

USEPA AMCO Superfund Site CAG Meeting, September 13, 2010

EPA Attendees: Rose Marie Caraway
Dana Barton
Janice Witul

EPA Contractors: Kent Baugh/ITSI
Yash Nyznyk/CDM
Carolyn Moore/CDM

CAG Members: Rafael Navarro
Monsa Nitoto
Sara Garabedian
David Roach
Tony Diamantidis
Zawditu Bent
Taietha Young
Yafee K. Tyhimba
Brian Beveridge
Pam Evans
Samson Mael
Harlan Smith
Eric Maundu
Eric Gerrick
Kerri Atwood
Kathy Webster
Gloria Riley
Ed Green
John Schweizer
Gary Fracchia
Ellen Wyrick Parkinson
Frances Watson
Tanya Ru
Larry D. Hill
Nichole Peterson

Purpose of Meeting

- *Hear Technical Advisor's comments on AMCO proposed excavation and understand why there have been delays in the timeline*
- *Understand what measures are being considered to keep residents from being exposed to vapors during the proposed excavation*
- *Learn from real estate experts regarding property value and liability issues as they relate to the lead cleanup*

Technical Advisor's comments on alternatives being considered in Interim Proposed Plan

TA - John Schweitzer talking about alternatives to be considered in the Interim Proposed Plan

Refer to EPAs handout depicting excavation areas for more information.

- TA explained his role as an independent consultant funded under the Technical Assistance Services for Communities (TASC) program. He works on behalf of the community, not the EPA.
- The community asked TA to provide comments on the development of the Interim Proposed Plan (to be prepared by EPA).
- TA also requested input from West Oakland Sustainable Alliance (WOSA).
- TA received some general comments and concerns from community which he provided to the EPA
 - Community is frustrated with length of time it's taking for the cleanup – ongoing since 1986.
 - Community would like the Site cleaned up to residential standards, which is consistent with proposed plan.
 - Community would like cleanup to be performed with no additional exposure/risk to the community, which has already been burdened by a lot of local industrial exposures.
- TA indicated he has heard that the EPA is having a hard time identifying an entity to take ownership of the 3 homes on 3rd St.. Federal law does not allow EPA to 'own' the property. EPA ultimately needs the State to agree to own the property, which must occur for EPA to be able to offer permanent relocation to those residents.
- TA also related that the community is not in favor of a current owner benefitting from the public funds spent on the property and would prefer that the community directly benefit from the property and public funds.
- TA discussed current Vapor Intrusion (VI) data from ongoing investigation
 - EPA will not be releasing the April VI data until the data validation has been completed.
 - EPA is considering releasing preliminary data to TA so TA may review and communicate information about the data to community before validation has been completed.
- TA discussed Ventilation Systems presented in the Interim Proposed Plan
 - Refer to handout
- TA indicated he had received the following question from the community:
 - Does the soil gas get into people's homes? The TA indicated that in his opinion the ventilation system will ensure that the soil gas does not go into people's homes.
- TA - In the Interim Proposed Plan the EPA proposes that they will remove the thick concrete cap currently overlying the source area and excavate the soil beneath. The excavation will be deeper within the source area and shallower in the surrounding area.
- The TA sent e-mail comments to the EPA:
 - Rather than excavating, suggested that EPA leave the cap in-place and use thermal heating to volatilize the contaminants.
 - Suggested putting vapor collection in as part of the first phase of the remedial action.
 - TA received a response from the EPA indicating that the EPA believes there may be additional undefined source areas at the Site (below the concrete cap) and wants to excavate in order to define and remove all source areas. The EPA responded that there may also be drums buried at the site. With this information in mind, the TA stated that he believes excavation is the only way to ensure removal of potential source areas.
 - TA also recommended that the excavation extend down to historic low point of the groundwater. Solvents are less dense than water and float on the top of the groundwater surface. The TA suggested that a decline in the groundwater level (to the historic low point) would cause the solvents to "smear" the subsurface soils. If the excavation was not deep enough, residual contaminants would remain in the soils.

- TA recommended that containment (e.g., a tent over the source area) be used during excavation in order to protect the community. TA believes there is a good chance of volatile materials being released into the air when the cap is removed. Additionally TA recommends that air monitors be continuously used to demonstrate that containment is effective rather than using only air monitoring instead of containment.

Community Comments

- Why are they using excavation rather than thermal treatment?
 - The EPA's argument that the source areas are not known is compelling. You have to know the area you are targeting for thermal treatment. If thermal treatment is used to treat only a central source area, it may not be effective in treating outlying source areas.
- If there are multiple source areas, then excavation is the only way to do it?
 - Yes,
- When will we know whether we have multiple source areas or not?
 - EPA – subsurface surveys indicate that there may still be drums buried in the subsurface providing a source of contaminants (e.g., beneath the warehouse area).
 - Regarding the existing warehouse structure, it would cost more to perform the remedial action while retaining the warehouse. Additionally, from a safety-perspective, it would be better to remove the structure and cap as part of the excavation.
 - The depth of the proposed excavation may be as deep as 10 to 15 feet. Dewatering operations will be needed to maintain the water level below the bottom of the excavation.
 - The EPA indicated that the concrete would be removed even if thermal treatment were selected to treat the source area.
 - The EPA will be sampling soil during excavation to determine excavation depth and will be sampling water extracted from the excavation in order to determine proper disposal methods.
- Question about the location of the source area
 - EPA referred to the handout depicting the proposed excavation areas. The gray shaded area is the approximate location of the deep excavation area. A shallower excavation, to a depth of about 5 feet below ground surface, is planned for the entire area with diagonal lines.
 - *Soil excavation beyond the source area would be intended to address lead impacted soil in the large vacant lot that was not addressed in the lead removal since it was covered in concrete.*
 - There have been elevated soil vapor concentrations within the Large Vacant Lot. These data could be an indication of an additional source of solvents in the vacant lot area.
 - EPA believes that it is appropriate to extend the excavation over the entire Large Vacant Lot. Previous plans had proposed excavation for only a limited portion of the vacant lot.
 - EPA is currently recalculating the time frame for the excavation based on the revised excavation boundaries. More information will be available for the October Open House and the November 8th CAG meeting.
- Will we have local workers on this excavation and trucking?
 - EPA intends to inform the community when this project is moving forward and when the contract is going out to bid in order to make sure community members are informed and aware of employment opportunities.
- How will the excavation be performed?

- EPA indicated that it is considering performing the excavation in several phases. The current thinking is that the initial phase of excavation would be in the larger vacant lot (shallow excavation), followed by deeper, more intrusive actions. Using this approach will provide more open space for equipment storage and construction staging. The vacant lot area may also be used as the location for the groundwater treatment plant (to be used for treatment of water produced during dewatering activities during excavation). The TA recommended that the more contaminated soil be excavated first. This prevents highly contaminated soil from coming in contact with, or being placed on, areas where the concrete cap has been removed and contaminated soil has been replaced with clean soil.
- What is containment during excavation?
 - EPA indicated that they have been considering whether there is a way to safely enclose the excavation. The safety of people that will be working within that enclosure needs to be taken into consideration.
 - The EPA also wants to make sure that the community is protected during the excavation. Control measures, such as wetting soil to control generation of dust and odor suppressants to control volatile organic compound (VOC) emissions. A public health evaluation for the remedial action (PHERA) will be performed to determine action levels for airborne contaminants. During the excavation, if VOC emissions or levels of dust are approaching the established action levels, then EPA will implement additional control measures or stop work.
 - The TA recommended implementing vapor containment as an engineering control during cap removal and excavation, particularly during excavation of source areas, and documenting the effectiveness of the control with the emissions monitoring data,
- What is the Record of Decision: What is this that you need for this process to move forward?
 - EPA – refers to poster, which depicted the Superfund process leading to the formal Record of Decision.
- How is this being paid for? Who is responsible?
 - EPA - this is an enforcement issue. Currently, EPA is spending federal dollars to clean the Site. Legal departments are determining the responsible parties and will recover costs from them, if possible.
- A community member noted that the shaded area in the figure extends below some residential structures.
 - Yes, one of the residential structures shown is 1428 3rd Street, which is slated for removal.
 - Currently, EPA is considering permanent relocations for residents at 1428, 1430 and 1426 3rd Street, and temporary relocation for other homes in the area for the duration of the excavation.
 - The Army Corps of Engineers will be working with community members on relocation.
- We'd like a community meeting to discuss these relocations
 - The EPA indicated that the relocations are a constant subject at the CAG meetings and homeowners from 3rd and Center street regularly attend the CAG meetings and are aware of this work and the planned relocations.
 - CAG meetings have been going on since June 2009 and activities completed are summarized in the handout.
- What if your investigation finds that Center Street is affected by lead as well?

- Soil data show that soil impacts due to lead and other metals are within the Large Vacant Lot, a possible source is an historic salvage yard.
- Lead removal has already been completed for the homes on one side of Center Street and the 3 residential lots on 3rd Street. Excavations for soil impacts were completed down to 2 feet below ground surface.
- My house is on Chester, am I impacted?
 - EPA - That's actually not adjacent to the AMCO Site, but you might well be part of the lead removal action.
 - Steve Canalog, EPA, is moving forward with the lead cleanup, which is separate from the Superfund cleanup.

EPA Discussion of Record of Decision (ROD) Process

Refer to EPAs poster showing ROD process for more information.

- The EPA indicated that as of February 2009 the Site had reached the feasibility study (FS) step in the process however there were uncertainties related to the cost of remedial action. Further information was needed to refine the costs for biological and thermal treatment methodologies. A decision was made to develop a focused feasibility study (FFS) to address the source area. As part of the FFS, the source area would be excavated. Additionally, further characterization data would be gathered to refine the understanding of Site conditions. During the excavation, homeowners adjacent to the Site would be relocated. Following completion of the excavation activities, EPA will prepare another FS to address remediation of the remainder of the Site.
- There will be a public meeting to present the FFS and the Proposed Plan. EPA will invite everyone in the community; court reporter will be present to record all discussion; EPA will take comments from the community regarding the recommended remedy; EPA will be required to address each comment individually and will choose the final remedy based on science and input from the community.
- The Interim ROD is the legal document which describes the selected remedy for the Site. The Interim ROD needs to be filed before the contracting for the remediation activities and hiring can begin.

Community Comments

- How are redevelopment agencies involved in this process?
 - EPA - EPA is not involved in ultimate redevelopment of the Site.
 - EPA - A local agency does need to take ownership of the property because the EPA cannot "own" the properties. One option if the state and the City of Oakland don't want to take the property, EPA can negotiate a settlement so that the homeowners can keep the property(land). The EPA prefers that the state takes ownership of the property.
 - There are two components of the cleanup that need to take place. The first is a short-term action involving excavation and removal of the primarycontaminant source. , The second component is intended to address residual contamination and is expected to occur over a long- period of time (many years).
 - The EPA also offered a clarification – there will be 30 days to comment on the Proposed Plan, but comments will need to focus on that Proposed Plan and the remedy defined in that plan, rather than on jobs or on reuse of the property. EPA

- repeated that the AMCO Site remediation is a separate project from the ongoing lead cleanup project.
 - EPA is hoping to open the comment period in late January or early February. Community members have a right to request an additional 30 days, so the comment period could be as much as 60 days. EPA noted that the longer the comment period, the longer the entire process will take, resulting in a later cleanup start date.
- Can the comment period change the implementation date of the remedy?
 - Yes
 - EPA will publish the report, place notice in the newspaper, and include the date of the public meeting. Community members can come to the meeting and have their comments be part of the record.
- The lead cleanup Open House is currently planned for October 14th. There is a possibility that this date will change. AMCO-related information will be available at this meeting, but the focus will be on the lead cleanup

EPA: Representative Barbara Lee, members of the Black Congressional Caucus, and EPA Administrator Lisa Jackson are coming to the area on Oct 16th. There is a possibility they could attend the meeting if it took place on that Saturday afternoon from 1 PM to 4:30 PM. The EPA requested input from the community members as to whether the date and time change would be acceptable.

- The meeting would be in the same location – in South Prescott Park.
- Community members present indicated that moving the Open House to Oct. 16 was acceptable.
 - The EPA requested that all in attendance put down their contact information, including e-mail and mail addresses, to ensure that meeting notices are delivered to all interested parties.
- A representative from WOSA indicated that the group would like to have a meeting with the EPA's technical consultants and the TA to talk about the Proposed Plan.
 - The EPA indicated that it will provide the document to the TA and facilitate a roundtable discussion on the technical document. This process has occurred at other superfund sites in order to provide a chance for more in-depth discussion. A Co-chair of the CAG suggested that this roundtable meeting take place within the purview of the CAG.
- A community member requested clarification regarding the FS and the FFS. Is the FFS an addendum or a separate document?
 - The FFS addresses one element of the overall Site remediation. When the interim remedial actions (as evaluated in the FFS) are completed then a sitewide FS will be developed to address cleanup of the remaining portions of the Site, ie contamination located at deeper depths.
 - The overall remediation is expected to occur in several stages, including source area and soil cleanup, followed by groundwater cleanup. Information gathered during the first stage of remediation will help determine what the treatment options are for the second stage of remediation. During the second stage (groundwater remediation) no buildings will exist at the Site and treatment could take 10 years or more.

EPA Discussion of Relocation Issues

- The EPA introduced the U.S. Army Corp of Engineers (USACE) representatives present at the meeting. EPA indicated that as part of the proposed plan USACE is in the process of talking to homeowners on Center Street and 3rd Street. USACE had plans to appraise 6 homes and has performed the appraisals for all but one. Appraised homes on 3rd Street are identified for relocation. Appraised homes on Center Street were appraised for reference.

Community Comments

- Is there going to be a public process presenting what is going to be done with these people's homes?
 - EPA replied that details regarding specific relocations cannot be shared due to privacy issues. Overall remedy costs will be presented in the Proposed Plan but EPA cannot present the detail of home values or of the contracts with individual homeowners.
 - Brian Beveridge - As an individual in negotiations with EPA, one is able to bring it to the public forum if they desire; if you feel you need support or information the community can support you.
- Resident from (1438) 3rd Street that does not understand English requested a translator.
 - EPA directed her to the available translator.
- A real estate agent present at the meeting asked what was being done about adjusting the tax basis for permanently relocated residents. If residents have been in a home for an extended time (e.g., 20 years), then they would have very low tax basis. If they move, they would then be subject to an increase in property taxes (potentially a much higher annual tax burden). The agent also requested information regarding who is performing the appraisals.
 - EPA collected contact information and promised to research the issue and respond. EPA indicated that the appraisals are being performed by a local company.
- A community member responded that the reason they want the details on the relocation is to make sure that the people are compensated so they can afford the new property. She also suggested that an individual's rent be paid for 6 months in advance. There is a desire to make sure that relocations do not result in mortgages that could result in people losing their homes.
- Brian Beveridge – While we need to protect the privacy of the property owners, we need understand the general structure of the various purchase agreements.
 - EPA indicated that one of the subjects at the August CAG meeting was the structure of the property purchase agreements.
 - Community members requested that EPA bring a sample property purchase that identifies each step. Community members also want to make sure that the implications of a larger more expensive house are explained to the parties being relocated.
- Community members planned some internal information sessions with real estate experts to provide advice on relocation.
 - The EPA indicated it will work with homeowners on finding a way to protect residents' tax basis during the relocations.
- Brian Beveridge suggested that the community members develop a list of questions about relocation.
- What happens to the people who were actually responsible for the contamination?

- EPA indicated that the process to determine the responsible parties is ongoing. EPA is working with the current owners of the property. The current owners are claiming that they are not responsible for the impacts. The contamination appears to date back to previous operations but there have been multiple occupants and making a determination of who is responsible is difficult.
- Right now the cleanup is federally funded to make sure that the cleanup is accomplished in a manner and timeframe that is protective.
- Superfund pursues responsible entities, through ownership changes.
- The important step right now is getting to the Interim ROD so remedial action can proceed.

Next Meeting

- West Oakland Lead Cleanup Open House: October 16th, 1:00-4:30 PM at South Prescott Park, located at the intersection of Chester Street and 3rd Street in West Oakland.