

# Restoration Advisory Board (RAB) Meeting

Former Naval Station Roosevelt Roads  
Ceiba, Puerto Rico

March 12, 2007



PORTAL  
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# Tonight's Agenda

## Welcome

David Criswell, Navy  
Deputy Base Closure Manager

## Review of Action Items

Mark Davidson, Navy Co-Chair

## Status report - investigations and cleanup

Mark Kimes,  
Baker Environmental

- Public questions and comments

## Community Redevelopment through Early Transfer

David Criswell, Navy  
Deputy Base Closure Manager

- Public questions and comments

## Planning Next Meeting and Closing

Susana Struve, Facilitator



# Action Items - last meeting

Action Item	Status
<b>Find additional suitable RAB charters for review by members.</b>	<ul style="list-style-type: none"><li>• In progress.</li></ul>



# Status Report Investigations and Cleanup

Former Naval Station Roosevelt Roads

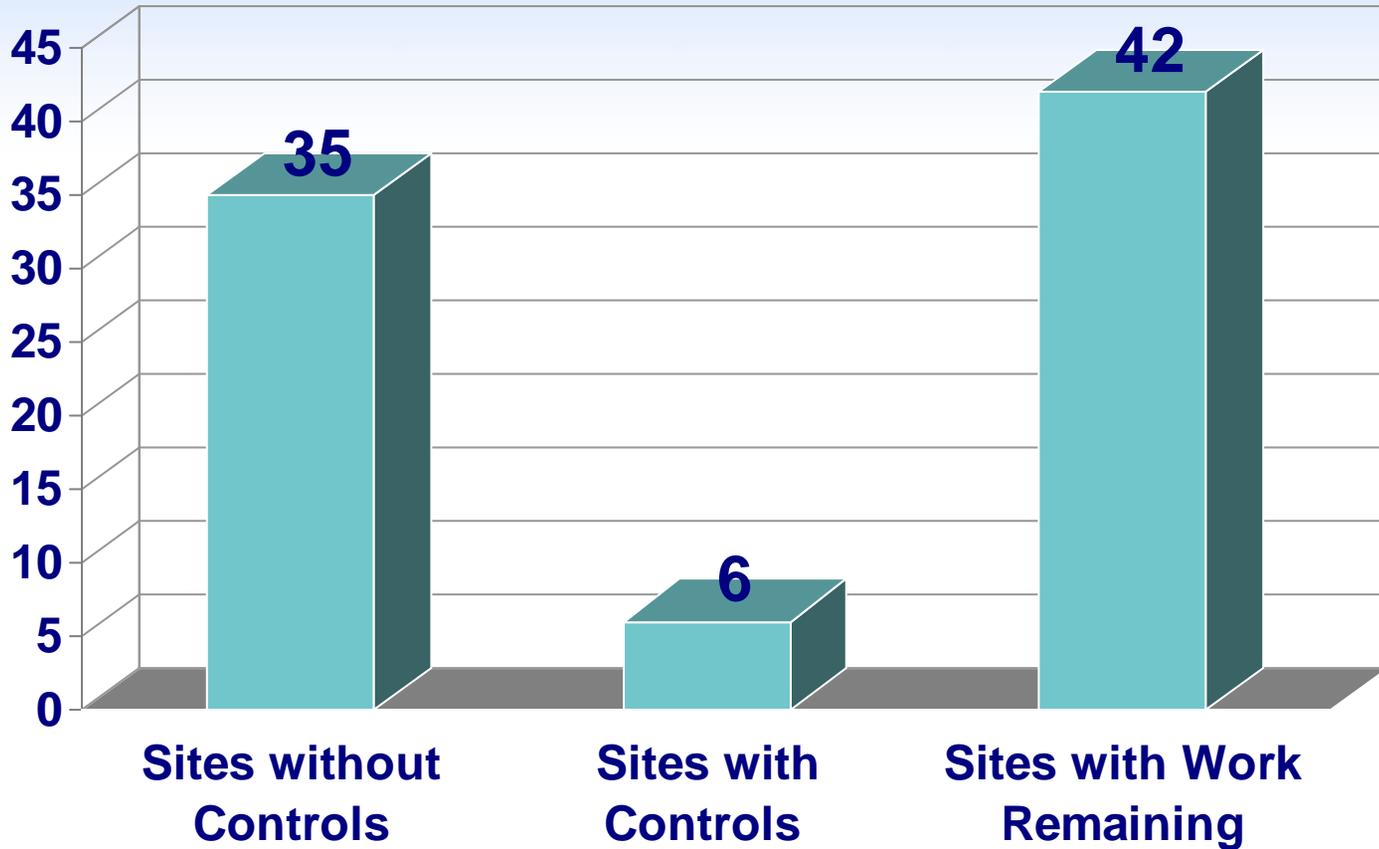
March 12, 2007

Mark Kimes

Baker Environmental



# Overview of Sites



# Overview of sites

- **35 sites are suitable for transfer without land use controls**
  - any type of future land use
- **6 sites are suitable for transfer with controls**
  - future land use limited
    - *industrial but not housing or child care*
- **42 sites have work remaining**
  - 20 of these sites are currently being investigated or cleaned up by the Navy
  - can be transferred with contractual agreement for cleanup



# Overview of sites, cont.

- **Of the 42 with work remaining, 20 sites are currently being investigated or cleaned up by the Navy:**
  - 16 Solid Waste Management Units (SWMUs)
    - *Area where contaminants were released into the environment*
    - *SWMUs are 1, 2, 3, 9, 13, 14, 16, 18, 27, 28, 29, 42, 45, 46, 53, and 68*
  - 4 Areas of Concern (AOCs)
    - *Areas that might have contamination, based on previous use, but are not clearly linked to waste management activities*
    - *Areas that were under the EQB Underground Storage Tank program*
    - *AOCs are A, C, E, F*



# Investigations: SWMUs 16, 27, 28, 29, 42, 68, and AOC A

- **November 2006 Phase I RCRA Facility Investigation (RFI) Investigation has been completed**
  - Development of Draft Phase I RFI Reports underway
  - Draft Reports due to EPA 60 days after Data Validation



# Clean-up: SWMUs 9, 13, 46, 53, and AOC C

- **SWMUs 9 and 13:**
  - Contaminated soil has been removed
  - Additional excavation required
  - Awaiting contract modification
- **SWMUs 46, 53 and AOC C:**
  - Excavation is complete
  - All confirmation samples are clean
  - Awaiting backfill



# Investigations: SWMU 14

- **RCRA Facility Investigation completed**
  - Draft RFI Report was submitted to EPA on 18 Dec 2006
  - EPA Commented on Draft RFI Report on 13 Feb 2007
  - Final RFI Report to be developed addressing EPA Comments



# Investigations: SWMUs 1, 2

- **Ecological Risk Assessment underway**
  - Baseline Ecological Risk Assessment (ERA) Work Plan submitted to EPA on 10 Jan 2007
  - EPA approved Work Plan 13 Feb 2007
  - field work (sampling) initiated 26 Feb 2007
  - Baseline ERA Report to be developed following Field Investigation and submitted to EPA



# Investigations: SWMU 45

- **Ecological Risk Assessment underway**
  - Baseline ERA Field Investigation is completed
  - Awaiting Laboratory Results and Data Validation
  - Baseline ERA Report to be developed following Data Validation and submitted to EPA



# Investigations: SWMU 9

- **Additional investigation is needed**
  - Baseline ERA Report postponed due to finding of stained soils during soil removal action
  - Conduct investigation to address stained soil the week of 12 March 2007
  - Resume Baseline ERA Report after addressing stained soil investigation and report



# Closure Activities: SWMU 3 (NAPR Solid Waste Landfill)

- A low-permeability final cover system is the selected remedy for the NAPR landfill
- Final cover is expected to minimize further migration of landfill contamination to the groundwater
- Phase I of closure covers approximately 35 acres active landfill
- Phase II covers the remaining 50 acres of the old landfill and will be performed by the new property owner



# Groundwater Monitoring: SWMU 3 (NAPR Solid Waste Landfill)

- **Semi-Annual Groundwater Monitoring Program is in place according to RCRA**
- **September 2006 Semi-Annual Groundwater Sampling completed**
  - Draft Semi-Annual Groundwater Monitoring Report for September 2006 submitted to the Navy for review
  - Draft Report to be submitted to EPA
- **March 2007 Groundwater Sampling Event to be scheduled**



# Investigation/Closure: SWMU 18

- **Phase II closure report was submitted to EPA in September 2006**
  - Based on conclusions from the initial and Phase II closure activities, the Navy recommends a site-specific Risk Assessment
  - Perform Risk Assessment in accordance with the EPA approved Work Plan





# Investigation: AOE E

- **Completed scan on land and in water for potential unexploded ordnance (UXO)**
- **Investigating areas identified during UXO scan**
- **Develop report upon completion of investigations**



# Investigation/Monitoring: AOC F

- All petroleum sites under EQB's Underground Storage Tank (UST) program have been moved into the RCRA 7003 Order as "AOC F"
  - All these sites will be reevaluated to determine new long term strategy to address these sites
  - New Work Plan to be developed and implemented



# Community Redevelopment through Early Transfer

Former Naval Station Roosevelt Roads

March 12, 2007

David Criswell

Deputy Base Closure Manager



# Covenant Deferral

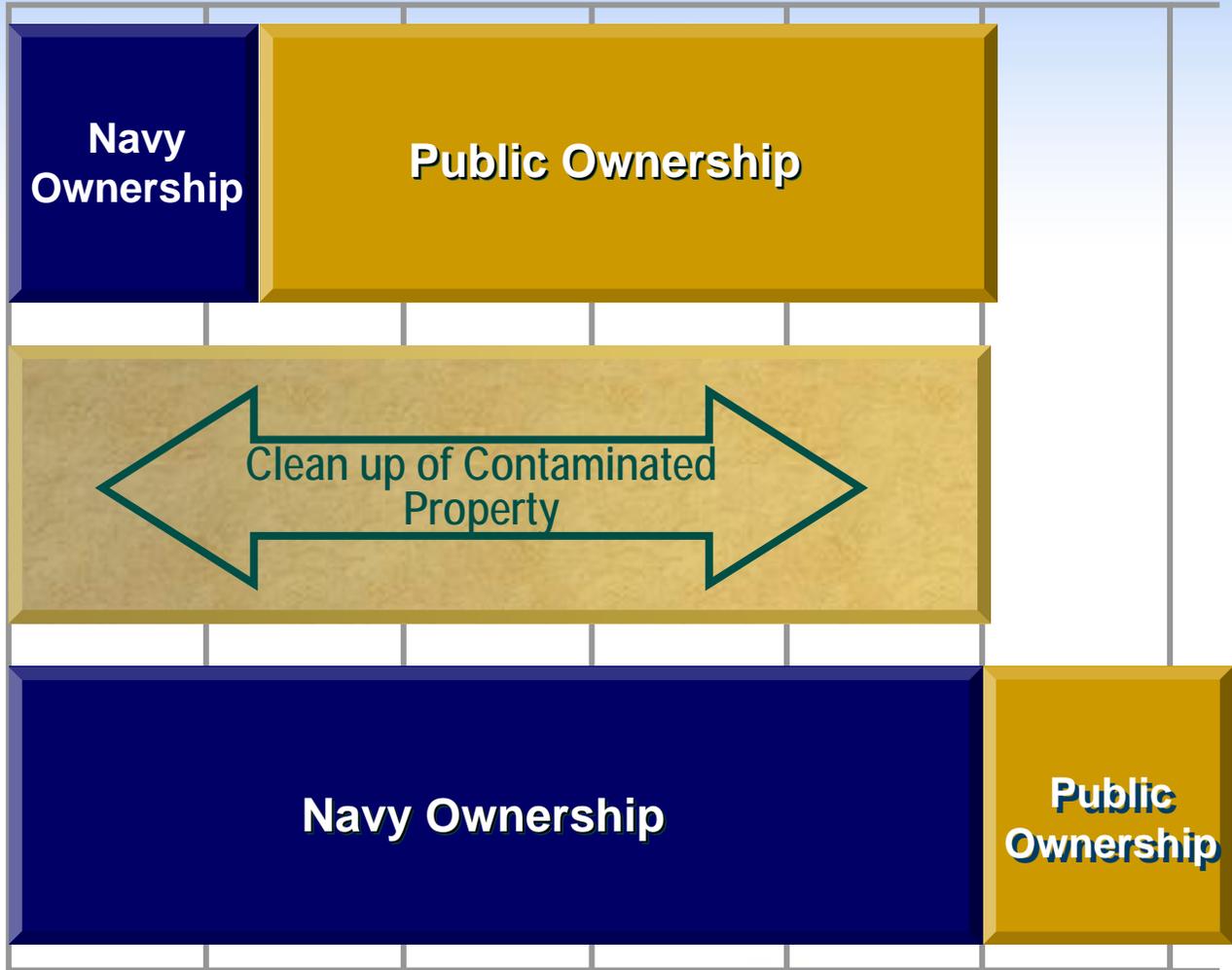
## Covenant Deferral or Early Transfer Authority (ETA) Provides Brownfields-Type Benefits

- **Property Transfer** (*deed goes to new owner*)
- **New Owner and regulators resolve environmental issues** (*focus shifts to actual land use and new owner's operating objectives*)
- **Property moves onto local tax rolls**
- **Attracts investors**
- **Longer-term commitments from industry** (*deed in hand*)
- **Real estate sales revenues and entitlements**
- **No Navy involvement in leasing; new property owner, or developer controls tenants**



# Advantage: ETA Saves Time

Transfer Under ETA  
(Transfer occurs  
earlier in the process)



Typical Transfer





# CERCLA Covenant Deferral

- **Allows for rapid transfer of property to the public**
- **Environmental concerns are addressed through CERCLA and BRAC legislation**
- **Covenant Deferral Request sent by Deputy Asst. Secretary Navy (I&E) to Governor**
- **Covenant Deferral requires the Governor's consent**



# Governor's Approval

- **The property is suitable of transfer for the use intended by the transferee and intended use is consistent with protection of human health and the environment;**
- **The deed or other agreement proposed to govern the transfer between the United States and the transferee of the property contains the following assurances:**
  - Environmental restrictions; RCRA Order Requirements
  - Remedial investigations, response action, and oversight activities will not be disrupted
  - All necessary response actions will be taken and schedule for implementation
  - Funding is assured, subject to congressional authorizations and appropriations



# Governor's Approval

- **30 Day public notice filed by the Navy**
- **Deferral and the transfer of the property will not substantially delay any necessary response action at the property.**



# Early Transfer Process

## *Pre-transfer*

### Covenant Deferral Request (CDR)

- Requires approval of Governor of Puerto Rico
- 30-day public comment period
- Addresses CERCLA hazardous substances only
  - Asbestos and lead-based paints addressed by Navy in separate environmental documents
- Documents the environmental conditions of the property



# Early Transfer Process

## *Pre-transfer*

### Covenant Deferral Request (CDR), cont.

- **Describes the proposed land use**
- **Outlines risks to human health and environment**
- **Describes land use controls (interim and permanent)**
- **Provides schedule for completion of remedial actions**



# Early Transfer Process

## *Transfer*

### Quitclaim Deed

- Provides specific description of the property
- Includes indemnifications, CERCLA assurances
- Describes land use controls and restrictions
- Outlines access rights for environmental remediation and monitoring
- Addresses other real estate-specific issues



# Early Transfer Process

## *Transfer*

### 7003 Order

- **Owner agrees to finish environmental work.**
- **Performance work statement provides maximum flexibility.** (*“Take property as-is and achieve CERCLA and RCRA compliance.”*)
- **New owner works with regulators to determine levels of cleanup and schedules.**
- **Redevelopment efforts offer additional or creative remedies.** (*Cap over contamination, institutional controls, land use restrictions, excavation, monitoring*)



# Early Transfer Process

## *Transfer*

### 7003 Order

- **New owner is much better positioned to negotiate environmental measures based on actual land uses and operational considerations.**
- **Environmental contractors are available for expert advice and technical services.**
- **Insurance is available and surprisingly affordable.**



# Early Transfer Process

## *Post-transfer ( if Navy Retains Cleanup)*

### Land Use Controls (interim and permanent)

- **Groundwater use restrictions**
  - No installation of wells
  - No extraction of groundwater
  - No activities that change groundwater movement
- **Soil excavation and management restrictions**
  - Soil excavation must be coordinated with Navy and regulators
  - Soil management during utilities construction
  - Soil disposal management



# Early Transfer Process

## *Post-transfer (New Owner Cleanup)*

### Land Use Controls (interim and permanent)

- **Property use restrictions**
  - Groundwater restrictions (*land owner accepts risks*)
  - Industrial and commercial
  - Residential
  - Recreational
- **Change of Land Use Controls**
  - New owner coordinates through regulators
  - New owner indemnifies Navy for new conditions
  - New owner responsible for certification and reporting



# A Proven Process

## Success Stories at:

### Facility

### Date

NAS Memphis, TN

1999

NWIRP Bristol, TN

1999

FISC Oakland, CA

1999

NAS Agana (Guam)

2000

SRF Guam

2000

NTC San Diego, CA

2000

FISC Alameda Annex, CA

2000

Naval Complex Long Beach, CA

2001

NSY Mare Island, CA

2001/2



# A Proven Process

## Success Stories at:

### Facility

### Date

NTC Orlando, FL

2002/2004

NOSL Louisville, KY

2003

NCTC Stockton, CA

2003

NWIRP Toledo, OH

2003

Charleston Naval Complex

2005



# Questions? Comments?





# Closing: next RAB meeting

- **RAB meetings every other month**
  - Next meeting mid-late April
  - At Ceiba Multiple Use Center, if available
- **“Homework” (from last meeting):**
  - Read the RAB Rule
  - Review example charters
  - Come prepared with questions and suggestions for our RAB’s charter
- **THANK YOU FOR VOLUNTEERING!**



# Closing: Action Items

Action Item	Person (s) Responsible



# Questions between meetings



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Mr. Mark Davidson**

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