From: Kito, Melanie R CIV NAVFAC SW
Sent: Friday, March 14, 2008 7:04 AM
To: Callaway, Rex CIV NAVFAC SW
Cc: Forman, Keith S CIV OASN (I&E) BRAC PMO West; Cummins, John M CIV NAVFAC SW; Larson, Elizabeth A CIV OASN (I&E) BRAC PMO West
Subject: RE: Draft Meeting Minutes for Feb. 28, 2008 Early Transfer Meeting
Attachments: Draft Meeting Minutes 49 transition 022808.doc

Follow Up Flag: Follow up
Flag Status: Flagged

Attached are my comments on the minutes. I could not comment on the first portion of the minutes since it covers the real estate issues that Keith and I were absent on.

Melanie

-----Original Message-----
From: Callaway, Rex CIV NAVFAC SW
Sent: Wednesday, March 12, 2008 6:56
To: Kito, Melanie R CIV NAVFAC SW
Cc: Forman, Keith S CIV OASN (I&E) BRAC PMO West
Subject: FW: Draft Meeting Minutes for Feb. 28, 2008 Early Transfer Meeting

Melanie:

What is our process/timetable for review and comment on these minutes?

-Rex

-----Original Message-----
From: Sheila.Roebuck@Lennar.com [mailto:Sheila.Roebuck@Lennar.com]
Sent: Tuesday, March 11, 2008 6:22
To: amy.brownell@sfdph.org; dcshipman@treadwellrollo.com>; gkathuria@waterboards.ca.gov; ersimon@waterboards.ca.gov; jlturnross@mactec.com; Forman, Keith S CIV OASN (I&E) BRAC PMO West; ripperda.mark@epa.gov; Kito, Melanie R CIV NAVFAC SW; steve.hall@ttemi.com; tlanphar@dtsc.ca.gov; Gilkey, Douglas E CIV OASN (I&E) BRAC PMO West; Larson, Elizabeth A CIV OASN (I&E) BRAC PMO West; Callaway, Rex CIV NAVFAC SW; Cummins, John M CIV NAVFAC SW; michael.cohen@sfgov.org; Elaine.Warren@sfgov.org; gordonhart@paulhastings.com; Nicole.Franklin@sfgov.org; Tiffany.Bohee@sfgov.org
Subject: Draft Meeting Minutes for Feb. 28, 2008 Early Transfer Meeting

All:
Please find attached, draft minutes from the meeting held on 2/28/2008 to discuss HPS (Parcels 49 aand B) early transfer transition points and property access instruments. Please review and respond with any comments by March 21, 2008. Also, please forward to any others in your organizations who were present, but whom I may have missed on the cc list.
Thanks,
Sheila

Sheila Roebuck
707-557-8223
415-640-5921 (cell)

Meeting Minutes
Meeting to Discuss Early Transfer Transition and Access Issues
TetraTech Offices, 135 Main Street, San Francisco
February 28, 2008

Attendance
See attached list

Goals of the Meeting

1. To discuss potential property access agreements, to allow access to Navy property, in advance of early transfer of fee title to the City of San Francisco (City).
2. To discuss technical transition points – completion of Navy efforts and inception of City efforts, related to early transfer of CERCLA responsibilities for Parcels B and 49.

Part 1: Potential Access Agreements Related to Various Activities, Requirements, Timing

The parties discussed surveying requirements to support early transfer. The City will be responsible for preparing surveys and legal descriptions to support the property transfer(s).

The parties discussed various activities that may occur, and access agreements that would be needed to allow the activities on Navy property in advance of property transfer. The results of those discussions are summarized below:

1. Activities that could be accomplished using a license agreement for access:
    a. Surveying
    b. Asbestos, lead based paint abatement related to existing buildings
    c. Geotechnical investigations
2. Activities that could be accomplished using a LIFOC for access:
    a. Demolition of buildings (above grade, with or without foundation removals)
    b. Grading and site preparation (with or without infrastructure installation)
    c. Installation of infrastructure (potentially in coordination with Navy remediation activities)

Current plans call for demolition of Parcel 49 buildings to begin in December 2008. Thus, lease agreements (LIFOC, supported by a FOSL) to allow the demo will need to be completed by then. The parties discussed preparing a single base-wide FOSL for a base-wide LIFOC that would be amended as needed. For example, the FOSL would initially contemplate demo of non-rad-impacted buildings only, and would be amended later, after rad surveys are complete, to allow demo of buildings now designated as rad impacted.

The City agreed to provide their contemplated sequencing and proposed timing for field activities to the Navy, to illustrate the need for various access agreements over time.

The Navy and City/Lennar agreed to have further discussions regarding sequencing of Navy storm drain removals, clearance backfills/swales, and working with City/Lennar to place final storm drain lines, to assess whether this type of coordination is possible. The regulators also noted that the potential impact of non-rad cleanups that will be required in these areas will have to be considered, to determine if installation of final utilities is reasonable, considering non-rad cleanups that may subsequently be required.

Part 2: Potential Transition Point Tasks

Discussion of potential transition points for Parcels B and 49. This was with the goal of assigning which parties should be assumed to accomplish which upcoming tasks, so this can be considered in scoping the ETCA responsibilities and associated funding requirements. Key areas included both defining which of the parties should be assumed to accomplish the various listed tasks, and defining where further discussion is needed over time in response to the progress actually achieved over time, versus the future progress anticipated today.

Remedial Activities

1. Soil gas survey
    a. Parcel 49: The parties will review the Navy's revised treatability study work plan and results of the study to assess whether a soil gas survey is needed, given current plans for building construction (indoor air-related concerns). The revised treatability study work plan should be available within weeks.
    b. Parcel B: The City/Lennar would like to use soil gas data to define the area required for soil vapor controls during construction. They believe up-to-date soil gas data to define ARICs are preferable to historical risk plumes because the use of historical risk plumes to assess potential risks from volatile contamination, while in keeping with prior agreements, likely over estimates the current physical distribution of volatile contamination in groundwater, and this will be more pronounced as remediation activities progress. This desire for soil gas data also applies to concerns regarding soil contamination that could potentially create indoor air concerns. The parties agreed that that soil gas surveys to assess any need for vadose zone soil contamination-related ARICs should be biased sampling, not a grid of the entire parcel. The parties noted that the ARIC needs to be modifiable. Navy noted that their vapor intrusion policy will be coming out in March.
2. Shoreline revetment
    a. Parcel B: City/Lennar and their contractors will implement, except in IR 7/18.
    The Navy noted that docks 5, 6, and 7 will be removed by the Navy. They believe this is a portion of Parcel F, but this needs to be formalized.
3. Stockpile removal
    a. Parcel 49: Navy will implement
4. Soil vapor extraction
    a. Parcel B: Navy will take this to the ROD, further work will be by the City/Lennar and their contractors.

5. Soil excavation
    a. Where required in both parcels, City/Lennar and their contractors will do this work.
6. Groundwater treatment activities/implementation (additional remediation and monitoring that may be needed following transfer).
    a. For both parcels, the parties need to review this as progress is achieved, to reassess the likely scope that will be taken on by the City/Lennar, following property transfer.
7. Soil cover
    a. For both parcels, the City and subsequent transferees (Lennar or 49ers) will implement. However, further discussion is needed between the Navy and the BCT regarding soil cover assumptions by Navy and regulators, so that transferees know in advance what future engineering and monitoring requirements must be met.

Reporting

All post-ROD activities are contemplated to be taken on by the City/Lennar. These include all of the items noted below, with some caveats, as noted.

1. Remedial Design
2. Remedial activities work plans (soil, soil gas, etc.)
3. LUC Remedial Design
4. Removal/Remedial Action Closeout Reports
    a. The Navy will do Removal ACRs for all of the removal actions performed by the Navy. EPA noted that it prefers one Remedial ACR for everything in a parcel, and that anything that is in the ROD must also be in the Remedial ACR. This will likely require that the Navy portion of the Removal ACR would be completed by the Navy (and should be approved by the regulators), but appended to the complete, parcel-wide Remedial ACR when it is completed by the City/Lennar, following all ROD-required activities.
5. Five-Year Reviews
    a. Navy's initial position is that the Navy would not do these reviews, but this is a point for future negotiation.
6. Legal Description
    a. City/SFRA will prepare, with Navy review. One likely exception will be surveys/legal descriptions related to ICs required by CERCLA.

Commented [m1]: I am assuming RACR in this sentence refers to remedial action closeout report, not removal.

Long-term Monitoring

1. City/Lennar will provide for all long term monitoring, including, but not limited to:
    a. Remedy/LUC O&M
    b. Monitoring well removals
    c. Long term monitoring associated with remedy
    d. Long-term monitoring – site-wide

Action Items

1. City/Lennar to provide their contemplated sequencing and proposed timing for field activities to the Navy, to illustrate the need for various access agreements over time.
2. Navy to provide City with their expected timing requirements for licensing or LIFOC agreements to be executed following request by the City, and whether a single or multiple LIFOCs are preferred by the Navy.
3. The parties need further discussions regarding sequencing of Navy storm drain removals, clearance backfills/swales, and working with City/Lennar to place final storm drain lines, to assess whether this type of coordination is possible. The potential impact of non-rad cleanups that will be required in these areas must also be considered.
4. The parties need further discussion of soil gas surveys, following publication of the Navy's Parcel 49 treatability study work plan, and the Navy's vapor intrusion policy.
5. Further discussion is needed between the Navy and the BCT regarding soil cover assumptions, so that transferees know in advance what future engineering and monitoring requirements must be met.