



25

APPROVED  
BY THE CITY COUNCIL

APR 14 1987

OFFICE OF THE  
CITY CLERK

AG86181

*Except for appointment of  
public member which is  
continued to 4-21-87.*

DEPARTMENT OF  
PUBLIC WORKS

CITY OF SACRAMENTO  
CALIFORNIA

CITY HALL  
ROOM 207  
915 I STREET  
SACRAMENTO, CA  
95814-2673

OFFICE OF THE DIRECTOR

CITY MANAGER'S OFFICE

916-449-5283

April 14, 1987

RECEIVED

APR 8 1987

City Council  
Sacramento, California

MELVIN H. JOHNSON  
DIRECTOR  
LESLIE M. FRINK  
DEPUTY DIRECTOR  
REGINALD YOUNG  
DEPUTY DIRECTOR

Honorable Members in Session:

SUBJECT: Reconvening of the McClellan Air Force Base Installation and  
Restoration Program (IRP) Task Force

SUMMARY

The adoption of the attached resolution will approve (1) a Predecision governing the release of IRP information, (2) a Charter which formalizes IRP multi-agency operations and (3) appointing a public member to the Task Force thus insuring the City Council's continued support of the McClellan's IRP Task Force.

BACKGROUND

Under the auspices of Congressmen Fazio and Matsui, the McClellan IRP Task Force was formed in mid-1983. The Task Force was a multi-agency (public, regulatory body, local government) advisory group for McClellan IRP problems. The Task Force operated effectively until late 1986 when legal issues related to IRP data use and disclosure resulted in an eight (8) month Task Force hiatus.

Three (3) months of negotiations by our Congressmen, the Military and regulatory agencies, have resulted in a proposed procedure that will allow for continued Task Force operations. This procedure requires Task Force participants to (1) agree to a non-negotiable "Predecision" that delineates how IRP information is to be released and (2) to agree to a Charter that structures the purpose, organization and authority of the Task Force. The above documents are attached hereto as Exhibit 1.

The procedures also authorize the County of Sacramento and the City of Sacramento each to appoint a public member to the Task Force.

The Public Works Department will continue to provide the City's technical member(s) to the Task Force. The Deputy Director of Public Works for Public Services will be assigned to the Task Force.

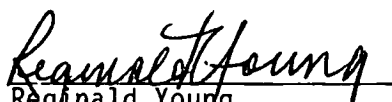
FINANCIAL

The approval of a Resolution to participate in the McClellan IRP has no financial requirements.

RECOMMENDATION

It is recommended that the City Council adopt the attached resolution authorizing the Mayor to sign the IRP agreements and appoint a public member to the IRP Task Force.

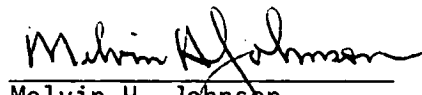
Respectfully submitted,

  
Reginald Young  
Deputy Director of Public Works

Recommendation Approved:

Approved:

  
Walter J. Slife  
City Manager

  
Melvin H. Johnson  
Director of Public Works

April 14, 1987  
District No. 2

- Exhibits: (1) McClellan IRP Prediction and Charter  
(2) Resolution

25

RECEIVED

MAR 30 1987

PUBLIC WORKS  
ADMINISTRATION

Congress of the United States

House of Representatives

Washington, D.C. 20515

March 30, 1987

Mr. Mel Johnson  
Public Works Director  
City of Sacramento  
City Hall  
915 I Street  
Sacramento, CA 95814

Dear Mr. Johnson,

We are writing to strongly urge the city's support for and conceptual approval of two documents that will help guide the release of environmental information to the public and formalize the status and operation of a multi-agency task force dealing with installation restoration program problems at McClellan Air Force Base.

The proposed procedure governing the release of "predecisional" information and the draft charter for the McClellan AFB Installation Restoration Program Task Force culminate 3 1/2 months of good-faith negotiations among several key state and federal regulatory agencies, base officials and representatives from our two offices. All of the proposed changes are consistent with current state and federal laws dealing with the release of public records and public participation in the clean up process.

It is important to note that these documents are intended as guides to help avoid the type of disagreements, confusion and uncertainty that brought task force activities to an abrupt halt in September 1986 when McClellan officials charged that one of the public representatives had a conflict of interest. They protect and reaffirm the need for strong citizen participation in the community relations process, including the public's right to select its own task force representatives. Further, no local, state or federal regulatory agency is surrendering any of its authority to enforce compliance with existing environmental and public records and disclosure laws.

Since this issue surfaced some eight months ago, we have tried to be sensitive, honest and fair while serving as mediators and the catalyst in negotiations between the Air Force and the state and federal regulatory agencies. Our only purpose and goal has been to resolve these issues to the satisfaction of all parties involved so that we can get on with the paramount job of cleaning up the toxic waste problems at McClellan in the most cost effective and timely manner possible.

Mr. Mel Johnson  
Page 2

We believe that the product of these negotiations helps us achieve our goal by striking a delicate balance to ensure that the public actively participates in a meaningful way in the process, the regulatory agencies are free to fulfill their oversight responsibilities and the Air Force has its legitimate concerns addressed in a comprehensive fashion.

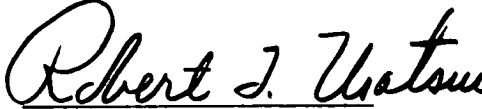
The task force was formed nearly four years ago because we felt there was a pressing need for a single, unified, multi-agency intergovernmental approach to identify and solve the complex, serious toxic waste and environmental problems at McClellan. With millions of dollars being spent on cleaning up the waste and the involvement and oversight of numerous local, state and federal regulatory agencies, the need for cooperation and coordination is critically important if our efforts are going to be ultimately successful.

As a result of the negotiations, all of the parties have agreed to tentatively schedule the next McClellan AFB IRP Task Force meeting for the evening of April 23. We are requesting your favorable consideration and support of the proposed "predecisional" information release procedure and the draft task force charter when it is formally presented for approval at that time.

In conclusion, we would like to commend the city, the state Air Resources Board, the Regional Water Quality Control Board, the Department of Health Services, the U.S. Environmental Protection Agency and the Air Force for your commitment and desire to resolve these problems in a cooperative manner and in a climate of reasonableness and common sense.

Sincerely,

  
VIC FAZIO  
Member of Congress

  
ROBERT T. MATSUI  
Member of Congress



DEPARTMENT OF THE AIR FORCE  
HEADQUARTERS SACRAMENTO AIR LOGISTICS CENTER (AFLCI)  
McCLELLAN AIR FORCE BASE CALIFORNIA 95652

EXHIBIT 1  
(A)

25

March 25, 1987

McCLELLAN IRP Predecision

After lengthy discussions among representatives from the Air Force, Environmental Protection Agency, Region IX (EPA), California State Department of Health Services (DHS), Regional Water Quality Control Board (Central Valley Region) (RWQCB) and Congressmen Matsui and Fazio's offices, we believe an acceptable solution has been found which will allow the continuation of the free flow of draft reports and still protect the Air Force's "privileged" information. The procedures under this concept which govern the dissemination of McClellan Air Force Base's Installation Restoration Program (IRP) information would be:

a. Once information is generated under the IRP, whether in-house or by a contractor, McClellan Air Force Base will notify the regulatory agencies of the receipt of the report and initiate internal review. The regulatory agencies include EPA, DHS, RWQCB, Air Resources Board/Air Pollution Control District (ARB/APCD) and Sacramento County Health Department. This review, which will be accomplished locally, will correct inaccuracies and identify privileged matters. The review will be accomplished within 14 calendar days. If the Air Force finds that an extended review period is necessary, it may request that the regulatory agencies concerned with the report agree to an extension of time. The Air Force and the concerned agencies will make a good faith effort to come to an agreement regarding any time extension. Data, and preliminary explanations or conclusions thereof, affecting public health will be provided immediately.

b. After the internal review, McClellan Air Force Base will forward the corrected reports to the regulatory agencies for their review. Pages to which a privilege is claimed will be clearly marked. While privileged information will be furnished for agency review, the release of information on which the privilege is claimed will be handled as set forth in subparagraph c.

c. If a request is received from the public pertaining to the disclosure of information marked as privileged, the state and local agency involved will notify the Staff Judge Advocate, McClellan Air Force Base (916) 643-3150, and request a determination as to whether the Air Force still intends to claim a privilege. If the Air Force intends to continue to claim the matters as privileged it will notify the appropriate agencies within five working days and provide its rationale as to why the documents requested should be protected from disclosure under the appropriate State

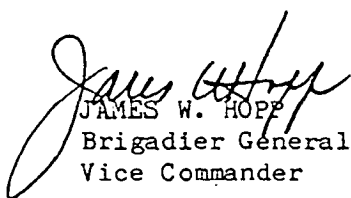
or Federal law. Thereafter, the state or local agency receiving the request will make its independent decision regarding the releasability of the information as required under the applicable law. If the state or local agency decides the information is not protectible under the appropriate law, the agency will notify McClellan Air Force Base of its decision prior to the release of the information and allow McClellan Air Force Base 10 days to seek judicial intervention. Separate procedures have been developed governing the resolution of problems originating between EPA and the Air Force.

The above procedures are not intended to restrict in any way the releasability of data to the public. That information is available upon request. Nevertheless, the co-mingling of data and preliminary conclusions or recommendations is often such that their segregation is impractical. It is our intent that the Community Relations Program developed in conjunction with DHS and EPA, or the Task Force, will serve as the primary mechanism for dissemination of pertinent data found in reports otherwise containing privileged information.

Once the Air Force and agencies have had sufficient opportunity for formal review and comment on IRP documents the protectible conclusions and recommendations should be sufficiently clarified, rejected, or adopted to be considered for public release. This procedure will not only protect the Air Force but will also provide an appropriate mechanism to avoid the confusion often found with premature release of proposed actions. Furthermore, it will allow meaningful Task Force review of "proposed actions" that are indeed proposed by the Air Force and are not merely contractor recommendations. Of course, informal agency communication will still be encouraged and is deemed necessary to resolve issues promptly.

Please advise whether this procedure is acceptable.

Sincerely

  
JAMES W. HOFF  
Brigadier General, USAF  
Vice Commander

RESOLUTION No. ~~82-270~~ <sup>270 B</sup>

Adopted by The Sacramento City Council on date of

A RESOLUTION AUTHORIZING AGREEMENT  
WITH THE McCLELLAN AIR FORCE BASE (AFB)  
INSTALLATION AND RESTORATION  
PROGRAM (IRP) TASK FORCE

APPROVED  
BY THE CITY COUNCIL

APR 14 1987

OFFICE OF THE  
CITY CLERK

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SACRAMENTO that  
the Mayor is hereby authorized to:

1. Approve the "Predecision Agreement" delineating Sacramento concurrence with the specified method of IRP information release.
2. Sign the McClellan Air Force Base Installation Restoration Program (IRP) Charter approving continued City participation in the program as proposed.
3. To appoint a public member to represent the City of Sacramento on the McClellan IRP Task Force.

\_\_\_\_\_  
MAYOR

ATTEST

\_\_\_\_\_  
CITY CLERK

25

CHARTER  
OF  
MCCLELLAN AIR FORCE BASE  
INSTALLATION RESTORATION PROGRAM TASK FORCE

I. NAME

This organization shall be known as the McClellan Air Force Base Installation Restoration Program Task Force.

II. PURPOSE

The Task Force is established pursuant to Section 211 of the Superfund Amendments and Reauthorization Act of 1986 (SARA) to provide for review and comment on actions and proposed actions with respect to releases or threatened releases of hazardous substances at McClellan Air Force Base. It is a purpose of the Task Force to facilitate regulatory and public participation consistent with applicable laws.

III. ORGANIZATION AND MEMBERSHIP

A. Task Force meetings are open to the public and provide a vehicle through which necessary agency and public review and comment are obtained. Membership on the Task Force includes representatives from McClellan Air Force Base; the United States Environmental Protection Agency, Region IX; California Department of Health Services, Toxic Substances Control Division; California Department of Health Services, Sanitary Engineering Branch; Central Valley Regional Water Quality Control Board; State of California, Air Resources Board; County of Sacramento, Health Department;



City of Sacramento, Public Works Department; a member from the staff of the Representatives of the 3rd and 4th Congressional Districts; and three public members, one each representing affected communities from the City, County, and the American Federation of Government Employees Union, Local 1857, on McClellan Air Force Base.

B. The Chairperson of the Task Force shall be selected by the Task Force members at the initial meeting following adoption of this document. The Chairperson's role and authority is limited to the facilitation of meaningful and orderly meetings. The Air Force will provide logistical support needed for all Task Force meetings.

C. The Sacramento City Council, the Board of Supervisors of the County of Sacramento, and the American Federation of Government Employees, Local 1857, shall each appoint a public member to represent that area, within their respective jurisdictions, that is impacted or potentially impacted by response actions at McClellan. The public representatives currently serving on the Task Force may continue to serve at the pleasure of their respective appointing officials or authorities.

D. Independent meetings between the staffs of Regulatory Agencies and the Air Force to discuss engineering concepts and data interpretation will occur as needed. Recommendations, resulting from these meetings will be made public and addressed at Task Force meetings.

#### IV. DECISIONAL AUTHORITY

The Task Force serves as an advisory body for McClellan Air Force Base on Installation Restoration Program problems. The selection and implementation of any remedial action will be in accordance with applicable

State and Federal laws. Membership and representation on this advisory body shall not, by itself, be construed as in any way limiting the legal rights, obligations, or authority of any of the individual representatives or the groups and agencies which they represent.

V. MEETINGS

A. Meetings will be held quarterly, unless otherwise scheduled by the Task Force. The Chairperson will be responsible for notifying all members of scheduled meetings. McClellan Air Force Base is responsible for supplying personnel to take and update meeting minutes which must receive approval of the members. Approval of prior meeting minutes will be an agenda item for each meeting.

B. Task Force meetings will be held at an off base location convenient to the affected community. Every third meeting will be in the evening.

C. Task Force meetings may be supplemented with information and comments furnished under the Community Relations Program, including fact sheets, briefings, public comment periods, and public meetings.

VI. COMMUNITY RELATIONS

A. An active community Relations Program is required in order to ensure the public is informed of the progress and developments of the Installation Restoration Program and has the opportunity to provide input into the technical decision-making process.

B. The Community Relations Program shall consist of briefings, public meetings, monthly fact sheets, public comment periods, Task Force meetings, in accordance with applicable regulatory agency guidance and an approved Community Relations Plan.

C. McClellan Air Force Base Director of Public Affairs heads the Community Relations Program. The Director's duties and responsibilities include but are not limited to the following: preparing fact sheets and updates, providing staff support for Task Force meetings, responding to community requests for information, and communicating community concerns to the Task Force.

D. A Community Relations Plan, prepared pursuant to EPA guidelines, will be maintained and annually updated by the McClellan Air Force Base Director of Public Affairs. Said plan shall be submitted for approval to the Department of Health Services, Toxic Substances Control Division and the Environmental Protection Agency, Region IX, Community Relations Coordinators in addition to Task Force review and approval. The Community Relations Plan shall be implemented by McClellan Air Force Base.

VII. AMENDMENTS

This Charter shall be amended as required by changes in State and Federal law or regulation. Amendments not required by law will require two-thirds vote of the Task Force members for their adoption.

25

IN WITNESS WHEREOF, We have set our hand this \_\_\_\_\_ day of \_\_\_\_\_ 1987.

McClellan Air Force Base \_\_\_\_\_ Date \_\_\_\_\_

U.S. Environmental Protection Agency, Region IX \_\_\_\_\_ Date \_\_\_\_\_

California Department of Health Services,  
Toxic Substances Control Division \_\_\_\_\_ Date \_\_\_\_\_

California Department of Health Services,  
Sanitary Engineering Branch \_\_\_\_\_ Date \_\_\_\_\_

Central Valley Regional Water Quality  
Control Board \_\_\_\_\_ Date \_\_\_\_\_

State of California, Air Resources Board \_\_\_\_\_ Date \_\_\_\_\_

County of Sacramento, Health Department \_\_\_\_\_ Date \_\_\_\_\_

Representative of the City of Sacramento \_\_\_\_\_ Date \_\_\_\_\_

Representative of 3rd Congressional District \_\_\_\_\_ Date \_\_\_\_\_

Representative of the 4th Congressional District \_\_\_\_\_ Date \_\_\_\_\_