

**BRAC Cleanup Team (BCT)
Munitions Response (MR) BCT Meeting Minutes
March 22, 2011
Fort Ord BRAC Conference Room**

Members / Invited Attendees

(p): by phone

Gail Youngblood, BRAC
Roman Racca, DTSC (p)
Judy Huang, EPA
Lewis Mitani, EPA
Eric Morgan, BLM
Chris Prescott, USACE
Terry Gleason, USACE
Peter Kelsall, SHAW (p)
Derek Lieberman, Ahtna
Erin Caruso, ITSI
Lyle Shurtleff, BRAC

Chieko Nozaki, BRAC
Chris Duymich, POM FD
Jen Moser, SHAW
Kevin Siemann, SHAW
Steve Crane, ITSI (p)
Rob Robinson, BRAC
Melissa Broadston, BRAC
Stan Cook, FORA
Dave Eisen, USACE
Chris Duymich, POM FD

MR BCT Agenda Items:

<u>Item</u>	<u>Action</u>	<u>Comment</u>
Property Transfer	Update	by Derek Lieberman
Community Relations	Update	by Melissa Broadston
ESCA (FORA Update)	Update	by Stan Cook
Fieldwork / Track 3 Update	Update	by Lyle Shurtleff
MRS Security Program	Update	by Lyle Shurtleff
Remaining RI/FS Areas	Update	by Jen Moser
Report Status	Update	by Chieko Nozaki
FFA Schedule	Update	by Chieko Nozaki
Action Items	Update	by Chieko Nozaki

Property Transfer: The Army provided an update to current property transfer actions.

FOST 10 deeds:

1. July 2009 – eight of nine deeds and three CRUPs recorded, 594 acres transferred.
2. Parcel L3.2 (101.19 acres)
 - a. May 2010 – Monterey County Board of Supervisors approved agreements between County and York School; York School rescinded PBC request; Dept of Ed withdrew assignment request.
 - b. June 2010 – FORA and its counsel determining appropriate sequence of transfer.
 - c. July 2010 – FORA and York School negotiating reimbursement of legal fees.
 - d. August 2010 – FORA and York School negotiations complete.

BRAC Cleanup Team (BCT)
Munitions Response (MR) BCT Meeting Minutes
March 22, 2011
Fort Ord BRAC Conference Room

- e. September 2010 – per OGC, FORA drafted letter requesting property as EDC and submitted to OGC for review.
 - f. November 2010 – OGC approved documents, FORA signed request letter, deed and amendment to EDC MOA, sent to USACE HQ.
 - g. January 2011 – Army executed deed and MOA amendment, returned to USACE SPK.
 - h. February 2011 – USACE SPK forwarded executed documents to FORA for recordation.
 - i. March 2011 – executed deed and MOA amendment recorded 2 Mar.
3. Parcel L23.5.2 (and adjacent FOST 9 Parcel L23.5.1) PBC to Chartwell School.
- a. July 2010 – Transmittal memorandum signed by USACE Director of Real Estate and forwarded to DASA (I&H) OASA (I&E) for signature.
 - b. October 2010 – OGC sent back to USACE indicating authority was delegated to Director of Real Estate, who signed it on 7 Oct.
 - c. November 2010 – Dept of Ed submitted draft deed to USACE.
 - d. December 2010 – January 2011 – USACE HQ and Dept of Ed negotiating deed language.
 - e. February 2011 – Dept of Ed issued deeds to Chartwell School on 17 Feb for execution.
 - f. March 2011 – Chartwell requested until 17 May to review deeds, but lost assignment package.

Since FOST10 real estate actions were reported complete, the Army proposed the topic should be dropped from the property transfer update. There were no objections.

FOST 11:

1. July 2010 – Draft Final FOST issued for 30-day public comment period. No comments received.
2. September 2010 – concurrence received from USEPA (2 Sep) and DTSC (13 Sep). FOST staffed for Army signature. Draft deed submitted to USACE for review.
3. October 2010 – ODASA (JC King) reviewing FOST before DASA (ESOH) signature.
4. December 2010 – ODASA sent FOST back to BRAC-D without signature. Army ELD informed and referred issue to OGC. ODASA revised FOST and submitted to BRAC-D.
5. January 2011 – ELD and OGC met with ODASA to revised FOST.
6. February 2011 – BRAC-D submitted revised FOST to USATCES for review and approval. USATCES approved, submitted to DDESB with recommendation for approval. DDESB approved 23 Feb. ELD submitted revised FOST to ODASA for review 28 Feb.
7. March 2011 – ODASA still disagrees with description of MEC risk codes in FOST, OGC to schedule a meeting for 24 Mar (tentative).

USEPA expressed concern about the possibility of significant revisions to FOST 11 after the regulatory agencies had already concurred with the document in September 2010.

BRAC Cleanup Team (BCT)
Munitions Response (MR) BCT Meeting Minutes
March 22, 2011
Fort Ord BRAC Conference Room

USEPA noted that development and application of MEC risk codes was part of determining the remedy and is what is described in the Record of Decision for the Parker Flats Munitions Response Area; therefore, it should be appropriate to include it in the FOST despite ODASA's objections. USEPA requested a copy of the most recent version of the FOST. Army reiterated that OGC, ELD and ODASA were scheduled to meet later in March to resolve this issue and the current version of the FOST did not reflect any decisions yet to be made in this meeting. USEPA requested a copy of the revised FOST after the Army resolved this issue and indicated the regulators may have to review and concur again on the FOST depending on the significance of the changes.

FOST 12:

1. Parcel E20c.1 requires Track 1 Plug-in Approval Memorandum.
2. Parcel E29b.3.1 (Yadon's piperia) requires completion of biological opinion by USFWS.
3. Parcel S2.1.2 (OU1) requires determination of OPS for OUCTP in the Lower 180-Foot Aquifer.

FOSET 2 deed amendments:

1. October 2008 – Five deed amendments issued to FOSET 2 property recipients for signature: Monterey-Salinas Transit (MST), City of Marina, City of Seaside, University of California (UC), and California State University Monterey Bay (CSUMB). Sixth deed amendment for Parcel L37 (City of Seaside) not drafted
2. December 2009 – USACE revised/drafted all six deed amendments using FOSET 5 deed amendments as template. Fort Ord BRAC Office reviewed and commented.
3. February 2010 – USACE revised deed amendments.
4. March 2010 – USACE submitted draft deed amendment to FORA for legal review.
5. April 2010 – FORA completed legal review. Amendments issued to recipients for signature.
6. June 2010 – MST and CSUMB signed deed amendments.
7. July 2010 – MST deed amendment countersigned by Department of Transportation and recorded. Remaining five deed amendments signed by recipients and submitted to USACE.
8. September 2010 – per USACE HQ, additional documentation provided and information paper revised.
9. December 2010 – Army executed deed amendments and returned to USACE SPK.
10. January 2011 – USACE SPK forwarded executed deed amendments to recipients for recordation.
11. March 2011 – all deed amendments recorded except CSUMB

Army proposed that, since the FOSET 2 deed amendments are near completion, the status be reported in April and then the topic dropped from the regular property transfer update. The regulatory agencies recommended that the topic remain on the update until it is

BRAC Cleanup Team (BCT)
Munitions Response (MR) BCT Meeting Minutes
March 22, 2011
Fort Ord BRAC Conference Room

confirmed all deed amendments are complete and recorded. This comment applied to the FOSET 5 deed amendment for the County North MRA.

FOSET 4 deed amendment:

1. November 2008 – ROD for Del Rey Oaks MRA complete and signed.
2. June 2010 – Per USEPA, CERCLA Warranty cannot be issued until variance to CRUP is complete.
3. July 2010 – Del Rey Oaks submitted letter to DTSC requesting variance to the CRUP. Decision pending on type of survey for area where residential restriction to be removed. Draft Final Remedial Design/Remedial Action Work Plan issued (28 Jul).
4. August 2010 – USEPA determined all remedial actions implemented and completed (20 Aug).
5. September 2010 – Del Rey Oaks retained surveyor. Draft deed amendment submitted to USACE.

FOSET 5 deed amendment, County North MRA:

1. March 2010 – draft deed amendment issuing CERCLA Warranty for County North MRA drafted and submitted to USACE.
2. April 2010 – Draft deed amendment forwarded to USACE HQ and Kutak Rock.
3. July 2010 – Kutak Rock requested minor changes to deed amendment, Army concurred.
4. August 2010 – FORA executed deed amendment, submitted to USACE Sacramento District.
5. September 2010 – deed amendment submitted to USACE Southwestern Division.
6. December 2010 – deed amendment submitted to USACE HQ. Reviewer indicated issues with the legal description, but issues resolved.
7. January 2011 – Army executed deed amendment and returned to USACE Sacramento District.
8. February 2011 – USACE forwarded executed amendment to FORA for recordation.
9. March 2011 – amendment recorded

University of California FOST 3 and FOST 6 Parcels:

1. March 2010 – draft deed for Parcels F7.1 (FO-30), F7.2 (FO-31) and S2.1.4.2 submitted to USACE SPK for review.
2. April 2010 – Draft deed submitted to USACE HQ for review.
3. July 2010 – draft deed submitted to UC for review.
4. October 2010 – UC signed deed and returned to USACE SPK.
5. November 2010 – Determined no signed version of FOST 3 is available.
6. December 2010 – revised deed to reference UCSC Phase I FOST, which includes Parcel F7.1, is signed, and has USEPA concurrence. UC accepted this revision.
7. February 2011 – USACE Director of Real Estate executed the deed and forwarded to USACE SPK. Sent to UC on 25 Feb.
8. March 2011 – deed recorded.

BRAC Cleanup Team (BCT)
Munitions Response (MR) BCT Meeting Minutes
March 22, 2011
Fort Ord BRAC Conference Room

Community Relations: Army provided that a comment by MiM to the draft results of the Army BRAC 2009 community survey proposed that the survey be modified to measure public awareness and interest in ESCA information/activities. Discussion included the observation that the ESCA information is outside the scope of agency (Army BRAC) responsible for the survey. There were no objections to the proposal.

ESCA Update: FORA provided the status of outreach actions and plans and an ESCA fieldwork update.

Fieldwork Update: The Army provided an update on recent and planned fieldwork.

1. Surface removal fieldwork in Units 15/21/34/32 was described complete as of February 16. DGM began in Unit 21 (minus HA 37) on March 7 and is approximately 7% complete. DGM is scheduled to be complete May 30. A FWV for a limited DGM of Unit 32 is pending.

The status and utility of Hugo Road (northern boundary for Unit 9) as a fuel break was discussed. Army plans further study.

2. BLM has coordinated a reduced subsurface removal footprint in the abandoned section of Broadway Rd. (Unit 14) with the Army. Subsurface investigation of the revised subsurface remediation area began March 8 and is scheduled to be complete in May.
3. Non-Burn (fuel breaks) DGM is in progress. A resolution of DGM data gaps and the methodology for categorizing the fuel breaks as best suited for available remediation methods is pending.

A schedule for the remediation work will be presented at the April MR BCT.

A TIP on the results of the DGM is planned for publication.

4. A summary of the status of the total number of MEC items found and their disposition was provided. Range related debris and munitions debris totals by weight were also provided.
5. The fieldwork and data collection for the annual monitoring of surface remediation areas was reported as completed. A report is planned for publication in May.

BLM commented that there is a continuing need to gravel many roadways within permanent fuel breaks to reduce erosion due in many cases to the location of the fuel break. While the BLM preferred erosion control method would be to relocate those fuel breaks (roadways), it was acknowledged that due to the subsurface removal necessary to

BRAC Cleanup Team (BCT)
Munitions Response (MR) BCT Meeting Minutes
March 22, 2011
Fort Ord BRAC Conference Room

construct and maintain a fuel break reroute and the resulting habitat loss, in many cases relocation of existing fuel breaks is cost prohibitive. Army will work with BLM to reduce erosion through the application of erosion controls during maintenance and prescribed burn preparation operations.

Site Security Program: The Army provided the following information concerning the security of restricted MRS:

1. Four MEC incidents were reported since the last MR BCT. All were investigated and determined to be MD that has become visible due to erosion of those areas after the prescribed burn and surface remediation action. The total number of incidents for 2011 is 7.

DTSC inquired as to the likely cause for BLM reports of suspected MEC in the Unit 14 area. Army provided that a combination of a high concentration of near surface MEC-like MD (mortar fins) in some portions of Units 14/19, significant erosion in those areas during the past winter season, and the presence of BLM habitat worker in that area doing weed control and reporting MEC-like items has generated 6 of the last 7 MEC incident reports. USACE and BRAC experience in the area indicates that, while there remains a significant amount of near surface MD, there is a low MEC risk to surface workers. All potential MEC discovered during weed control and construction will be reported and recorded by the site security program for analysis and appropriate action.

2. A summary of the February 23 meeting of the Site Security Committee has been distributed for review by the membership. The annual site security report is planned for publication in May.
3. No trespass incidents were reported since the last MR BCT. The total number of incidents for 2011 is 1.
4. MEC Safety Education: None for 2011.
5. MEC Recognition and Safety Training: BRAC received no requests for training in the last 30 days. Thirty Four contractors and service providers have been trained in 2011 to date.

Remaining RI/FSs:

1. DTSC is on board with the scheduled public review of the Track 1 Approval Memo for MRS-24A, MRS-24C, and Parcel E20c.1. DISC is working with the City of Seaside to provide for active construction support for the parcel (E20c.1). Army will notify the City that the AM will be published on April 29.

BRAC Cleanup Team (BCT)
Munitions Response (MR) BCT Meeting Minutes
March 22, 2011
Fort Ord BRAC Conference Room

2. The site assessment fieldwork in BLM East/Pre-1940 (Northern and Southern Portions) (TM 3) has been completed with several subsurface anomalies being identified.
3. The site assessment fieldwork in BLM North (Northern and Southern Portions) (TM4) has begun 8 March.

Report Status: The Army provided a review and update:

1. The final Units 18/22 RAR will be published 30 March.
2. The review period for draft prescribed burn AAR for Units 15, 21, 32 and 34 will be extended to early April. FFA schedule will be updated.

FFA Schedule: Reviewed and approved.

The next meeting of the MR BCT was scheduled for April 26 at 9:00 A.M. in San Francisco. Meetings were also scheduled at the BRAC conference room for May 24 at 1:30 P.M. and June 24 at 10:00 A.M.

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