

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

To: RAB Members, Interested Parties  
 From: Adriane James, U.S. Army Corps Government Co-Chair  
 Sandra Chaloux, CEC, Inc., RAB Facilitator  
 Re: April 7, 2005 RAB Meeting Summary

<p><b>RAB Members Present:</b>          Tim Fink          Lisa Hamilton          Adriane James          Bruce Johnson          Kemp Littlefield          Debbie Miller          Marian “Bea” Rogers          Cindy Taylor for Tom O’Grady          David Saunders          Carl Serrette          Rob Thomson          Cherie Walton</p> <p><b>RAB Facilitator Present:</b>          Sandra Chaloux</p> <p><b>RAB Members Absent:</b>          Kevin Mattonen          Ed Wallingford</p>	<p><b>Affiliation:</b>          TCC          GE          USACE, Gov’t. Co-Chair          Respass Beach          Lockheed Martin          VDEQ          Community Co-Chair          City of Suffolk          Bennett’s Creek          Burbage Grant          EPA          Reactives Management Corporation</p> <p>CEC, Inc.</p> <p>Cedar Crest Hall          VDOT</p>
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**Introduction and Welcome/Call to Order**

*(Sandra Chaloux – CEC, Inc.)*

The meeting was called to order and the meeting attendees introduced themselves. Sandra then outlined the agenda for the meeting. No corrections were noted on the March 16 RAB meeting summary.

**RAB Business**

***Government and Community Co Chair Comments (Adriane James [USACE] and Bea Rogers)***

Adriane thanked everyone for attending the meeting. Bea said that she received comments from Amy Whitfield (from another RAB) on the proposed RAB rule. Bea gave the original of these comments to Sandra and suggested that any RAB members interested in seeing these comments contact Sandra.

***Recap of Landowner Meeting***

Bea could not do the recap of the landowner meeting on April 6<sup>th</sup> because she did not attend due to illness. Adriane explained that letters were sent out to over 15 landowners (landlords or interested parties in adjacent properties) to invite them to a special meeting. Two parties (TCC and GE) came out. Colonel Prettyman-Beck was not able to attend, but they proceeded with the meeting anyway. The landowners present indicated interest in having more information on the Corps’ plan for the site. Adriane said that the Corps will work on conveying that information to the RAB. “We have done it but we must be doing a bad job so we are going to work on that” said Adriane. Adriane said that the Corps will send follow up letters to the landowners to let them know that the Corps is still interested in them playing a role on this project.

David Wagle [USACE FNOD Project Manager] is supposed to be deploying to Iraq, so he will be out several more months.

Bea said she was very pleased to see a member of the City's Planning Department and Economic Development Department and a representative from the Planning Commission in attendance. She said that they should be very interested in what is going on at the FNOD site.

#### ***Landowner Updates***

Kemp Littlefield announced that Lockheed Martin is coming along with their new building. Kemp said that a ribbon cutting ceremony was scheduled for next week.

Lisa Hamilton (GE) told the RAB that late last year GE subdivided its property. The Warehouse Property is being actively marketed to a commercial buyer. "We hope to get this transaction done sometime this year."

Tim Fink (TCC) – Classes are still in session until the middle of May. There will be a two-week break and then the college will be back in session.

#### ***Other RAB Comments***

David Saunders – David talked about recent news articles about houses being built on junk yards and trash dumps in Chesapeake. "My whole reason for being on this RAB is to make sure that landowners (current and future landowners) are not saddled with having to find buried drums on their property like they are in Chesapeake". David is also concerned about whether the James River Beachfront could withstand another Isabel (erosion concerns).

#### **Army Corps Update**

##### ***Land Use Controls (David Parson, USACE)***

David gave an overview of land use controls, which are legal measures that can be put on deeds to help property owners or future potential buyers know what has gone on at the property. The FNOD property will be cleaned to the best of the ability of the Army Corps, but after it is cleaned, there still may be some contamination, so some kind of environmental easement or deed restriction may be needed.

Environmental land use controls (LUCs)-also known as institutional controls, activity and use limitations, and environmental use restrictions –are legal and administrative measures to protect human health and the environment from risk associated with cleanups where residual contamination is contained on site. LUCs limit human exposure by restricting activity, use, and access to properties with residual contamination.

Recorded Deeds/Easements run with the land. This means that future landowners are required to abide by the terms and restrictions shown in the deeds or easements.

Before property is approved for transfer by the Government today, the environmental condition of the site is investigated and documented. The environmental condition is investigated to determine past use, whether past spills or releases have occurred on or near the property, the extent of the contaminants (if applicable), and whether cleanup and/or land use controls are needed.

Once the study is completed, an environmental report called a Finding of Suitability to Transfer (FOST) is prepared for all such Government lands. In addition to disclosing the past and present uses and conditions of the property, this report also includes information on the environmental condition of the property, deed restrictions and notices to be included in the deed or transfer document. This was not a requirement, however, in 1960

when FNOD was transferred. The Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) was enacted in 1980 following the Love Canal crisis in 1978. This is what requires the Corps to start documenting the environmental condition of the property, etc.

There is also a CERCLA Covenant, which contains a Part B dealing with additional remedy after the date of the deed. This states that the Corps makes warranties on environmental provisions and that, if anything is found in the future on the property, the Corps will come back and clean it up if it is related to DoD's environmental problems. A point of contact is established, for example the local police department, in case it is necessary to get the Army Corps back out to do clean up. Bea asked if the Suffolk Police have been informed of this. Rick said that the Suffolk Police have been informed to call Adriane at the Corps of Engineers if something suspect is found at FNOD. Rick said that the Corps coordinated this several years ago when construction was being done on Bridgeway Commerce Park. George said that Adriane is setting up a hotline at the Corps to receive these kinds of calls. Rick tried to clarify David's comments by pointing out that, since the Corps is not the current landowner of the FNOD property, it cannot put deed restrictions on any of this property. However, this is routinely done by the government at military sites undergoing Base Realignment & Closure (BRAC) prior to land turnover to new ownership.

Another provision put into the deeds of these kinds of land transfers is a Right of Access, which grants the Corps the right to get back onto the property if some contamination or ordnance is found.

As Rick mentioned, the Corps no longer has the option of recording the environmental information in the deed, because the property no longer belongs to DoD. However, the Corps can ask the current landowners to put restrictions and/or notices in their deeds when the property is transferred to another party. The Corps can also ask the current landowners to enter into an agreement to do certain things with regards to the use and disposal of the property or to do an environmental easement. The landowner has a vested interest in doing this to avoid liability and to exercise due diligence that is required once owners are made aware of problems. The Corps can also work with federal, state, and local governments.

The City of Suffolk is one of the Corps' partners for land use controls on FNOD property. The Planning/Zoning Department can place restrictions on certain uses of the land. They can maintain maps showing potential problem sites. They can also ensure proper city research prior to considering any rezoning or variances. The City's Health Department can require permits for wells. The Public Works Department can require ground disturbance permits.

The State can assist with Land Use Controls. Virginia Department of Environmental Quality (DEQ) maintains a database on environmental problem sites which can be accessed by the public. They also monitor site efforts for quality control. The "local" Clerk of Courts Office can record deeds for public access with deed restrictions and notices.

The federal government also assists with land use controls. EPA maintains data on National Priority List (NPL) sites and monitors them and has enforcement authority. The Corps is the lead DoD agency with information on the FNOD site, coordinating site cleanup efforts and monitoring the site under the Formerly Used Defense Site program.

Other Parties who may have an interest in Land Use Controls at the site:

- Lenders
- Title Companies

- Potential Purchasers
- Federal, state and local governments

Land use controls are always needed on military munitions sites. There will always be a chance that not everything was removed. Land Use Controls are not used as a default, but only after best efforts have been made to clear known problems.

Cherie asked how deed restrictions are enforced in the long term. David responded that the City, who issues building permits, should have records showing the restrictions. If the government does not own the property, it must work with the existing landowners to get them to put a restriction on it, or if the landowners choose not to, the government must work with their other partners to make sure the information is not lost.

Cherie asked the City how the RAB can be sure that some of these recent events in Chesapeake won't happen here. Cindy Taylor (City of Suffolk Assistant Director of Planning Department) said that residential development planning would first require a rezoning application (since FNOD property is currently not zoned to permit residential development). When City Council acts on that rezoning, there is an ordinance required to be noted at the Court House. A title search would pull this information up. Any known environmental feature is required on the plat.

Cindy said that VDEQ is starting to put information on known sites on their website. EPA has additional information. There is local knowledge as well. At next months' meeting of the environmental group of the Hampton Roads Planning District Commission, the group will begin putting together a protocol for a local database that the jurisdictions can use when evaluating proposed residential developments.

Rob Thomson (EPA) told the RAB that if land use controls are put in place at FNOD, EPA will come back every five years as part of the Long Term Monitoring step in CERCLA to evaluate whether the land use controls continue to be effective.

George asked Cindy if there was a clearinghouse or number residents could call to provide local knowledge on dump areas, etc. Cindy said "no" not currently. David Saunders asked if the City of Suffolk would continue deed restrictions after the initial landowner sold the property. Cindy explained that the notice is recorded at the Court house with the deed and any title search would be able to see the restriction or notice. Rick said that there is a term called "Runs With the Land" that applies in Virginia. Any deed restriction ever noted on a parcel will stay with the land forever.

George told the RAB that the Corps has a signed Memorandum of Agreement with Virginia Community College System (TCC). There are going to be notices on the deed. George showed the Groundwater Plume map for the TNT area. This graphic showed the sampling data from 1995 compared with the plume map based on sampling data from 2003. In 1995, the Corps found 80 ppb of TNT in the outer circle of the plume. In 2003, the Corps found 5 ppb of TNT in the outer edge of the plume. EPA's maximum contaminant level is 2.5 parts per billion for TNT.

The Corps and the City are working together to determine how the City can assist with land use controls at the site. The City of Suffolk has agreed to work with us for five years and has provided the Corps with a letter of commitment. The Corps is negotiating an agreement with General Electric. On April 12, George will hold a conference call with General Electric on issues in the memorandum of agreement. He said that all the property owners have been very cooperative.

George told the meeting participants that the Corps' goal is to clean up the sites (chemically) to unrestricted use. There may be some sites where the Corps can't cleanup

to allow unrestricted use of the property, but “unrestricted use” is the goal. He also clarified that the fact that soil meets EPA Region III Residential Soil Risk-Based Contaminant (RBC) screening criteria, this has nothing to do with zoning or rezoning to residential use. Field investigators collect soil samples to see if contaminant values fall below EPA soil screening criteria, which involves two category levels: Industrial and Residential. When soil passes Residential screening values, contaminant values are considered acceptable for unrestricted use.

Rick pointed out that the Corps provided the City with brochures that the City can hand out to landowners who apply for construction permits on FNOD parcels. This educational brochure is part of the land use control efforts at FNOD. George explained that there are three types of Land Use Controls:

- Engineering Controls (such as covers, walls, fences, signs, caps, etc)
- Institutional Controls – Deed notices and restrictions
- Public Education – Brochures, Training, etc.

Land Use Controls are considered Response Actions under CERCLA. Land Use Controls are a part of most complex cleanups and always a part of ordnance cleanups where you cannot remove all the risk. When the remedy is completed, the government must go back every five years and monitor its effectiveness.

At FNOD, based on continued current funding levels, the Army Corps will be conducting munitions investigations for another two and a half years. (Recent indications are that funding will likely be reduced some over the next couple of years, probably extending this time estimate by some unknown amount.) While the Corps is actively working at FNOD, interim land use controls such as signs and safety zones are needed. The interim land use controls in place now are for FNOD sites where munitions have been cleared, where munitions investigations are ongoing, and where munitions investigations are planned but have not been initiated yet. Once munitions clearance efforts and environmental studies are completed, a decision document will be prepared to close out the site work. The Corps expects the final Land Use Control plan to be a continuation/modification of the Interim Land Use Control Implementation Plan (LUCIP) that is being used now.

George disseminated the Roles and Responsibility table contained in the Interim LUCIP plan. This table highlights the Land Use Controls and the responsibility of the Corps, EPA, VDEQ, and the City of Suffolk. The Corps is trying to layer land use controls for added protection.

Sandra asked if the RAB members could get copies of the Land Use Control Agreements that have been signed and whether they have been placed on the project web site. Rick said that RAB members could have copies of the agreement but that they have not been posted on the project web site yet.

### **CERCLA Process**

*(George Mears, USACE, Acting Project Manager)*

George explained the CERCLA process that the Corps is following for the cleanup efforts at FNOD.

- 1) **Preliminary Assessment/Site Investigation (PA/SI)** –The PA determines if there is likelihood that a release of a hazardous substance has occurred based on historical records review and a site visit. The SI determines if a hazardous substance is present or absent at the site. The Corps uses a very conservative screening criteria to determine if a site should proceed to the

Remedial Investigation (RI) phase or be deleted from the list of “Areas of Concern”

- 2) Remedial Investigation/Feasibility Study (RI/FS) – During the RI, the project team determines the nature and extent of the contamination at the site. The RI considers both human and ecological risks to determine whether a Response is required. The FS analyzes alternatives and proposes an appropriate response for the site.
- 3) Proposed Plan and Record of Decision – The proposed response is evaluated against 9 specific criteria set out in the National Contingency Plan for the cleanup of hazardous substances. The proposed plan undergoes regulatory and public review and comment. The Corps must attempt to resolve comments before proceeding with the remedy. Once all comments are resolved, the decision is formally documented as a “Record of Decision” for the site.
- 4) Remedial Design/Remedial Action – In the RD phase, the remedy is designed and reviewed prior to being implemented. During the RA phase, the remedy is executed.
- 5) Long Term Operation/Long Term Monitoring – Long term operation could include such things as a pump and treat system for groundwater cleanup. Long term monitoring is needed to be sure that the remedies selected continue to be effective.
- 6) Site Close-Out – this covers formal documentation ending the project. For VA Formerly Used Defense Sites, the State, EPA and the Corps sign a document that goes into the formal Administrative Record.

Cheryl Fromme explained that the PA/SI has been streamlined to a Site Screening Process Investigation at FNOD. A lot of the PA work has already been completed at FNOD.

During the RI phase, the following are performed: a human health risk analysis, a screening level ecological risk analysis, and, if it does not pass the screening, a baseline environmental risk analysis.

#### **RAB Notebook Items**

*(George Mears)*

George disseminated a FNOD Site Summary Table to the RAB. He described it as a primer to Site Management Plan, or a quick reference guide. He also handed out a foldout map showing all the groundwater monitoring wells at the FNOD site and the TNT Area Plume Maps.

#### **MMRP Update**

*(Cliff Walden-Zapata Engineering)*

#### **Nansemond River Beachfront (NRB) Update**

Cliff told the RAB that what kicked the NRB site off for a munitions investigation was the finding of a 6-inch shrapnel round by Rob Thomson and Harry Wheeler during one of several site visits at the beachfront. In March, June and September Cliff said that Zapata found boosters and more items out there. He went on to say that a few weeks ago Zapata was out at the NRB doing some brush clearing, when they found another fuze (which he had on display). The item was found right behind the GE plant. Cheryl said that initially the Corps only thought that the NRB was a hazardous waste study site. About a year ago, the Corps started getting indications that the NRB is both a hazardous waste and a munitions investigation area.

A series of pits of construction debris and slag have been identified. Every heavy storm erodes the beachfront and Zapata picks up more of the debris to make sure nothing washes out to the river.

After discussions with key personnel and regulators, Zapata Engineering will begin munitions investigations at the point furthest south of the NRB and work up along the beach doing a 10-foot strip along the backside of the bulkhead. Once that is cleared up and as the earth is put back, a Geotech fabric will be put down and the area will be backfilled to help stabilize behind the seawall. Where munitions debris is found running back toward the mainland, it will be chased. Cliff also showed some other areas where work is being done to clear ordnance and asbestos.

#### **GE Main Burning Ground**

Cliff showed the RAB the investigation grid map for the GE Main Burning Ground. Yesterday, Zapata found a munitions item which bumped them up into the M row. Cliff said that based on the findings so far, they have found items in a 1,200 foot circle around the Main Burning Ground which would be the distance you would expect from a kickoff area. This could bring the munitions team up to the O row.

#### **Mechanical Sifter**

Cliff then explained adjustments that are being made to the mechanical sifter. At the moment, the soil is still too wet to use the sifter. The Corps estimates that it will take another 2.5 years of work (at current funding levels) to finish munitions clearing efforts at FNOD if the sifter doesn't work. If the sifter does work, it could carve 6-10 months off this projection.

Rick gave a breakdown of the munitions items that have been removed over the last few months. The totals for the year to date are 11 discarded military munitions (DMM) items, 87 pounds of scrap associated with explosives, and 16 tons of junk. For the entire life of the project, there have been 2,559 DMM items, 7,000 pounds of miscellaneous munitions (mostly small arms and bullets), 8,000 pounds of TNT, 162,000 pounds of munitions debris, a lot of scrap, and some contaminated soil removed. The munitions items found this year were mostly found on the north side of Welner Drive.

In addition, in the last few weeks, 4,000 pounds of asbestos—mostly non-friable Transite siding—have been removed at the Main Burning Ground.

#### **Environmental Studies** (Cheryl Fromme -USACE)

##### ***Pesticide Drum Area EE/CA or RI?***

New FUDs guidance states that every FUDs site must follow the CERCLA process. The Corps has completed a screening level risk assessment. Because preliminary risk levels came in below expectations, the Corps must now perform a Remedial Investigation Risk Assessment before a decision on a removal action can be made. As a result, the June Public Meeting for the EE/CA Removal Action that was planned has been cancelled. The Public Meeting following the RI will be held next year.

##### ***Horseshoe Pond***

Cheryl continued with an overview of the arsenic area. EPA noticed that there were two wells near each other with similar total concentrations of arsenic in the water. We have gone back out and done soil and groundwater sampling at Horseshoe Pond for total and dissolved metals. There were two hits of dissolved phase arsenic in groundwater. The Corps is working on finalizing a report on that now. There are several different scenarios as to why this arsenic is in the groundwater. One possibility is that there may be something in a filled-in portion of Horseshoe Pond contributing arsenic. A second is that a railroad track that used to run through the area may have been treated with a pesticide

that contained arsenic. Yet another possibility is that old fill material from the Main Burning Ground area brought into the area has contributed to it. Finally, there is a possibility that it is naturally occurring. The Corps will work closely with GE to determine next steps in the investigation.

***Arsenic Investigation Area Near Horseshoe Pond***

Cheryl also checked that the RAB did not have an objection to the addition of the arsenic investigation area as a new area of concern. There were no objections.

***Renovation Plant Area***

Based on some new information, Cheryl also proposed adding the Renovation Plant Area as a new area of concern – and doing an investigation of groundwater and soil there.

***TCC Lake***

The TCC Lake Human Health Risk Assessment and Baseline Ecological Risk Assessment has been awarded to SAIC.

**Public Comments**

None noted.

**Agenda items** for the next RAB meeting (June 2, 2005):

- Final draft of the new RAB rules (if available).
- More information on arsenic
- Findings from background study
- Look at the signed land use control memoranda of agreements in place
- Site visit, especially for new members
- Regulators update

Sandra requested that RAB members get any questions they have to her very quickly so that she can pass them on to George for the Corps Project Team Call. This will allow him ample time for information gathering for the next meeting.

Sandra will be working on the next newsletter for May. She asked for any suggestions that need to be covered, such as land use controls.

Rick asked if it was time again for a general open house meeting for the public. Some prior meetings of this type were better attended than others.

**Meeting Adjourned around 8:45 p.m.**

<b>Others Present:</b> Rick Aiken Cheryl Fromme George Mears Gerald Rogers Art Collins Lynn Bartfue Bill Hudson Shana Duggins Cliff Walden David Parson	<b>Affiliation:</b> J.M Waller & Associates USACE, Project Engineer USACE, Acting Project Manager USACE, Public Affairs HRPDC City of Suffolk EPA USACE Zapata Engineering USACE, Norfolk District
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