



**Naval Air Station
South Weymouth, MA
Restoration Advisory Board
Summary of RAB Meeting – March 13, 2008**



NAS South Weymouth Website: <http://nas-southweymouth.navy-env.com>

I. INTRODUCTIONS/ APPROVAL OF PRIOR MEETING MINUTES

Mary Skelton Roberts opened the meeting at approximately 7:00 PM. She requested that all attendees, including RAB members, regulators, and audience members, introduce themselves. She noted that the meeting agenda, handouts, and the sign-in sheet were available on the back table. The sign-in sheet for the meeting is provided as Attachment A to this meeting summary. Stacy Greendlinger was introduced as the new EPA Community Involvement Coordinator for NAS South Weymouth. M. Skelton Roberts asked if everyone had time to read the minutes from the January 2008 RAB meeting and asked for comments.

M. Byram stated that she was not at the January RAB meeting but had a question about the discussion of the vernal pool and the response from S. Ivas. She noted that salamanders and developing frogs live in the sediment, and are not always free swimming, and therefore could be impacted.

M. Bromberg had a question on page 8 where B. Olson stated that most of the peat moved to the south end of the Base was predominantly above the water table, but a third of it is actually located below the water table. The question was flagged as an Action Item to check the accuracy of the statement.

M. Skelton Roberts then reviewed the ground rules for the meeting and reminded the meeting attendees that the focus of the meeting is cleanup issues; redevelopment issues will be placed on the 'parking lot.' She reviewed the guidelines for the meeting and reminded the participants when asking questions to wait to speak until they are acknowledged, to state their names and affiliations, and to speak into the microphone when they have questions. She also requested that all questions be held until the end of the presentation.

M. Skelton Roberts then reviewed the agenda and presentation scheduled for the meeting. The Agenda for the meeting and the Action Item Tracking List are provided as Attachment B to this meeting summary. In accordance with the agenda, the presentation would be followed by the Updates and Action Items portion of the meeting.

2. PRESENTATIONS

M. Skelton Roberts introduced Dave Barney, Navy. D. Barney began the presentation by stating that this topic was based on a suggestion from M. Bromberg to discuss licensing of property. He expanded the presentation to provide a basic primer on leases and transfers. The following paragraphs summarize the presentation and include references to selected presentation slides in Attachment C. The complete presentation is available on the NAS South Weymouth web site: <http://nas-southweymouth.navy-env.com>.

The basic tools for BRAC property use are licenses, leases, and transfers (the ultimate goal) (Slide 2). They are similar but the biggest difference between them is the duration. The license is for a short duration; a lease is generally annually or longer, especially when dealing with a Lease in Furtherance of Conveyance (LIFOC); and a transfer is permanent.

A license is a few pages long and is used for non-governmental use of government property (Slide 3). The request is typically made first to SSTTDC, and is then made to the Navy. It is followed by a written request, which includes the purpose of the license and duration of the license. After these matters are settled, there may be a fee payment (to cover utilities, etc). The next step is discussion of insurance, i.e. property damage, personal injury. There are general provisions that are standard language in the license process (Slide 4). Some examples are: indemnification (Navy is not responsible if there is any damage or injuries); Navy retains unlimited access to the property; and there must be no impact on the environmental cleanup activities.

Some examples of previous licenses on the base have been at Hangar 1, the runways, and other areas. Some of the licensed events early on allowed SSTTDC to use the license fees to help fund their operations. More recently SSTTDC has used licenses for activities related to development of the property. A license was issued to perform a pump test to assess the viability of the aquifer; another license was issued to allow LNR to perform geophysical testing, including soil borings and test pitting, to evaluate the geophysical structure of the soil along the route of the E-W Parkway and the east side access road leading to the RDA, as well as the waste water facility. Another license request that is underway would allow LNR to mow the grass along the runways.

The next tool used to put property/buildings into productive use is a lease. This request process is similar to that for a license but the objectives are a little bit different. Two critical elements of the request are evaluating if the lease would impact: (1) the property transfer; or (2) cleanup activities. If there is no impact to property transfer or cleanup, then the next step is preparation of a Finding of Suitability to Lease (FOSL). This includes a discussion of the area to be leased, including environmental conditions of the property. If there is an impact to either the property transfer or cleanup then the lease is not executed.

For example, there was interest in leasing Building 117, however since there was an active investigation of floor drains underway, Navy did not agree to lease the property. The leases on Base are either incorporated into the Interim Master Lease, which is annual term duration (which can be extended year to year) or as a Lease in Further of Conveyance (LIFOC), which is a long term lease.

The similarities between these two leases are that they put the property into use by someone other than the government. The Interim Master Lease is the most typical form of lease used at the Base; its use generally must to be consistent with past use with no or minimal alterations allowed (Slide 5). Under a LIFOC the lessee is allowed to make alterations to the use of the property, such as improvements or demolition. An example of the Interim Master Lease is the child care facility (constructed and used by Navy) and leased to Quincy Community Action Programs. This lease was completed through a FOSL process. This process took approximately 9 months to a year. The Navy's administration office became the SSTITDC office. The Navy barracks became the New Hope facility, which is used for overnight addiction recovery services. The Enlisted Club (function hall) became the Road to Responsibility, which helps disabled learn independent skills. All of these leased properties are being used for the same/similar purpose for which they were first used by the Navy.

There are no LIFOCs at NAS South Weymouth. D. Barney gave an example of a LIFOC from NCBC Davisville, RI. This is a parcel of land that has ongoing environmental investigations but the local redevelopment agency demolished buildings (non-usable structures) and is planning a bike path/walkway. The lease activities do not impact the Navy's ability to transfer the property and does not impact the environmental investigation.

The property transfer process has been on-going for a long time at NAS South Weymouth. D. Barney reviewed the typical BRAC process, which he referred to as "BRAC 101" (Slide 6). After base closure Navy completes a screening and surplus property determination. The deed and how the property was acquired are reviewed; depending on what is discovered, the property may revert back to the prior owner. There are other screening steps. The surplus property undergoes a federal screening, which may result in other federal entities taking some of the property. If there is more property after the screening steps, then it becomes surplus.

The Navy then needs to dispose, or 'excess,' the surplus property that remains after all screening steps. There are various conveyance authorities (Slide 7) that allow the Navy to get dispose of the surplus property.

- 1) Offer to HUD, homeless conveyance (must go at no cost)
- 2) PBC (Public Benefit Conveyance), e.g. National Park Service, DOT, FAA, Department of Education, or a prison

- 3) Conservation Conveyance
- 4) Public Sales (auction)
- 5) Transfer Authority in Connection with Payment of Environmental Remediation Costs (Early Transfer)
- 6) Economic Development Conveyance - job generation conveyance
- 7) Negotiated Sales
- 8) Disposal to Depository Institutions – disposed to a bank/financial institution if that bank/institution had invested money
- 9) Exchange for military construction

Examples of the conveyance authorities used at Weymouth include transfers based on the federal screening step (federal to federal): Navy property was transferred to the USCG and FAA. Property has been transferred under a PBC, acreage in FOSTs 1 and 2 has gone to the National Park Service and to the Rockland Open Space Committee. The other property transfers have been via an EDC (Slide 8).

D. Barney concluded the presentation and M. Skelton Roberts asked if there were any questions.

M. Bryam asked if all requests have to go through LRA. D. Barney responded in the affirmative.

M. Parsons stated that they were told there would be only one entity, the LRA, which the Navy would work with, so how can Navy license to LNR. D. Barney replied that this license was completed as a SSTTDC pass through, directly to LNR. Navy is able to issue a license to LNR because licenses can occur on Navy-owned property. Navy deals with one only entity for transfer (LRA), but Navy can license to both SSTTDC and LNR.

A question was asked: if Mass Development provided funding, does that mean they can receive transferred property? D. Barney clarified that only a bank that funded facility development during development of the Base would get right of first refusal for surplus property.

J. Cunningham asked about the transfer of property to Rockland Open Space Committee near Spruce Street. How does Weymouth do something similar? D. Barney stated that this property was not included in the LRA's master plan, but was owned by the Navy; as such it became a non-entity property in the re-use plan. M. Bromberg stated that since it was relatively detached from the rest of the Base and near the Rockland Town Forest, as well as the fact it was not used by the Navy at any point, it made an ideal piece of property for transfer to the National Park Service and then to the Rockland Open Space Committee.

M. Bromberg asked if a license can allow demolition of buildings. D. Barney stated that, yes, a license can allow demolition and demolition has been done under a license. Would the areas have to be FOSTed (e.g. transferred) out first? D. Barney responded, no.

M. Bromberg stated his concern over how a property that is not presumed clean can be leased or licensed if it not yet incorporated in the FOST. D. Barney said that specifically pertaining to the development of the access road by Building 82, it was determined that a license would be an appropriate way to allow that activity to occur. There were a number of general provisions and conditions in the license: a work plan was developed and approved; soils had to be managed; and buildings were demolished after Navy determined there was no value to the government. M. Bromberg asked if permission had been requested from the regulatory agencies. D. Barney said that Navy does not need permission from the regulators to approve a license, but in this case they did include the EPA/DEP in review of the work contemplated and proposed by LNR.

A question was asked: through the FOST process the public has an opportunity to comment on any land that is owned by the Navy, is the same true for leasing/licensing? D. Barney stated that the Navy can issue a license unilaterally; there is no opportunity for public comment. The property would still have to be included in a FOST which would involve public comment. D. Chaffin clarified that the access road area would still have to be included in a FOST to be transferred, so at that point the public will have an opportunity to comment.

M. Bromberg asked if contamination is found in the access road area, who is responsible. D. Barney stated that ultimately Navy is responsible, but in the case of the access road LNR did perform a cleanup under the license with concurrence and oversight of regulatory agencies. LNR remediated and disposed of the soil beneath the access road.

M. Bromberg stated that the public has made it clear in the past that they did not want LNR to do any cleanup, that they wanted the Navy to be responsible because LNR has a financial interest in this. D. Barney stated they were allowed to do this under the provisions written into the license, and it's a specific case. The Navy needed to gain concurrence and oversight of the regulatory agencies for this action. LNR funded the clean-up. This area has been investigated; it is the site boundary for the Building 82 site and is under environmental investigation.

D. Chaffin reminded everyone that the property has not been transferred and that it doesn't matter to the DEP whether LNR or Navy does the work as long as the work is done appropriately. There is no short cut being taken, it is just speeding up the attention that is given to this property.

A statement was made that the point of contention is that the public does care who actually performs the work. The public wants the Navy to perform the environmental investigation and the clean-up.

M. Parsons asked if the license skirted the FOST process. D. Barney responded that the Navy must still show the property is suitable for transfer. D. Chaffin indicated that it is not important who collected the samples and data, the data must still support the FOST process. There will be an opportunity for the public to comment on the samples that were collected during the FOST public comment period. The same level of scrutiny is required before the property can be transferred.

D. Barney stated that it is a benefit to the Navy and LNR to have done the access road license and work. There is an assumption of integrity and the Navy is providing oversight, and everything will be done appropriately. If in the future, additional work needs to be performed, it will be dealt with then, and if need be the work will happen, despite the access road being built.

D. Chaffin cited an example of MCP sites that the Navy cleaned up by hiring an LSP. The LSP manages the investigation and is responsible for the investigation. LNR hired an LSP to oversee the access road work; that work was consistent with the MCP and therefore other Navy work.

J. Rakers stated that the public does not trust LNR based on previous actions. D. Chaffin stated that the regulatory agencies will be looking at the information in the FOST, etc. and there will be an opportunity for the public to comment on the FOST.

J. Rakers asked why the Navy can't go on transferred property. D. Barney stated that the Navy and the regulatory agencies do have access rights. Exercising that right is up to the Navy's discretion.

J. Rakers wants the Navy to double/triple check in any area being developed, where property has been transferred. In response, D. Chaffin mentioned the concern about the area around French's Stream, "the lunar landscape area," and that the DEP and Navy did check up on it. This area was sampled since it was agreed that it was a legitimate concern. Thus the Navy/DEP/EPA are willing to be proactive.

M. Skelton Roberts noted that a similar question keeps coming up and she clarified that Navy remains responsible for the cleanup.

M. Parsons asked how often are LSPs audited for their work. Who audits them? D. Chaffin stated the DEP audits LSPs work and it can be yearly, or at random. D. Barney stated that the sites on the Base with AULs were audited.

J. Cunningham commented that while it may seem beneficial now to do the work under the license, would it be better to wait until after the FOST in case it is determined that more remediation is needed.

M. Bromberg asked if there were any plans for a LIFOC on the Base. D. Barney said that it was a possibility. A LIFOC has a public comment component during the Finding of Suitability to Lease process. The cleanup could be done by the Navy or the LRA.

M. Bromberg stated that he feels LRA and the Navy are skirting the early transfer process by entering into the LIFOC and not having the Navy doing the cleanup. D. Barney commented that he appreciates the vote of confidence in the Navy to do the job appropriately, but the Navy needs to avail themselves to the tools available to dispose of the surplus property.

M. Byram stated that the public does not share Navy's and DEP's trust in a private developer.

M. Bromberg commented that the private developer does not allow public process as Navy currently does, the Navy accommodates the public. D. Barney responded that the Navy needs to ensure that the public does always have access as appropriate per the community relations plan.

3. *UPDATES AND ACTION ITEMS*

M. Skelton Roberts reviewed the action items listed on the Action Item Tracking List (see Attachment B) for this RAB meeting:

Provide the AOC 55 C HHRA to A. Hilbert, J. Rakers, and H. Welch - J. Rakers stated that she did not receive the report.

M. Skelton Roberts asked each of the Leads to provide updates to the list of Update Items.

RAB Administrative Actions: D. Barney stated that the Mass Criminal Justice Training Council has moved out of the RAB meeting facility. There is not a full time tenant for this facility; it will be assumed that the building will be available for the May RAB meeting. If there is a change in venue an announcement will be made through the minutes or other means.

MassDEP Update: D. Chaffin stated that there was one new item, which was that the Navy had submitted the Corrective Action Design for Small Landfill and the Solid Waste office in Lakeville is reviewing it.

Coast Guard Update: D. Barney received no update. Navy received a second post-remedial action long term monitoring report and it is available at Dave's office.

IR Program Site Update: D. Barney stated that the February RAB update was at the back of the room. A meeting was held on March 4, 2008 on Building 81, 82, SRA, and RDA between Navy, EPA, and DEP. Building 82 comments were discussed and concerns were clarified. A draft remedial investigation will be submitted for both the Building 81 and the SRA sites in the upcoming months. The RDA now has four quarters of data and reports available, and would be a good topic for the May meeting. Building 81 RI would also be a good topic for the May meeting.

MCP Update: Within the next few weeks, a mobilization to the FFTA will occur to excavate remaining areas of impacted soils (less than 20 yards). This should take a couple days and then Navy will be able to close out the FFTA.

M. Parsons asked if the excavation was near the vernal pool. D. Barney stated the excavation is still on the former paved area.

EBS Update: D. Barney stated that four RODs associated with four AOCs are completed and a legal notice was published in the papers. AOC 55C was discussed at last week's meeting with EPA and DEP and there will be a removal action in that area.

Additional sampling last summer and fall was performed at four or five RIAs and the data are being provided to the respective parties, who are working on Decisions Documents, which will be available for review.

The Main Gate area is a small area abutting Navy property that needed to be sampled. Sampling was completed on March 14, 2008.

Solid Waste was removed from FOST 4 parcels.

FOST Update: FOST 3 and 4 are ready for signature. FOST 5 is being prepared consistent with closeout of RIA, AOCs, etc.

M. Bromberg asked if the asphalt near the stream across from Spruce Street was removed. D. Barney stated that he was not sure if this area was part of FOST 4, but if it was asphalt it would not have been removed.

SSTTDC Update: Negotiations continue. S. Ivas handed out an article about MS. S. Ivas stated the article discussed how MS may be related to ticks.

D. Galluzzo stated that there was a recently a proposal to rewrite the entire enabling legislation of 1998. He feels that these changes would cut out the community. An Action Item was added to determine what the Navy's role was in the Enabling Legislation. M. Parsons sent a similar question to D. Barney and the Navy is seeking an answer.

D. Galluzzo asked why they had not received answers to any additional parking lot issues. M. Skelton Roberts stated that issues had either been addressed in the RAB meetings or had been addressed in the first response letter. No new parking lot issues have been sent to SSTTDC.

M. Parsons stated that she spoke with Suzanne Condon regarding the MPH study and that it is still under peer review and Dr. Knorr will call Mary regarding the status.

J. Rakers asked about if there was any information on the PCB concentration in Old Swamp River. D. Barney stated that Old Swamp River is being tested quarterly for PCBs. J. Rakers asked if it was tested all the way up to Whitman's Pond. D. Barney responded it was not. There is a USGS RAB presentation, though, that collected a variety of samples, which is available on the web site.

Topics for future RAB Meetings.

The following action items and topics were suggested for future meetings:

- RDA long-term monitoring program
- Building 81 draft RI report
- LIFO operation details with respect FOSL

Action Item - D. Galluzzo asked if the issue of the stature of SSTTDC could be discussed and the change to enabling legislation. This item will be added as a parking lot issue.

Parking Lot Issue: The location of MWRA/piping of water to the Base.

Conclusion/Next Meeting

The meeting concluded at approximately 9:10. The next RAB meeting will be on May 8, 2008.



**Naval Air Station South Weymouth
Weymouth, MA
Restoration Advisory Board
RAB Meeting Agenda**



March 13, 2008

Conference Center on Shea Memorial Drive

7:00 PM

<i>Agenda Items</i>	<i>Item Lead</i>	<i>Projected Time</i>
1. Introduction, Review of Meeting Notes	Facilitator	7:00 - 7:15
2. Tools to Reuse Land and Buildings	Navy	7:15 - 7:45
3. Updates and Action Items	Navy	7:45 - 8:15
4. Questions, Agenda Items, Next Meeting	Facilitator	8:15 - 8:30

Facilitator: Massachusetts Office of Dispute Resolution: Mary Skelton-Roberts

Restoration Advisory Board (RAB) Members:

Abington: James Lavin, (Alternate: Steve Ivas); Phil Sortin (Alternate: Beth Sortin)

Hingham: no current representation

Rockland: no current representation

Weymouth: James Cunningham (Community Co-Chair); Ken Hayes; Dan McCormack; Steve White

Navy: Dave Barney (Navy Co-Chair)

EPA: Kymberlee Keckler (Alternate: Bryan Olson)

MA DEP: David Chaffin (Alternate: Ann Malewicz)

BRAC Cleanup Team (BCT) Points of Contact:

Navy: Dave Barney, BRAC Environmental Coordinator, Base Realignment and Closure Office, Program Management Office, Northeast (617) 753-4656
Email: david.a.barney@navy.mil

Brian Helland, Remedial Project Manager, Base Realignment and Closure Office, Program Management Office, Northeast (215) 897-4912
Email: brian.helland@navy.mil

MA DEP: David Chaffin, Environmental Engineer, Federal Facilities (617) 348-4005
Email: david.chaffin@state.ma.us

EPA: Kymberlee Keckler, Remedial Project Manager, Federal Facilities Section (617) 918-1385 Email: keckler.kymberlee@epa.gov



Naval Air Station South Weymouth Restoration Advisory Board Action Item Tracking List



March 13, 2008 – Next RAB Meeting

<i>Action Item</i>	<i>Item Lead</i>	<i>Deadline</i>
ACTION ITEMS		
Provide the AOC 55C HHRA to A. Hilbert, J. Rakers, H. Welch	D. Barney	Next RAB
UPDATES		
RAB Administrative Actions	D. Barney	Each RAB
MA DEP Update	D. Chaffin	Each RAB
Coast Guard Buoy Facility Update	R. Marino	Each RAB
IR Program Sites Update	D. Barney	Each RAB
MCP Release Areas Update	D. Barney	Each RAB
EBS Review Item Areas/ Various Removal Action Update	D. Barney	Each RAB
FOST/FOSL/CDR Update	D. Barney	Each RAB
SSTTDC Update	J. Lavin/ S. Ivas	Each RAB
COMPLETED ITEMS		
Investigate issues with movement of peat during development (1/08)		
Provide copies of EPA health risk requested by M. Bromberg (1/08)		
Review routing of piping between STP Site and French Stream (11/07)		
Provide location of Basewide Assessment floc samples (10/07)		
Provide copies of parking lot response letter (10/07)		
Provide groundwater data for transferred land (10/07)		
MDPH MS Study update (8/07)		
List of AULs; what and where they are (4/07)		
Provide vernal pools map to J. Cunningham (4/07)		
Copies of figures from Old Swamp River Study by Beta Group, Inc (03/07)		
Provide Hydrogeologic Investigation Tech Memo to D. Galluzzo (03/07)		
Distribute monthly Navy program status/administrative items update (03/07)		
Provide blueprint of old STP to H. Welch (01/07)		
Distribute monthly Navy program status/administrative items update (01/07)		
Check status of NAS South Weymouth website (01/07)		
P. Scannell to provide the reference for the 1995 EPA study to D. Barney (11/06)		
Distribute monthly Navy program status/administrative items update (11/06)		
Were runways in the transferred land tested for fuel oil and PCBs? (11/06)		
1997 DEP letter re: non-potable drinking water source areas on the Base (11/06)		
Map showing sampling locations on the Base (11/06)		
Old Swamp River additional sample collection; data available? (11/06)		
Status of release of MDPH ALS/MS study (11/06)		
Contact Dr. Knorr regarding access to NAS South Weymouth EGIS (7/06)		
Distribute monthly Navy program status/administrative items update (7/06)		
Check availability of MDPH to give a presentation on MS/ALS data (5/06)		
Distribute monthly Navy program status/administrative items update (3/06; 4/06)		
Provide copies of SSTTDC and Mayor Madden letters re: Small Landfill CAAA to M. Parsons (2/06)		
Provide information on vernal pools to M. Byram (2/06)		
Distribute monthly Navy program status/administrative items update (2/06)		
Small Landfill CAAA Update (12/05)		