

**MINUTES OF THE REGULAR MEETING OF THE
ALAMEDA REUSE AND REDEVELOPMENT AUTHORITY
WEDNESDAY, November 2, 2011**

The meeting convened at 7:32 p.m. with Chair Gilmore presiding.

1. ROLL CALL

Present: Board Members Bonta, deHaan, Johnson, Tam and Chair Gilmore – 5.

Absent: None.

2. ORAL COMMUNICATIONS, NON-AGENDA (PUBLIC COMMENT)

None.

3. CONSENT CALENDAR

(*11-073) Approve the Minutes of the Special Meetings of September 20, 2011 and the Special and Regular Meetings of October 5, 2011.

(*11-074) Approve a 47-Year Legally Binding Agreement with Alameda Point Collaborative for Buildings 802, 803, 806, 809, 810, 811 and 812 (30 Units of Housing) and Authorize the Executive Director to Execute the Agreement and any Related Documents.

Chair Gilmore pulled Item 3-A (minutes) to make a correction. Member Tam moved for approval of the balance of the Consent Calendar. Vice Chair Bonta seconded the motion, which carried by unanimous voice vote – 5.

Member Tam moved for approval of Item 3-A with the corrections. Vice Chair Bonta seconded the motion, which carried by unanimous voice vote – 5. (Note: Chair Gilmore and Member Johnson abstained from approving the Minutes of Sept. 20, as they were not present at that meeting). [Items so enacted or adopted are indicated by an asterisk preceding the paragraph number.]

4. REGULAR AGENDA ITEMS

(11-075) Presentation on Status Report of Environmental Conditions of the Alameda Point Site.

The Chief Operating Officer – Alameda Point introduced the Environmental Consultant of the Alameda Point Project, Peter Russell, Russell Resources. Dr. Russell provided a powerpoint presentation on the status of the remediation and environmental issues of Alameda Point.

Dr. Russell's remediation experience includes numerous sites: Fort Ord, Tustin Air Station, Benicia Arsenal, Mission Bay clean up, and the Southern and Union Pacific rail yards in Sacramento.

Member deHaan commended Dr. Russell and the RAB for all their efforts in the environmental program of Alameda Point.

Speakers: Dale Smith, Community Chair of RAB and member for 10+ years. Ms. Smith discussed soil issues not being addressed and CERCLA sites that are still of concern at Alameda Point.

Chair Gilmore thanked Dr. Russell and members of the RAB for their technical expertise and diligence over the decade and more.

5. ORAL REPORTS

(11-076) Oral Report from Member deHaan, Restoration Advisory Board (RAB) Representative – Highlights of October 6, 2011 RAB Meetings.

Member deHaan echoed the statements from Dr. Russell's presentation and reminded the public that the remediation is ongoing, and that a vast majority of property will be given to the ARRA with certain restrictions.

6. ORAL COMMUNICATIONS, NON-AGENDA (PUBLIC COMMENT)

None.

7. EXECUTIVE DIRECTOR COMMUNICATIONS

None.

8. REFERRALS FROM THE GOVERNING BODY

None.

9. COMMUNICATIONS FROM THE GOVERNING BODY

None.

10. ADJOURNMENT

There being no further business, Chair Gilmore adjourned the meeting at 8:12 p.m.

Respectfully submitted,

Irma Glidden
ARRA Secretary

Response to Comments on *Status Update for the ARRA*
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Comments by Dale Smith, Alameda Point Restoration Advisory Board Community Co-Chair		
33:49	<p>The residential standards are for groundwater only, and they are not for soil. So the soil has high levels of lead, mercury, cadmium, vanadium, and other toxic metals in the soil that is not being addressed.</p> <p>(<u>Full Comment</u>: The talk of residential standards, when I talk to community members, they seem to get confused because the residential standards are for groundwater only, and they are not for soil. So the soil has high levels of lead, mercury, cadmium, vanadium, and other toxic metals in the soil, and that is not being addressed as far as we can tell.)</p>	At Alameda Point, cleanup to residential standards means that the health risk and health hazard from both soil and groundwater (combined) are health-protective for single-family residential land use; which is the most stringent land-use standard. This principle applies to both the CERCLA and Petroleum Programs. Accordingly, the concentrations of toxic metals in soil are explicitly considered by the Navy and the environmental regulatory agencies in deciding whether soil remediation is needed to allow residential land use and, if so, the type and extent of that remediation.
34:14	<p>Slide 13 represents the CERCLA sites only. There are petroleum sites that move in and out of CERCLA. One month they'll be in, and the next month they'll be out. For example, the plume under Kollmann Circle originally was in the petroleum site, got put in the CERCLA site.</p> <p>(<u>Full Comment</u>: The graphs in the document, according to the EPA representative, represent the CERCLA sites only, and I don't know if you changed those or you basically used those graphs. You know the tall.... Yeah, so those are CERCLA sites only, and there are petroleum sites that move in and out of CERCLA. They do a little hula dance. One month they'll be in, and the next month they'll be out. So there are sites that are still of concern, such as the plume under Kollmann Circle, which originally was in the petroleum site, but then because of problems in Bayport, it got put in the CERCLA site. So just bear that in mind. As I said, the soil is not being remediated.)</p>	Contamination in soil and groundwater at Alameda Point is addressed by either the CERCLA or Petroleum Program, whichever appears to be most appropriate. For example, a site with petroleum contamination is typically managed under the Petroleum Program, unless non-petroleum contamination also is present. Occasionally, management of a particular site will transfer from one program to another during the course of investigation and remedial decision making. For example, a site may move to the CERCLA Program if contamination by a CERCLA substance is found at a Petroleum Program site. The goals for protection of human health and the environment are the same with both programs.
35:09	According to the presentation, "cleanup" means active	This comment primarily applies to cleanup of groundwater

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	<p>remediation. However, the cleanup is going on for much longer than that. For example, the RAB had a presentation on one site (groundwater at OU-2B), where the cleanup was going to take 22 to 35 years, and there'll be severe restrictions on the use of that site.</p> <p>(<u>Full Comment</u>: Cleanup as defined in the presentation, as I read it or I hear it, means the active remediation done by the military, meaning trucks and things are out there. Scoops are digging up dirt. Otherwise the cleanup is going on for much longer than that. We had a presentation on one site two months ago where the cleanup was going to take 22 to 35 years, and there'll be severe restrictions on the use of that site. So bear that in mind.)</p>	<p>contamination. The remediation of many Alameda Point groundwater contamination sites follows two principal steps. The first is an initial phase, during which the contamination, especially the source area, is treated, for example by injection of chemicals or by heating. The second phase typically consists of periodic groundwater sampling to monitor progress of natural processes in further reducing contamination concentrations. The first phase often takes three years or less. The second phase lasts until clean-up goals are reached. The commenter is correct in that the second phase can last for several decades, as in the example of Operable Unit 2B (OU-2B).</p> <p>During the second phase, land-use restrictions may be applied to protect monitoring wells and to prevent use of the groundwater. Depending on the type of groundwater contamination, land-use restrictions may also require that building designs include vapor barriers, special ventilation, etc. to safeguard public health. Land-use restrictions during the second phase typically do not preclude most uses of the site. Thus, "severe restrictions" on land use typically apply only to the first few years of cleanup.</p>
35:44	<p>Quite a bit of money is spent on cleanup using innovative technologies. But the Navy is using experimental technologies, which eventually don't work, and cost a lot of money, so the Navy is able to make presentations to scientific boards.</p> <p>(<u>Full Comment</u>: One of the RAB's concerns has been that there has been quite a bit of money spent on cleanup using innovative technologies. But they're using experimental</p>	<p>CERCLA requires that clean-up decision making evaluate the extent to which each remedial alternative under consideration reduces the amount, toxicity, or mobility of contaminants through treatment. This statutory preference implies that innovative technologies sometimes will be selected as the preferred clean-up alternative.</p> <p>Sometimes it is unclear whether a promising emerging technology will be effective under conditions found at</p>

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	<p>technologies, which eventually don't work, and cost a lot of money. So, but they, the Navy then is able to make presentations to scientific boards saying that they tried this technology and it did not work.)</p>	<p>Alameda Point. In such cases, a pilot test (a form of experiment) typically is conducted to evaluate how well the technology would work. A pilot test of in-situ thermal treatment to treat groundwater was tried at OU-2C and found to be very cost-effective. Alternatively, a pilot test of nano-zerovalent-iron injection was tried at OU-2B and found not to be effective. In both cases, the Navy and the environmental regulatory agencies unanimously agreed the pilot testing (experimenting) was a prudent way to evaluate the promising technology.</p> <p>The principal instance where experimentation with technologies has occurred at Alameda Point is regarding groundwater in another area of OU-2B. In this case, a university and an EPA national laboratory approached the Navy for permission to conduct an experiment on groundwater contamination. The experiment was primarily funded externally, and the information obtained by the project has improved clean-up decision making for OU-2B groundwater.</p>
36:16	<p>An "active cleanup" site on Slide 13 means a site for which the regulators have signed off on site characterization and remedial investigation, and is to move on to Proposed Plans, RODs, and Work Plans. So a lot of sites in that category don't have those in place yet, but they're put in the active cleanup column anyway.</p> <p>(Full Comment: So active cleanup on that slide show means anything that has moved to the point where the regulators have signed off on site characterization and remedial investigation, and now and has moved into a place where</p>	<p>The "Active Cleanup" column in the graph on Slide 13 includes sites which have completed their RODs and design or implementation of the active remediation is in progress. Sites that are in the Proposed Plan or draft ROD stages are categorized on Slide 13 as "Under Investigation". CERCLA requires that remedial activities in the field begin within fifteen months of completing the ROD.</p> <p>The distinctions the comment focuses on will be explained more explicitly on future versions of this slide.</p>

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	there are Proposed Plans, RODs, and Work Plans. So a lot of it doesn't have those in place yet, but they're put in the active cleanup column.)	
36:46	<p>The presentation (Slide 15) indicated portions of the Northwest Territories are white (outside of IR Sites). But most of these areas have recently been found to have radium contamination in soil. There is no plan for remediation of this contamination.</p> <p>(<u>Full Comment</u>: The map showed the Northwest Territories to be white, but they have recently been found to be covered with radium to a depth of a half foot to a foot and a half, as I recall, in most of it. And there has been no plan as to how that's going to be remediated, as far as we know.)</p>	<p>The IR Site boundaries on Slide 15 accurately reflect the BCT's current understanding of the extent of radium in soil at Northwest Territories. Within the last few years, the boundaries of the site in the area the comment references (IR Site 32) were expanded to account for low-level radium contamination in soil extending over a greater area than was originally recognized. The Navy is currently completing an extensive radiological survey of soil in this area. The preliminary results from this investigation indicate that the extent of radium in soil does not extend beyond the current IR Site boundaries (into the white areas shown on Slide 15).</p>
37:09	<p>Natural attenuation hasn't occurred for 60 years. Why expect it to occur in the next five or ten years?</p> <p>(<u>Full Comment</u>: And one of, George Humphries, who is my cohort in this battle, likes to point out that natural attenuation hasn't occurred for 60 years. Why do you think it's going to occur in the next five or ten years?)</p>	<p>Natural attenuation consists of a variety of natural processes that reduce contaminant concentrations over time, usually relatively slowly: biochemical degradation, dispersion, volatilization, etc. These are commonly effective in reducing contaminant concentrations to remedial goals after the initial active-cleanup phase.</p> <p>A fundamental component of the monitored natural attenuation part of a clean-up alternative is ongoing groundwater sampling and analysis to verify that contaminant concentrations drop as expected. If the levels do not drop, CERCLA requires that the ROD be changed to ensure clean-up goals are achieved.</p> <p><u>More technical response</u>: Two factors support the expectation that natural attenuation will work well after active remediation.</p>

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		<p>First, underground bacteria and other microbes degrade many contaminants, often an important component of natural attenuation. However, initial site conditions may include contaminant levels that are so high that they are toxic to the very microorganisms that, with more dilute concentrations, would readily consume the contamination as food. Thus, following an initial phase of active cleanup of the higher concentration zones, natural attenuation can proceed more effectively.</p> <p>Second, with initial high contaminant concentrations, the effect of natural attenuation often is not discernible. This is because of the inherent variability of sampling and analysis. A simple example illustrates this point. With an initial contaminant concentration of 10,000 micrograms per liter (ug/L) and an inherent sampling variability of plus or minus ten percent, duplicate sampling and analysis of the same groundwater could yield analytical results anywhere between 9,000 ug/L and 11,000 ug/L. Say for discussion purposes, that natural attenuation reduces the contaminant concentration by 10 ug/L each year. This rate of natural attenuation would be difficult to detect in a reasonable period of time by sampling. On the other hand, after an initial phase of active remediation that reduces contaminant levels, to say 300 ug/L, then analysis of duplicate samples would yield results between 330 ug/L and 270 ug/L (+/- 10%). Now, natural attenuation at a rate of 10 ug/L would be both meaningful and discernible by sampling and analysis.</p>
37:25	Planting trees will not be allowed. Gardening and fruit	Restrictions on digging are used sparingly at Alameda

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	<p>growing will be allowed, but digging a hole in the soil will not.</p> <p>(<u>Full Comment</u>: And then to answer, I think, your question about planting trees: no, you will not be able to plant trees. You'll be able to plant.... You'll be able to have a garden, and you'll be able to grow fruit, but you will not be able to dig a hole in the soil.)</p>	<p>Point: in only three instances.</p> <p>First, the Marsh Crust Ordinance restricts digging below the Threshold Depth, unless a permit is obtained first.</p> <p>Second, soil cleanup at North Housing (IR Site 25) was conducted in landscaped areas, but not under buildings or pavement. Accordingly, major site work is restricted without first obtaining approval from the BCT. Additionally, digging deeper than four feet below ground surface at North Housing is prohibited without approval from the BCT. These restrictions may affect tree planting. In any case, BCT approval would be granted provided digging were conducted while following a site management plan that appropriately manages potential encounters with contaminated soil.</p> <p>Third, at Todd Shipyards (IR Site 28), a non-residential area, digging deeper than two feet below ground surface is restricted without first obtaining approval from the BCT.</p>