

**MEETING MINUTES, FORMER NANSEMOND ORDNANCE DEPOT (FNOD)
RESTORATION ADVISORY BOARD**

To: Restoration Advisory Board members, Interested Parties
 From: Sandra Chaloux, CEC, Inc.
 Ken Hafner, U.S. Army Corps Project Manager and RAB Co-Chair
 Re: Minutes of December 5, 2000 RAB Meeting

<p>RAB Members Present: Mr. Fred Bright Mr. Bruce L. Johnson Mr. Thomas Decker Mr. Dave Taylor Ms. Bea Rogers Mr. David Saunders Mr. Tim Fink Mr. Thomas O’Grady Ms. Sue Bulbulkaya Mr. Ed Wallingford Mr. Steve Cline Mr. Robert Thomson Ms. Keri Robertson Mr. Ken Hafner</p>	<p>Affiliation: Nansemond Indian Tribe Citizen – Respass Beach/Holly Acres Citizen – Burbage Grant Suffolk Fire Department RAB Co-Chair Citizen – Bennetts Creek Tidewater Community College (TCC) City of Suffolk VDEQ VDOT GE EPA USACE, Norfolk USACE, Norfolk – Govt Co-Chair</p>
<p>RAB Members Absent: Mr. James Bennett Ms. Cherie Walton</p>	<p>Dominion Lands Reactives Management Corporation</p>

7:10 p.m. Introduction and Welcome/Call to Order (*Ken Hafner, USACE*)
 The meeting was called to order and RAB members and guests introduced themselves. There was one clarification to the October 3 meeting minutes – the remains that were previously found at the James River beachfront were left undisturbed. Ken went over the agenda for the night. He told the RAB that the Corps met with the stakeholders/landowners prior to the RAB meeting to discuss institutional controls. SAIC, a Corps contractor, developed a survey for the landowners to complete relative to institutional controls. The Corps will continue to work with the Institutional Control Work Group to coordinate and formalize the approach to institutional controls. The work group will periodically brief the RAB about developments concerning the institutional control issue.

7:15 PM

Corps Project Update (*Keri Robertson, USACE*)

New Areas of Concern (AOC)

Keri has added some descriptions of the new AOC to the Site Management Plan (SMP) based on EPA's September site visit. She is still working on the figures. They will probably be mailed to the RAB members, and then at the next meeting she will have the large format figures and smaller versions to hand out.

Update

Sandra found out that the Agency for Toxic Substances and Disease Registry (ATSDR) is hoping to be ready to report its findings in February. The Virginia Modeling, Analysis and Simulation Center (VMASC) presentation is also postponed. Tim Thompson, the Norfolk District archeologist, has reported some legal problems with the James River beachfront. He is consulting with the Corps' Office of Counsel on the programmatic agreement. The Corps is having some problems with the production of the agreement. Tim has drafted a management summary of the work that was completed. Keri will give Fred a copy to take to the next tribal council meeting this month. He will update the council then, with more formal communication to follow. The beachfront planning is being postponed because there are other issues that have to be resolved before that work can move forward. The Health and Safety Plan for the beachfront work has been finalized. The Norfolk District has several different documents in response to comments status with EPA and VDEQ. Those agencies should see the response to comments on the Remedial Investigation (RI) for the Main Burning Ground and Horseshoe Pond soon. They have approved the contractors' responses, and they are to be sent out.

Public Availability Session

The public availability session will be held in February before the next RAB meeting. It will contain information about the Nansemond River beachfront work and what the Corps hopes to do there. A project team planning meeting will be held in mid-January for the availability session. The public availability session will be held an hour or two before the RAB meeting and will be advertised to the public.

The Corps will have a series of displays, on subjects including the beachfront, and ordnance examples by UXB (a Corps contractor). It will be a general display, helping anyone who has not known about the project to better understand what is taking place, and hopefully, encourage more participation in RAB meetings. This is one way to keep the public informed about everything that is taking place. There will be on updates about the projects at the next RAB meeting, including what has been completed to date.

Tom O'Grady asked that we share some good news stories so that the community can see some positive action on the site. He mentioned the Impregnite Kit area being cleaned up, the completion of the mag and flag operation in the Bridgeway Commerce Park site, and that Dominion Lands received a comfort letter from EPA as examples. Ken said we want to provide more information to the community on these positive responses about the pesticide drums, transformers, tire pile, and paint cans. By next RAB meeting, we want to be able to say they are gone. Tom requested a bulleted sheet of the cleanup actions that have been completed to date. Keri asked Sandra/CEC to put together a newsletter for the occasion including the good news stories. Ken asked that RAB members to suggest topics to include in the newsletter about issues that have been resolved, and so on.

Keri reported that Phase I of Dominion Lands was sold to Continental Properties. Continental has had contractors out looking at the site and they are about to start construction. Tom said that Continental's site plan should be approved by Friday, December 8. They are constructing a 125,000 square-foot building.

UXB is continuing work between GE and Dominion Lands. The Corps is trying to get the work done and get out of Continental's way. The Corps has to observe safety zone buffers in areas where the ordnance work is being done. Keri reported that the Corps is trying to coordinate work schedules with Continental's construction crew. There have been four detonations since the last RAB meeting. UXB has found grenade fuses, some with detonators attached, and partial and full 40 mm rounds. The Corps contractors have also sampled the area around the transformers, but are waiting on the results. The transformers will be removed once the analytical data is back. That area will hopefully be taken care of within a couple of weeks.

Progress on Pits 12 and 18 (Near TNT and TCC)

There has been a small amount of progress on pits 12 and 18. These pits are priority items and will be getting priority treatment. These two pits, along with the James River beachfront and the Nansemond River beachfront, are the Corp's highest priorities right now. The contractors have been shifted around on site.

The Corps now has explosives in a secured enclosure on site. This will save time when ordnance is found that needs to be detonated because the Corps has the capabilities to take care of it on site. There is a second fenced-in area containing dumpsters for the items found on site. The contractor has also installed a 500-gallon tank for fuel. Refueling will be faster than the 10-gallon tanks that were used before. Time and money will be saved.

Pesticide Drums

Two 55-gallon pesticide drums were found, however one was stolen. They were cleaned before the theft, and testing already completed on the drums showed that they were clean by Resource Conservation and Recovery Act (RCRA) standards. The drum that was left contained the wash liquid. The Corps is waiting on analytical data to determine what can be done with the rinse water, before the remaining drums can actually be taken away. One RAB member recommended that any drum containing hazardous material be secured so that it can't be stolen.

Black Drums

The Corps now has provisions with a contractor to come out to address some other black drums that have been found on and off TCC property. It is hoped this will be taken care of by the spring.

Paint Cans and Tires

There is also a contractor that will be coming to get the paint cans. The area the paint cans are in is a little more hidden from view than the pesticide drum area, and the paint cans are already packed in drums. Before they can be taken away some steps need to be taken. The Corps needs to give its work plan to EPA by the end of the month and to talk with TCC and VDEQ about the possibility of recycling materials. There are seven thousand to eight thousand tires that they would like to recycle and plenty of trash to be taken away. Once it is known whether the various types of trash can be recycled, the trash can be routed to the correct location. The focus is on trying to get rid of all of the possible sources and trash, and to perform confirmation sampling later. It should be removed by the next RAB meeting.

Ecological Baseline Study

There will be a short presentation on the Ecological Baseline Study being conducted by AH Environmental, possibly at the public availability session. There are nice new aerial photos of the site that are ready for use in the GIS.

Micropact

Micropact, another contractor, has issued several work plans and comments. The Corps is currently working its way through the documents.

Schedule for James River Beachfront

The schedule for the James River beachfront has been changed many times. The recent change is due to the legal issues surrounding the archaeological work. Once the issues regarding that are resolved, the work can move forward. The Corps is waiting for the decision from the legal council about the remains that were found. In the meantime the contractor

is working on the work plan. The Corps is still planning to do the beachfront work during the summer, starting in June and ending in September. It will be a 120-day construction effort. There is a possibility of a joint effort between VDOT and the Corps. This will be helpful to ensure that there are no gaps between the areas covered by the two efforts. All work will need to be completed before the next hurricane season.

The Third Crossing in Hampton Roads

VDOT is doing a Hampton Roads crossings study and has narrowed the crossing options down to three sites for an underwater tunnel. VDOT had contractors/divers do an underwater survey for possible archaeological resources. During these surveys, potential ordnance items were located about 12,800 feet from the beachfront. Some of the historical records show anecdotal evidence that a barge facility was located in this area. What we know is that there is metal debris and corrugated iron within a foot of the bottom in about 7.5 meters of water. Keri said that the object was described as at least one stack of cylindrical objects five across on some type of pallet about 13 cm in diameter, about 1.2 meters long, and tapered on one end. It is not too far from the existing bridge tunnel. The Corps is trying to do its own research to decide how to approach the problem and who needs to look at it. The Army would be just one possible resource for resolving this potential problem. The removal could be done by the Navy or multiple sources depending on what the items are found and the best route to remove them. A considerable amount of coordination will be needed to get rid of these items. The Corps just wanted to let the RAB know about their existence and that there will be further investigation. The debris is approximately 2.5 miles from the shore and 500 feet from the existing tunnel.

8:00 p.m. SAIC Presentation (*Joe Skibinski, SAIC*)

The purpose of this presentation is to begin the education process about land use controls and a progress report on the status at FNOD.

The focus is on the ordnance and explosive (OE) sites, which are of the highest concern. The question is how residual risk will be managed. There are three options to consider including educational programs, engineering controls, and institutional controls. Each option depends on future land use assumptions – industrial, commercial, and recreational.

The land use control process begins with the development of a conceptual site model. This is a graphic rendering of the sources of contamination and areas of concern. The site model also looks at possible interactions that may occur with respect to the hazards and transport mechanisms. SAIC is currently creating a technical paper that will outline the methods and assumptions that will be used to look at the residual risk. The conceptual site model and the technical paper will be used to create a residual risk

assessment report. At the same time, SAIC have begun the process of looking at the land use control options being presented tonight. The first meeting on November 14 with the Institutional Control Work Group involved a review of the various options that SAIC presented. Our second meeting which was right before this RAB meeting allowed members of the work group to express initial concerns and preferences. SAIC has received some feedback, but is still waiting on formal feedback from several landowners. Although SAIC has not received enough feedback to move forward, the important point is that the process has begun.

Following the Land Use Control Options Paper is the Land Use Control Assurance Plan. This site-wide plan documents the design to ensure the long-term effectiveness of the land use controls that are needed and protection of the remedy. This is the site-specific Land Use Control Implementation Plan that describes the land use control objectives for each particular site or area and the actions that will be needed to achieve the objectives.

There are three types of land use controls: educational programs, engineering controls, and institutional controls. According to the Department of Defense (DoD), land use controls are "...any type of physical, legal, or administrative mechanism that restricts the use of, or limits access to, real property to prevent or reduce risk to human health and the environment."

Educational programs have already begun with such as the UXB display at the public availability session in January. Educational programs are geared toward discouraging people from touching dangerous objects and engaging in dangerous activities. These programs answer what land use controls are, how to identify a hazard, and what to do if you discover a hazard. Exhibits, displays, fact sheets, and classroom education are examples of how the information is taught.

The engineering controls are physical. They include excavation and removal, surface clearances, signs, and fences.

The last component of control is institutional controls. Institutional controls are defined as, "legal or contractual restrictions on property use that remain effective after remediation is completed and are used to meet remediation levels. The term may include, but is not limited to, deed and water use restrictions" (9 VAC 20-160-10). The objective is to work in conjunction with the engineering controls and the educational programs to ensure long-term protection.

Two categories of institutional controls are proprietary controls and governmental controls. Proprietary controls are "rights or obligations

imposed on; and by the landowner, based on private property law.” Governmental controls are “restrictions imposed by the federal, state, or local government on persons or land under the jurisdiction of the governmental entity.”

There are different types of proprietary controls. Easements are rights granted by the landowner to another party. One example is a right-of-way granted to a neighbor to allow the neighbor access through the landowner’s beachfront property. A covenant or servitude is a promise that an action will be taken, has been taken, or may be taken at some point in the future. Reversionary interests is a type of control specifying that if a condition is not met, the property will revert back to the original landowner. Even if the property has been conveyed a couple of times, it would convey back to the original owner. The state of Virginia has statutes concerning easements that are geared toward conservation of natural and cultural resources. The Conservation Easement Act applies more to charities and government. The Open-Space Land Preservation Easement is for public bodies, and would be applied in situations in which the public could use that property.

The most common type of governmental control is zoning. The City of Suffolk is responsible for zoning at this property. Currently there is no residential zoning at FNOD, and there is no anticipated rezoning. The other existing governmental control is the Regulatory Permit Program. Both of these controls are already in place.

Local advisories and restrictions sources are the local health department and the City of Suffolk. The problems with advisories are that some people choose to ignore them and they are difficult to enforce.

The Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) and the Resource Conservation and Recovery Act (RCRA) both have statutory or rule requirements that are applicable at FNOD. CERCLA has a mandatory 5-year review requirement, and RCRA requires that a notice of the discovery of hazardous materials to be included with the deed of the property.

Other potential controls and measures include memorandum of agreements, cooperative agreements, and use of GIS databases.

SAIC is working on collecting information on case studies to learn what has been effective at other similar sites. SAIC is looking at what has and has not worked and the factors in each case. Layering controls imposes a series of controls that cooperatively work in conjunction with each other. Layering institutional controls increases the probability of success. SAIC is also looking into the possibility of using contractual devices. Right now

they are working with the stakeholders to understand what their concerns and interests are. There was a questionnaire sent to the landowners/Institutional Control Work Group between the first and second meeting of the work group to elicit feedback. SAIC is also preparing a land use control options paper.

Bea asked who is going to be responsible for advising future property owners about institutional controls and what are the legal responsibilities are. It depends on what the situation is. There will be documents signed that will continue the use of institutional controls, that is having new property owners signing educational review notices. Also there is the CERCLA required 5-year review that will be done by EPA. After the first or second review, the time between reviews can stretch depending on the situation, but the reviews will go on forever. The mechanisms for future review have been built into the process.

The stakeholders/work group, the RAB, regulatory agencies, local government, and landowners will collectively determine which institutional controls are adequate. The current reason for the interest in institutional controls is that ordnance has been found and it is possible there is remaining ordnance on site.

The Army Corps Huntsville District has new information on Institutional Controls on its web site.

8:30 p.m.

Landowner Update

TCC –Tim Fink stated that TCC is not moving because of the contaminated land. Community College officials are studying to try to determine if, according to their client base, they should move at all. Tim wanted the community to know that TCC is not being driven away by the FNOD cleanup effort.

8:45 p.m.

Establish Action Items/Set Agenda and Date for Next RAB Meeting

Action Items

- Send an invitation letter to Continental Properties (Don Perry) to participate on the RAB.
- Add Don Perry to the mailing list.
- Respond to Rob's request for an interview, on behalf of the EPA, to see if anyone knows about the possibility of underground tunnels going between the old buildings.
- Establish a method to keep Virginia Power, or miscellaneous utilities, informed, possibly through Jim Bennett.
- Update RAB contact list – drop Bea's fax number.
- Create a newsletter for the Public Availability Session.

The next RAB meeting was set for February 6, 2001. The agenda items for the next RAB meeting include the following:

- Corps update
- VMASC presentation
- ATSDR presentation
- Map that delineates areas and property boundaries
- Revised SMP, except schedules, for the 2001 fiscal year
- SAIC update

9:00 p.m.

Public Availability Meeting

The public availability meeting will be held on February 6, 2001 as well. There will be a planning meeting held in early January to determine the level of depth for the public meeting.

The agenda items for the public meeting include the following:

- Time recommended for the public meeting is 5 p.m. to 7 p.m.
- The Corps wants to cover the following:
 - Nansemond River beachfront
 - Ordnance items
 - Photos
 - Maps
 - Eco Baseline Survey
- The meeting will be announced in newspapers (*The Virginian Pilot*, *The Suffolk News Herald*, and *The Daily Press*), on the web site, and through a newsletter.
- There will be a press release at least one week before the meeting. It will contain the meeting announcement and historical and chronological events, such as when FNOD became a Superfund site, how much money has been spent, and how much work has been done.

9:10 p.m.

Meeting adjourned

<p>Guests Present: Ms. Trisha Holtzelaw Mr. Fred Slade Mr. Dave Dussia Mr. Dewey Stinson Mr. Harry C. Wheeler, Jr. Mr. E. Brett Waller Mr. C. H. Lamb Mr. Pat Genzler Mr. Scott Emry Ms. Sandra Chaloux Mr. Joe Skibinski</p>	<p>Affiliation: Stokes Environmental Citizen Elizabeth River Soccer Club AMSEC LLC Gannett Fleming VDOT Citizen VCCS HRPDC CEC, Inc. SAIC</p>
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Mr. Tom Weatherly Mr. John R. Carter III	SAIC SAIC
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