:59:33 14 Is that doing to change now?

18:59:35 15 MR. BELTON: It's going to accelerate the  
18:59:36 16 schedule. I don't know how much, though.  
18:59:37 17 Counsel's reviewing the document currently. So it  
18:59:42 18 will accelerate the schedule but by what factor, I  
18:59:45 19 don't know.

18:59:50 20 MR. BISHOP: So you're not going to wait  
18:59:50 21 for our comments. You're going to press on.

18:59:54 22 MR. BELTON: Well, if you want us to  
18:59:54 23 wait --

18:59:56 24 MR. BISHOP: I don't. Anyone else? You  
18:59:58 25 guys need to take care of business.

19:00:02 1 MR. BELTON: Is that unanimous with all RAB  
19:00:04 2 members? Okay.

19:00:08 3 MR. DIAS: So we can say about 30 days.

19:00:14 4 MR. BISHOP: Anything else?

19:00:14 5 Closure: review agenda items for next  
19:00:15 6 meeting.

19:00:20 7 MR. BELTON: Is there anything that we  
19:00:21 8 haven't talked about that you guys would like to  
19:00:24 9 see on the next RAB?

19:00:28 10 MR. McNUTT: The water quality.

19:00:29 11 MR. BELTON: We can ask them to come.

19:00:35 12 MR. BAUTISTA: It may be best to invite  
19:00:35 13 some of the TMDL people.

19:00:43 14 MR. BELTON: One thing, the SPAWARs people  
19:00:45 15 have been doing a lot of work and working greatly  
19:00:47 16 with TMDL and the Navy. I can also invite them  
19:00:52 17 here to tell you what the Navy's been doing as  
19:00:54 18 part of the TMDL program.

19:01:00 19 MR. BISHOP: We can get a presentation by  
19:01:00 20 Theresa on her trip.

19:01:21 21 If nobody else has anything, I think  
19:01:24 22 we're done.

19:01:29 23 The next meeting is the last Wednesday  
19:01:32 24 in April, which I can't make.

19:01:57 25 MR. BELTON: I'll tell you what, we'll not

19:01:57 1 pick a date right now. We'll wait till Theresa  
19:01:57 2 gets back. I'll let her know that there's a  
19:02:00 3 conflict. Most likely she'll probably try to move  
19:02:03 4 the date around.

19:02:20 5 MR. BISHOP: We're adjourned.

6

7 (Whereupon, at 7:05 p.m. the meeting was  
8 adjourned.)

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I, Nancy A. Lee, CSR No. 3870, do hereby  
certify that I reported in shorthand the above  
proceedings on Wednesday, January 28, 2004, at the  
Red Lion Inn and Suites, 801 National City  
Boulevard, in the City of National City, County of  
San Diego, State of California; and I do further  
certify that the above and foregoing pages  
numbered 1 to 49, inclusive, contain a true and  
correct transcript of all of said proceedings.

Dated: March 8, 2004.

Nancy A Lee

NANCY A. LEE