



THE MEMPHIS DEPOT TENNESSEE

ADMINISTRATIVE RECORD COVER SHEET

AR File Number 535

MEETING MINUTES
Restoration Advisory Board
October 15, 1998
The Memphis Depot
Memphis, TN
Conference Room

The Restoration Advisory Board (RAB) meeting was held on October 15, 1998 at the Memphis Depot in the Conference Room. The attendance list is attached.

GROUNDWATER PUMP SYSTEM
RIBBON CUTTING AT DUNN FIELD

(Whereupon, at 6:00 p.m., the meeting was convened at Dunn Field.)

- 1 MR. PHILLIPS: This is the October 1998 Restoration Advisory Board Meeting. We are
2 doing a ribbon cutting tonight on our groundwater remediation system. I
3 wanted to make a few remarks about the history of this project. It all
4 started way back in 1994 with some draft plans to install this system. We
5 had a public meeting on December 20, 1994 to discuss the groundwater
6 impact we have had at this corner of Dunn Field and the remediation
7 system that might be installed to address it.
8
9 We finalized the Record of Decision in April of 1996. Tennessee
10 Department of Environment and Conservation (TDEC) concurred with that
11 in April of 1996, the same month. The EPA (Environmental Protection
12 Agency) followed the next month, in May of 1996. We worked on the
13 design from that point until late 1997 when we contracted—the design was
14 done by CH2M Hill. The field work on the construction was awarded to
15 OHM Remediation Services, and they began the installation of the system
16 in late 1997, correct?
17 MR. OFFNER: Yes.

1 MR. PHILLIPS It has been a long time coming, but this is the system. It is not the end of
2 what we are doing. This is an interim remediation system. We need to
3 turn on these pumps, evaluate, through the monitoring wells that are
4 around the site, how these pumps are affecting the contamination that is in
5 the groundwater and if we are successful in removing that contamination
6 from the ground

7
8 There is a potential that we might have to drill more wells in the future, if
9 we do not affect the areas that we suspect we will. But, this is not the end
10 of this. It is a good interim step. We wanted the Restoration Advisory
11 Board to get its credit, because it has been involved with this—the BRAC
12 Cleanup Team. Also, we will probably do a picture at the end for the
13 Corps of Engineers so you guys can advertise this throughout your system
14 with your contractor. BRAC Cleanup Team, are you ready?

15 MS. HALL Don't actually cut it. Just sort of mimic it, and we will officially cut it when
16 all the photos are done

17 MS. MOORE I would like to do another RAB picture also because some other RAB
18 members came up. The Corps, and then we will do the RAB one more
19 time

20 MR. PHILLIPS The reason we wanted to do this is, we have an upcoming newsletter. And
21 the reason we wanted the folks here at the Depot and the RAB members is
22 because we are going to cover this in our next newsletter. So, this is going
23 to be you. We're not just going to stop at this meeting.

24
25 (Whereupon, at 6:20 p.m., the Dunn Field portion of the meeting was concluded, and the meeting
26 was reconvened back at the Conference Room.)

27
28 **WELCOME AND INTRODUCTION**
29

1 MR. WILLIAMS: My name is Mondell Williams, and I am one of the co-chairs for the RAB.
 2 I would like to welcome everyone to the October 15 meeting. And if any
 3 members from the present, past, of the Depot are here—I would like to
 4 welcome you and the community to the meeting tonight. First of all, I
 5 would like to say, the last meeting, we sort of got out of hand on
 6 comments at the table. The stenographer and a couple of other people
 7 have mentioned that you need to be recognized before you speak so she
 8 will be able to get your name and everything before you start talking. If I
 9 talk a little bad tonight, I am catching a cold. So, you all bear with me. All
 10 community draft comments [Community Relations Plan] should be in by
 11 October 19, and you should give them to -- can we give them to you,
 12 Alma?

13 MS. MOORE Yes.

14 MR. WILLIAMS: You can send them to Alma Moore here, and she will take care of those

15

16 **OLD BUSINESS**

17

18 MR. PHILLIPS: Some of the announcements we need to make regarding old business, one
 19 issue was brought up at last month's meeting at the very end of the meeting
 20 by a citizen attendee, a former employee of the Depot, named Ms. Bell
 21 MS. MOORE Mills.

22 MR. PHILLIPS: Betty Mills, I am sorry, corrected. It was about how health issues of
 23 former employees are addressed. And, I did not know the mechanism for
 24 that. So, I have done some calls over the month. There is a mechanism
 25 that the federal government has to address former employee health claims.
 26 It is the same method as current employee health claims.

27

28 The Department of Labor has a form called the CA-1 form. They can be
 29 received from any federal office. We have them here. They can be picked

up, you know, from our personnel specialist, Mr. Charles Braswell. They can also be obtained off the Internet from the Department of Labor Web page, which is www.dol.gov. These forms are pretty self-explanatory. They need to be -- a physician has to assist you to fill them out. I think a physician also must sign them. That was the information I was able to find out on how those issues are addressed

MR. WILLIAMS I want everyone to remember that all this month we are still on the Library Channel on Mondays at 2:00 p.m. and on Fridays at 4:00 p.m..

MS. MOORE 2:30 p.m. and 4:30 p.m.

MR. WILLIAMS Okay, 2:30 p.m. on Mondays and 4:30 p.m. on Fridays. If you get a chance, please try to tune in to that. All this month it will be on

REVIEW AND APPROVAL OF AUGUST MINUTES

MR. PHILLIPS: Ms. Gray just pointed out to me that we are missing something from our agenda: Last month's minutes, the review and approval of last month's minutes. So, does anyone have any comments on last month's meeting minutes?

MR. ENGLISH: I wasn't here. Don't look at me, but I read them. That is the first time I have read every word of them.

MR. WILLIAMS Does anyone have any comments?

MS. PETERS: Move for adoption of the minutes with any necessary corrections.

MR. BOND: So moved.

MR. WILLIAMS All in favor, okay.

RAB MEMBERS: Aye.

MR. WILLIAMS: Okay. None opposed.

GREATER MEMPHIS ENVIRONMENTAL JUSTICE WORK GROUP MEETING

1
2 MR. PHILLIPS: First thing on the agenda is the Greater Memphis Environmental Justice
3 Work Group. Benjamin Moore from Agency for Toxic Substances and
4 Disease Registry (ATSDR) couldn't be with us tonight. The co-chair of
5 that Greater Memphis Environmental Justice Work Group is with us, Ms.
6 Bradshaw. Ms. Bradshaw, would you like to announce when, where, what
7 times.
8 MS. BRADSHAW: The meeting will be at the, I think it is called the Southwest Area Office,
9 but it is—W.C. Callian Parenting Center. It is at the corner of Norris Road
10 and Hernando. It is right at the light before you get to the interstate. If
11 you are getting off the interstate, it would be to your left. So, if you get off
12 the interstate at the Mallory exit coming from downtown. If you get off
13 the interstate coming south, it will be to your right, off on the Mallory exit
14 MR. ENGLISH: Isn't that the location of the old Prescott School? Prospect School.
15 MS. BRADSHAW: Yes, Prospect
16 MR. PHILLIPS: When is that?
17 MS. BRADSHAW: It is the old Prospect School
18 MR. PHILLIPS: When?
19 MS. BRADSHAW: The seventeenth of this month, Saturday. It starts at 10:00 a.m. and I think
20 it ends at 3:00 p.m.
21 MS. MOORE: Six
22 MS. BRADSHAW: I thought they changed it to three.
23 MR. ENGLISH: I wish you were right.
24 MS. BRADSHAW: I told them the meeting was too long.
25 MR. PHILLIPS: Thank you, Ms. Bradshaw.

26

27 **COMMUNITY INFORMATION SESSION REPORT**

28

29 MR. PHILLIPS: We also last month, two days after our RAB, we had our Community

1 Information Session. Channel 3 showed up for that, and we actually made
 2 the top story Saturday night. I don't know if anyone caught it on the news,
 3 but we made the top story. We were really happy with that. If anybody is
 4 interested, we made a copy of that tape. I think we only have --

5 MS. MOORE: I have a copy

6 MR. PHILLIPS: How many copies do we have?

7 MS. MOORE: We have 10 copies now, but we have to channel it up to New Cumberland
 8 But we can get some additional copies, but I don't know what the charge
 9 will be.

10 MR. PHILLIPS: The story on the news lasted maybe all of three or four minutes. So, it is
 11 not that much. If we can work this, through Ms. Alma's help, we will have
 12 copies available that folks can check out, but we need to keep copies of
 13 those for our chain of command for when they ask for that kind of thing.

14
 15 **TAPP SUBCOMMITTEE**

16
 17 MR. PHILLIPS: Earlier this week, the TAPP, which is the Technical Assistance and Public
 18 Participation Grant, the subgroup that is handling and determining whether
 19 or not the RAB—determining the RAB needs for that grant—that
 20 subgroup had a meeting. The subgroup meeting was attended by Ms.
 21 Bradshaw, Ms. Young and Ms. Gray. I believe, Ms. Young, were you
 22 going to do five minutes over what --

23 MS. YOUNG: Two, two and a half. If any of you were here at the August meeting, there
 24 was a Mr. Dobbs who came in and explained the TAPP to you. I don't
 25 know how much of it you remember. But it is, as Shawn has said,
 26 concerning public participation in what we are doing. The three of us were
 27 given -- the three people on the committee were given a task to do, and
 28 that was to try to contact everybody on the board to find out how you
 29 really felt the money could be used.

1
2 The people that I contacted were mostly interested in spending some of
3 that money on education of the public, being able to look at documents and
4 break them down in terms that the public understands. Example, you keep
5 telling me that Dieldrin is in the soil. What they want to know. What does
6 it do to me, what is it. It just needs to be broken down more as to where
7 they can actually share in the decision-making, the decisions that we make.
8 And, thus far, that hasn't happened.

9
10 They thought that maybe part of the money later on could be used for, say,
11 they are over there in Dunn Field digging, and they find certain things that
12 we can't destroy; we can't blow it up. We probably need to re-bury it. But,
13 things of that nature, which they thought the money could be used for
14 Now, those were just the people that we polled, that I polled. And, upon
15 talking to Ms. Gray, I think her people were sort of interested in the
16 education part of it, even to the RAB members themselves about things
17 that they don't really, truly understand. Everybody does not have a
18 scientific mind, nor do they know anything about hi-tech things. And these
19 things do need to be broken down, so a technical assistant could be
20 brought in to take care of that. Were there any additions? Did you talk to
21 anybody, Ms. Bradshaw?

22 MS. BRADSHAW: No. I was out of town at the time. I just got back this week. So, I haven't
23 had a chance to talk to Mr. Brayon, Kevin or Dr. Kirk.

24 MS. YOUNG: Well, no, Dr. Kirk is on my list. I had called him.

25 MS. BRADSHAW: I had said that maybe some of the RAB members need to get an
26 opportunity to go through this [Mrs. Bradshaw showed the RAB the TAPP
27 Guidance that is included with these minutes] first and really take --
28 because I don't think anybody on the RAB, other than me, or Ms. Gray and
29 Ms. Young, have seen this. And this will give everyone an opportunity,

1 you know, kind of make an educated guess of what can be done with these
2 type of funds, or if we want to even use them at all. You know, I am
3 saying, give people a fair chance to go through this.

4 MS. YOUNG: Well, the whole purpose of the TAPP money is to get the public involved,
5 you know. It really is. And once these people have been given the
6 opportunity to know exactly what we're talking about, rather than us
7 continually talking over their heads. So, I definitely think some of the
8 money needs to be used for that. I am not saying that the RAB needs to be
9 educated, even though I think they do

10 MR. WILLIAMS. I do, too.

11 MS. BRADSHAW: It was for the RAB, not public education. It was supposed to be for RAB
12 education, if I am not mistaken

13 MS. YOUNG: Go to the program. It was to enhance the public's ability to participate in
14 the decision-making process. It is in your minutes, August 20

15 MR. WILLIAMS. Can I ask a question?

16 MS. BRADSHAW: Well, I thought we went over that, and Shawn said the public participation
17 was with -- is what the PR was supposed to have been doing

18 MS. PETERS: May I ask a question?

19 MR. PHILLIPS Please

20 MS. PETERS: I want to know, I am sure, when we talked about this at the last meeting, it
21 gave you the criteria for using that money. And it couldn't be used for just
22 anything. So, we had to pick one of the criteria for the money, how it
23 could be spent, and use that. You couldn't just go out and use the money
24 the way you wanted to use it. So, then, just give me a piece of paper
25 listing what the money can be used for, and I can tell you tonight what to
26 do with it.

27 MS. YOUNG: I was just going to tell her what the program can do. It can give you "the
28 independent assistance in interpreting scientific and engineering issues with
29 regard to the environmental hazards." It can -- he wrote it. He has got it

1 in here what it can be done with it. "The purpose of this program is to
 2 involve the public, demonstrate a commitment, the ability to communicate
 3 and restore trust."

4 MS. PETERS: Well, will you check the minutes you had at the last meeting? I think I
 5 gave you a suggestion what we ought to do with the money last meeting

6 MR. WILLIAMS: Would you all direct -- excuse me. What we were trying to do is to decide
 7 on what we would like to do. It wasn't concrete that this would be what
 8 we would do. She was just giving an update. We still would like to get
 9 comments from other members at the table to what they feel that they
 10 would like to do. And, at the end, we will vote on what should be done as
 11 a group, and not as an individual. So, I understand what you are saying,
 12 Ms. Peters.

13 MS. PETERS: Your minutes had suggestions in it on how the money could be spent best,
 14 because you can get some federal money, some state money, and waste it
 15 up, and it doesn't accomplish anything, unless you have a plan in mind

16 MR. WILLIAMS: So, Ms. Moore

17 MS. MOORE: I would like to have one comment. That is the purpose of the
 18 subcommittee, Ms. Gray, Ms. Young and Ms. Bradshaw—so we won't
 19 have to just keep going on and on with this at this table—to contact certain
 20 members. I have assigned certain RAB members to different people. So,
 21 that will be your point of contact. If you have more suggestions about how
 22 you feel the money should be used, then call your point of contact. Ms
 23 Bradshaw, who are the people on your list?

24 MS. BRADSHAW: Mr. Clay, Mr. Brayon. I thought it was Dr. Kirk, but it may be Ms. Peters.

25 MS. MOORE: Ms. Gray, who is on your list?

26 MS. GRAY: I have Mr. Bond, Veronica Smith, Ms. Willett and Mr. Truitt.

27 MS. MOORE: And Ms. Young?

28 MS. YOUNG: I have Cleo Kirk, Carter Gray, John Garrison and James Webb.

- 1 MS. PETERS: Well, they need another person on the committee, because, you see, when
2 we left the last meeting, the decision was made then that this committee
3 would bring back a report, and we would be taking action on the report,
4 not telling somebody to go back and study again. I told you all that is all
5 we do in Memphis is make studies That was discussed at the last meeting.
- 6 MR. WILLIAMS: Ms. Young, do you think that Ms. Peterson could possibly --
- 7 MS. PETERS: Say Peters and not son
- 8 MR. WILLIAMS: Ms. Peters could work with you on this subcommittee to do whatever
9 needs to be done, work with you?
- 10 MS. YOUNG: Yes, sure.
- 11 MR. WILLIAMS: Well, would you give her the information so she could get in touch with
12 you?
- 13 MS. MOORE: I will give you a copy of the guidance, because we've gotten some
14 additional information since the last meeting, and the next time that we
15 meet. We met this past week.
- 16 MS. PETERS: That will be January.
- 17 MS. MOORE: No, the TAPP committee is working now The RAB board will not meet
18 again, but the TAPP subcommittee was formed to alleviate all of the
19 unnecessary steps when you have to do a little bit of research on finding
20 out what is acceptable and getting suggestions from all the RAB members.
21 So, once we get all the suggestions in from all the RAB members about
22 what they would like to use it for, go down the list and provide it So,
23 now, if any other RAB members would like a copy of that, I would be glad
24 to send it to them.
- 25 MS. PETERS: Please send it to them so they will know what the money can be spent for,
26 how it can be spent, so they won't come back, when we come back with a
27 report, not being willing to accept that
- 28 MS. MOORE: Okay.

1 MR. CLAY: I have a question. Have we decided the money is for the RAB board or for
2 the community at large?

3 MR. PHILLIPS: I got that here. In Mr. Dobbs' presentation, two or three months ago -- let
4 me just read this to you. DOD's management of contract limits
5 administrative burden to the RAB, TRC The RAB decides what the scope
6 of the work is, what you guys want. I help fill out the paperwork to submit
7 the application. The assistance goes to the RAB and the TRC. We don't
8 have a TRC anymore. This is the RAB It is the decision of this group as
9 to what services you want.

10

11 Now, if it is training, and you get training from an individual to come in
12 about risk assessment or whatever your decision is, you do not necessarily
13 only have to have RAB members attend the training. But, the RAB
14 members decide what it is for And, in that case, Ms. Bradshaw is right

15 MR. WILLIAMS: So, we are going to move right along with the agenda, if that is all right.

16 MR. TRUITT: One more thing on the TAPP grant I know that we don't have it. And I
17 got a call from Terri Gray, and we discussed it at length. But, what I might
18 suggest is, tonight we have representatives of a firm who are in that
19 business, who has done some work for the Naval Support Group up at
20 Millington, University of Tennessee, University of Memphis, and Freed -
21 Hardeman University.

22

23 They have an extensive background in environmental contracting and
24 consulting, and, not only that, it is a minority business enterprise
25 corporation. They intend to track all of the records. Even though we
26 haven't asked them, they intend to track the records, because they have an
27 interest, and they are a local firm

28

1 So, if the RAB members have any questions about, you know, which
2 direction they ought to go, when you leave tonight -- we didn't have them
3 on the agenda -- but Mr. Galluzzi and Mr. Wilburn are here representing
4 that firm. When you leave tonight -- stand up and let them see. You might
5 stop and ask them, pointedly, some suggestions as to where we are going
6 to go. They are a local firm. They know this area. They have an extensive
7 background.

8 MR. WILLIAMS: Okay. I appreciate that.

9 MR. PHILLIPS: I would like to mention that the RAB can suggest providers for this
10 service. It is the guidance. I would say there is probably about a dozen
11 qualifications here that are met. And there are people out there who meet
12 these. I mean, it is technical assistance, provider must have the following
13 credentials, knowledge of hazardous and toxic waste. The credentials are
14 things like that.

15 MS. PETERS: Could I ask a question? I would like for us to invite those two gentlemen,
16 after we have our meeting, and maybe talk to them. Could we have five
17 minutes on the next agenda when we meet in January, if we happen to need
18 them? Could we call and get them on our agenda for our next meeting, if it
19 was necessary, for them to come in and talk to the RAB?

20 MR. PHILLIPS: If it is necessary. What I would suggest that the RAB does, and you don't
21 have to follow this, but the subcommittee's group can query other members
22 of the RAB, like Mr. Truitt, for the names or cards of these businesses or
23 individuals or companies. And they can talk to them between now and the
24 next RAB meeting.

25
26 The next RAB meeting is in January. So, that way -- when we come back
27 in January, the application might already be filled out and submitted to my
28 headquarters, and it might be in the works.

- 1 MS. PETERS: See, I talked to them when we were at our workshop. At the time when I
2 talked to them, then, I found out some of the things that they did. I felt
3 like that, you know, it was a good idea, since we had somebody right here
4 in the city. That is the reason I asked that question. Would they need to
5 come on the agenda, or would the committee be able to recommend
6 something before the next meeting? How would we do that?
- 7 MR. PHILLIPS: The committee could recommend something before the next meeting That
8 is up to the committee.
- 9 MR. CLAY. I thought we were under some sort of a deadline to come to some
10 agreement prior to the next meeting, like this meeting
- 11 MR. PHILLIPS: I don't know if you have heard, but have you heard about the continuing
12 resolution funding situation with the President needing to keep the federal
13 government going? There is not '99 money distributed yet
- 14 MR. CLAY. So, we've got a little time?
- 15 MR. PHILLIPS. We've got a little time
- 16 MR. CLAY I would think it would be a good idea for the committee to meet with Mr.
17 Wilburn and Mr. Galluzzi's group and any others and do the prescreening
18 for the board, if possible.
- 19 MS. YOUNG We will have to do two groups, because there is a name there for two on
20 your grant. Didn't you say there was a place for two?
- 21 MR. PHILLIPS. The way the paperwork for the grant application is set up, the RAB can
22 suggest a preferred provider for the services. There is also a block for a
23 secondary provider for the services, if there is some government
24 contracting reason why that provider doesn't qualify. And, I don't know
25 what that would be. But, if you guys only come up -- if the subgroup
26 comes up with one recommendation, that is what we send up.
- 27 MS. BRADSHAW: Should we advertise this and give other contractors an opportunity so that
28 we could get a variety of contractors other than just one, so that we would
29 have a choice?

1 MS. PETERS: You ain't got but \$25,000.

2 MR. WILLIAMS: I've got a question. I am sort of dumbfounded myself now. I am going to
3 go with what Ms. Peters said. What direction are we going in? What are
4 we going to do with the TAPP grant? That is where I am at right now.
5 We have the professionals here. But where are we going? What are we
6 trying to do?

7 MS. YOUNG: With the money?

8 MR. WILLIAMS: Yes

9 MS. YOUNG: The subcommittee, like I said, I don't know how we got this far off of what
10 it was about. That is the reason I just shut up. We were supposed to be
11 talking -- I was simply giving a report on the people that we had contacted.
12 If you were not contacted, I am very sorry, but you were not on my list.
13 So, I can't say why you weren't contacted. I contacted the people on my
14 list. They are interested in education of the public.

15 MR. WILLIAMS: Now, we've got focus.

16 MS. YOUNG: They are interested in educating the public, so they will know what we are
17 talking about, and we are not trying to pull any sheets over their eyes. We
18 want them to know what we are doing over here and try to get them to
19 trust the people in this room again. You know, the trust just isn't there.
20 They don't think we are doing what we need to do by them. That is why
21 they are gone.

22 MR. WILLIAMS: Question. Does anyone have a problem with what she is suggesting, what
23 she said that the people have suggested to her? Does anyone have a
24 problem?

25 MS. YOUNG: That is the suggestions from the members on this board.

26 MR. WILLIAMS: Does anyone have a problem with that?

27 MR. CLAY: A question of point. I am speaking to Ms. Young. Would that include
28 education of the RAB members?

- 1 MS. YOUNG: Yes It would include us. And, I said that in my opening statement, the
2 board, I felt like, needed educating too, not just the public
- 3 MR. TRUITT: One final comment I am not really campaigning for anybody, but I think
4 what we have to consider is this. Number one, the subcommittee did its
5 job. And maybe there are those at the table who didn't really understand,
6 and, consequently, looking around, I discussed it with Environmental
7 Realty. And I heard what Ms. Bradshaw said, and I respect that. But, let
8 me tell you, if you are going to do what we are going to set out to do in the
9 proposal for the grant, and you are talking about getting information from
10 other firms, you better get a firm that is going to be right here in Memphis
11 who has a background, because, number one, your \$25,000 is going to be
12 eaten up in travel and hotel bills.
- 13
- 14 So, you really need to focus on what you really want, somebody that is
15 right here with experience, having worked with the government, a proven
16 track record, working with federal, state and municipal governments, and
17 somebody with a proven track record And, you know, I know that there
18 is space for a secondary firm, but, you know, let's think this thing out and
19 go in the right direction
- 20 MR. WILLIAMS: Mr. Truitt, I have no problem with what you are saying I just want to
21 make sure no one at the table has no problem with it. That is what we are
22 trying to come with one agreement.
- 23 MR. PHILLIPS: There is one more person who had a comment I would like for him to get
24 a chance to address it. Mr. Ballard.
- 25 MR. BALLARD: I think what Ms. Bradshaw said is a good way to go, if you have a clear
26 statement of what you want. Ms. Young said, you know, everyone said
27 they really wanted to be able to educate the public. Is that the only thing
28 you want to use the money for? Because you can use it for more than that.
29 So, if you have two or three of the eligible things that the money can be

1 used for, then, you want to make sure that the firm you hire has expertise
2 in all of those two or three areas.

3
4 Probably they would, but also meet all the criteria that Mr. Truitt
5 mentioned about being local, knowing -- so, not only so you are not eating
6 up money, but so they know what local resources they can draw off of to
7 help the RAB. So, there is nothing wrong with advertising and getting
8 three qualified bidders that meet all the criteria that you need. But, at the
9 same time, this money starts to become available in December, January,
10 which is probably about when we are going to get our, what is called,
11 Advice of Allowance. You need to be ready to submit the application.

12 MR. BRAYON: I am going to repeat what I said on page 24 of our minutes last time.
13 There were some things listed there "interpretation of technical
14 documents, to review proposed restoration technology, participate in
15 relative risk site evaluations, understand the health and environmental
16 implications and cleanup strategies, training, as appropriate," are some of
17 the things that we can educate this RAB and the public about That is all

18 MS. PETERS: Mr. Chairman, may I speak? I told you we made those decisions at the last
19 meeting. All the committee needed to do, really, is start writing where we
20 are going -- about the \$25,000, because \$25,000 is not a lot of money. So,
21 we decided that at the last meeting

22 MR. WILLIAMS: Well, it is a total of \$100,000.

23 MS. PETERS: They ain't going to give you but \$25,000

24 MS. MOORE: May I make a suggestion, Shawn?

25 MR. PHILLIPS: Ms. Alma Moore.

26 MS. MOORE: I will make a suggestion so we can move on, because, what happens is—
27 the reason why I prefer for you all to work in subcommittees is so we
28 won't keep going on and on, and we are going to move on, fellow chairmen
29 here. What we are going to do is, any comments that any RAB members

1 want to make, please make it to your subcommittee people who are
2 assigned to your name.

3
4 If you have any comments, you can put it on paper. You can call them,
5 and you can come to the meetings when we have another meeting. We are
6 going to take those comments. We are going to put them together. The
7 subcommittee will find the appropriate agencies that fit that criteria and
8 bring a report back to you so you can enjoy your next two months without
9 a RAB meeting. So, they will be doing the work.

10
11 On that note, is that okay with everybody on the RAB? If you have
12 anymore comments or anything to add to the subcommittee, contact your
13 subcommittee person, so we won't have to keep going on and on. Or,
14 either, contact me, and I will get it to the appropriate person, and then we
15 will be meeting. You are free to come, even if you are not on the
16 subcommittee, you can still come to the meetings

17 MR. PHILLIPS: Thank you, Ms. Moore, I was going to go to a similar type comment. It
18 sounds like we have got the beginnings of a scope of work. It also sounds
19 to me like we have potential bidders out there that we can research. That
20 is all the subcommittee needs to go with.

21
22 **RAB MEMBERSHIP UPDATE**

23
24 MR. PHILLIPS: Our next order of business is our RAB membership update. And to give
25 that to us, we would like Ms. Moore to give us the membership update.

26 MS. MOORE: First of all, I would like to say that we do have a citizen seat available on
27 the RAB that will be available the first of the year. We agreed, the RAB
28 agreed, for me to contact the applicants, the people who had applied that I
29 had applications on file before. There were about 11 names.

1
2 I've made the initial contact. Several of the people said yes, put their name
3 back into the pot for the seat. So, I have that separate. And I have, to
4 date, received three additional applications from three people from the ads
5 printed in the Tri-State Defender, the Silver Star, as well as the
6 Commercial Appeal. Now, these applicants have until October 31 to get
7 applications to me
8

9 So, it seems as though we will be reviewing those applications sometime in
10 November and interviewing. What we probably will need is another
11 subcommittee to help me review those applications from the RAB. And,
12 for that committee, in November, December, join in on the interviewing
13 process, and maybe select the final five. Then, we can eliminate a lot of
14 everybody's time.

15
16 So, I will ask for volunteers now, two, to work with me. Ms. Willett has
17 volunteered. Thank you very much. I need one more volunteer to work
18 with me. Jimmy Covington. And who else? Mondell. We have three.

19 MR. TRUITT. I will come when I am in town.

20 MS. MOORE. And Mr. Truitt. So, we have one, two, three, four volunteers. That is fine,
21 because it is a holiday season, so somebody might not be able to come.
22 And we can at least have three. And Kevin Clay. That is fine. I've got
23 some volunteers. So, from there, we will wait until the end of October,
24 and I will give you guys a call. And we will try to have a quick meeting
25 and review the applications, pick the top five, and interview them. And,
26 from there, that is it.

27 MR. PHILLIPS: With that, I believe we are closed on old business. A lot of old business
28 this time. It is the last meeting of the year, so we did have a lot to go over.
29

1 **NEW BUSINESS**

2

3 **BRAC CLEANUP TEAM UPDATE**

4

5 **MR. PHILLIPS:** Now, we are on to new business. And the first item is the BRAC Cleanup
6 Team update. We had our meeting this morning. Mr. Bond attended that
7 meeting.

8 **MS. MOORE:** Mr. Bond called me. He was having problems with his back. So, he sent
9 Mr. Brooks in to sit for him right here. Mr. Brooks, would you introduce
10 yourself, please.

11 **MR. BROOKS:** My name is Harold Brooks. I am with the Bridgeport Drive Block Club.

12 **MR. PHILLIPS:** Mr. Brooks, we appreciate your attendance for Mr. Bond tonight. Often
13 times, when folks are out, you know, we have a lot of empty seats around
14 the table. We really do appreciate you coming out. Mr. English.

15 **MR. ENGLISH:** I would like to suggest that, since Mr. Bond is not here, that at the next
16 RAB meeting we have, January, that he be allowed to make the report at
17 that time if he is here.

18 **MR. PHILLIPS:** How we have handled the RAB member attending the BCT is we have left
19 it open to the RAB member if he or she wants to make comment what
20 happened that month. It is up to them. We don't put you on the spot,
21 though. Basically, one of the three BCT members, whether it is Turpin
22 Ballard from the EPA, Jordan English from the State of Tennessee, or
23 myself from DLA, one of us would do a BCT update each month. I am
24 ready to do that now. It is always up to a RAB member to say a few
25 words if they attended.

26

27 Okay, before I go over what we covered today, I would like to just make
28 an announcement to you. The BCT voted today about our holiday
29 schedule, and we have decided to not have a November and December

1 meeting, but have one meeting toward the end of November or the
2 beginning of December. I need a RAB volunteer to attend that meeting. It
3 is not scheduled yet. I will have to call you and let you know when the
4 EPA and the State and I can all get together. But, do I have a volunteer?

5 MR. CLAY. I would like to go to the next one

6 MS. MOORE. Thank you, Mr. Clay.

7 MR. PHILLIPS. Actually, I do need to get two volunteers, because, at the January BCT, we
8 won't have a RAB before then. So, how about January, the January BCT?
9 It is a long way off, but is there anybody that might be interested in that?

10 MS. BRADSHAW. I would.

11 MS. MOORE. Ms. Bradshaw. Thank you, Ms. Bradshaw.

12 MR. PHILLIPS. The January BCT is scheduled. If anybody has a calendar, what is the third
13 Thursday in January, Jordan?

14 MR. ENGLISH. Third Thursday is January is, it will be the 21st of January.

15 MR. PHILLIPS. If something happens with either Kevin, because we don't have a date
16 scheduled for the November/December BCT, or Ms. Bradshaw, due to the
17 long look ahead for the January BCT, if something happens to either one of
18 those, we will call and recruit another RAB member to come, okay But,
19 right now, we have our planned attendees from the RAB.

20
21 What happened today at the BCT? A lot of the discussion at the beginning
22 of the BCT surrounded or pertained to the golf course. I want to let the
23 RAB know something that the Corps of Engineers, in conjunction with the
24 BCT, is evaluating the potential use of now. It is a bioremediation
25 technique. We don't know if this will be successful yet or not We plan on
26 digging up some quadrants, some small, like, 10 by 10 foot areas, out of
27 our golf course this winter, having it shipped to, I believe, Birmingham is
28 where the location was.
29

1 Over the winter months, try to treat that with this bioremediation
2 technology to see if it will work on pesticides. A preliminary indication
3 says this might work on what we have, but we don't have the results from
4 our actual soil yet. We plan on bringing that up again at the BCT. I
5 believe we might have sample results from that in January. And we have it
6 on our February BCT agenda to discuss that. The first hour of our meeting
7 this morning was based on that issue and that plan

8
9 We also talked about and had a presentation from a gentleman from the
10 Corps of Engineers about a kind of a graphical information system which
11 we plan on linking to our Web page, this Web page up here—
12 thememphisdepot.com

13
14 What that graphical information system would do is, you could call up
15 certain aspects of it, and you could get our groundwater plume map from
16 our most recent data. We have shown maps like this in the past. I will put
17 one up just to let everyone know the type of thing it is, you know,
18 graphically representing areas where there have been impacts on the
19 groundwater or on the soil. We most likely, due to computer limitations,
20 space limitations, won't be able to put every single sample that has ever
21 been taken at the Depot on it in terms of these graphical representations.
22 But, we will put the main players over at Dunn Field, we will put the
23 groundwater; the Main Installation, we will put Dieldrin, which is a
24 pesticide. You know, the main things you hear us talking about month in
25 and month out.

26
27 We talked about the groundwater system over at Dunn Field, which we had
28 our ribbon cutting tonight on. We talked about monitoring the
29 groundwater elevations in the wells that surround that pumping system and

1 the period of time we are going to evaluate that to see how our pumping
2 system works.

3
4 And, I believe the general discussion was that we plan on trying to decide
5 on a six to twelve month period whether anymore wells were needed or
6 not. Was that the discussion, Jordan, generally speaking?

7 MR. ENGLISH: I would like to take an active look at it. If it seems like we need to make a
8 move quicker than that, do sort of an objective look at it as we do it

9 MR. PHILLIPS: We do plan on, in January, having Greg Underberg from CH2M Hill do a
10 groundwater presentation to the RAB. That is going to be our main
11 agenda item in January. I know it will be the groundwater conditions from
12 the more recent groundwater sampling CH2M Hill has done. But,
13 hopefully, we will have some preliminary results after we have turned the
14 system on. We turn it on in October.

15
16 Maybe in January we will have something to show the RAB, graphically to
17 show the RAB. And, that was about the extent, except for some other
18 administrative orders of business That was the extent of our BRAC
19 Cleanup Team meeting today So, with that, I would like to move on to
20 the project update.

21
22 **PROJECT UPDATE**

23
24 MR. PHILLIPS: Project update. I have got good news on two sites, also just a status report
25 on two other actions we are doing. The pesticide contaminated soil
26 removal over at housing, that removal action has been completed. It was
27 completed three weeks ago. And, the entire area has been backfilled, and
28 there is sod on the site now. We don't have the shrubs in yet, but that is in
29 the plan.

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To give you a little idea how much we removed, we removed 5,400 tons of soil total from that area. That was about 270 truckloads.

MR. TRUITT: What was the cost, just for public information?

MR. PHILLIPS: The original contract award was right at \$400,000. And when we had to go down to Area C, Mr. Kurt Braun, what did that end up being?

MR. BRAUN: Another \$250,000.

MR. PHILLIPS: Another \$250,000. It ended up at about \$650,000

MR. BRAYON: Has it been declared clean?

MR. PHILLIPS: The process to declare it clean—there is a report the construction contractor must generate which has all his manifests and the description of all his work. The EPA and the State need to approve that report, when that is generated, before the site is declared clean. So, they could always tell me there is something else I need to do out there. That is beyond me at this point

Second project I want to update is the groundwater system, and we did the ribbon cutting on that. That should be fully running by the end of the month. We are running different wells right now. Some of the wells were running while we were out there tonight.

Additionally, you might have seen some well drilling rigs in the last two weeks on the main facility. CH2M Hill has collected some additional samples on the main facility, and where the groundwater well coverage was not adequate in the middle of the main property, we're installing four additional monitoring wells for the groundwater. And, those results, I imagine, we may also have for the January RAB meeting. And that is a project report, or project update. It is what is going on here in our office.

1 MR. WILLIAMS: First of all, I would like to say there is a fact sheet over there sitting on the
2 table -- I don't know if you already have one -- with the information about
3 what is going on at Dunn Field. If you don't have one at the table, you can
4 get one off the table on your way out. By the way, we have a minority
5 contractor, which is S & W Paving Company, it is a minority company here
6 in the city. What they will be doing is putting asphalt down to minimize the
7 dust that comes from Dunn Field over there. With that, I would like to ask
8 if there are any comments from the public?

9 MR. TRUITT. Mr. Chairman, before we get to public comment period, let me thank Ms.
10 Moore. We had a joint Alcy Ball Association, the umbrella over the block
11 clubs in this area. We had her at our last meeting, and she very well
12 represented the RAB. We also had the police department there in the event
13 that things got out of hand, but she did an excellent job.

14
15 And the other thing, just a question, Shawn. I got a call from CH2M Hill
16 I was over here on Saturday. And, in fact, there is a good possibility I may
17 go on the list as a consultant. I don't know where they got the data from
18 Down in the center of the golf course, the road that runs through the
19 middle, some drawings they got showed that there were once magazines.
20 There never were any magazines.

21
22 Those were storage sheds for the golf course pesticide herbicide, one of
23 them, the lower one. And, then, the one up front was for the equipment,
24 the green and fairway company equipment, until they tore them down, but
25 they were made out of wood. And they tore them down and built the
26 "Spandome" building, I guess, back in the early 60s. But, have the test
27 results from the sampling of the soil below that come in?

1 MR. PHILLIPS: The field work CH2M Hill is doing right now, some of it is soil boring with
2 just soil sampling, not groundwater. Some of it is that kind of sampling I
3 think we are sampling those two locations. Are we not?

4 MR. UNDERBERG: This is Greg Underberg with CH2M Hill. Yes, we are. Those two
5 locations have been sampled. I don't recall which day, but they were
6 sampled during the last round of sampling, and we should have the
7 validated results back from that in about five to six weeks.

8 MR. PHILLIPS: We would like to report back on that in January.
9

10 **PUBLIC COMMENT PERIOD**
11

12 MR. WILLIAMS: Okay. The floor is open for Mr Bradshaw.

13 MR. BRADSHAW: My name is Kenneth Bradshaw, and I got a couple of questions. When the
14 State of Tennessee entered into this Federal Facilities Agreement that has a
15 confidentiality clause and a lead agency clause, does this apply to all
16 government state agencies, all federal agencies, all county agencies, all city
17 agencies, and for the Memphis/Shelby County Health Department,
18 Memphis Light, Gas and Water?
19

20 Does this Federal Facilities Agreement that applies for the confidentiality
21 clause and the lead agency clause that make DOD the lead agent over
22 everything concerned with the Depot, does this apply to all of these various
23 organizations that are represented in the room now, plus contractors and
24 workers, and everything? And, the second question.

25 MS. PETERS: Finish with the first one first. Let's finish the first one first

26 MR. BRADSHAW: Does the Federal Facilities Agreement that has a confidentiality clause,
27 which means EPA, State of Tennessee, and DOD, can conceal information
28 from the public --

29 MS. PETERS: Well, let's get an answer to that first.

1 MR. BRADSHAW: Does it apply to all of the agencies that are doing work on the Depot
2 property?

3 MS. PETERS He is going to answer that question first. Then, you go to the second one.

4 MR. PHILLIPS: Mr. Ballard, did you want to attempt to answer this?

5 MR. BALLARD: You know that clause better than I do I can't imagine putting it better

6 MR. PHILLIPS First of all, the Federal Facilities Agreement only applies to the three
7 parties that signed the agreement. That is the State of Tennessee
8 Department of Environment and Conservation, the Environmental
9 Protection Agency Region 4, and the Defense Logistics Agency. The
10 clause that you are referring to is a twofold clause. One part of it deals
11 with if there were ever any national secrets that were here, security secrets.
12 We have never exercised that clause, because we have never had anything
13 here that was sensitive information

14 MR. ENGLISH: Let me clarify that part of the answer That part of that one is kind of
15 important. If we had an action that we were getting ready to take against a
16 foreign country, the actions of the Depot at the time -- at the time the
17 Federal Facilities Agreement was signed, this was a Depot, it was a facility
18 Our enemies could know the supply activities that are going on, and,
19 thereby, be able to understand that we are getting ready to take some
20 action So, believe it or not, even though everything here was clothing and
21 food stuff, that activities could have let our enemies know what was going
22 on. That is what was explained to me was the reason for that particular
23 part of that.

24 MR. BRADSHAW: Could I clarify the question so he could know exactly what I am referring
25 to. It contains two clauses that I am referring to: A lead agency clause,
26 and a confidentiality clause. Now, I am asking: Does that apply to all state
27 government? All? The key word in this is Does it apply to all
28 government agencies that are related to health or whatever?
29

1 Under the auspices of the Honorable Don Sundquist, the State of
2 Tennessee entered into a Federal Facilities Agreement with DOD and EPA
3 that gives them certain rights to do certain things And I want to know do
4 they apply to all state branches of government, and the Memphis and
5 Shelby County Health Department, contractors, anybody who does
6 business with DOD

7 MR. PHILLIPS: Mr Bradshaw, I have read, repeatedly, the statement, the clause, you are
8 talking about I wish I had it with me right now I would read it to the
9 board That clause, it only applies to the Defense Logistics Agency. It
10 doesn't apply to the EPA or the state. I, literally, as the Defense Logistics
11 Agency representative, have to request of the EPA and the state, the other
12 two parties, to invoke that clause. It is in there Read it. That is what it
13 says. I have to ask for them, like, to use Jordan's example, uniforms,
14 shipping large quantities of uniforms over to the Gulf prior to Desert
15 Storm. I have to literally ask them that I want to withhold information
16 about my shipping of uniforms or materials. To my knowledge -- Jordan,
17 correct me if I am wrong Turpin is fairly new to the site. He might not
18 know. But, have we ever asked you for us to exercise that clause?

19 MR. ENGLISH No.

20 MR. PHILLIPS: So, to your knowledge, has that clause ever been used?

21 MR. ENGLISH No.

22 MR. WILLIAMS: Mr. Bradshaw, could I ask you --

23 MR. PHILLIPS: He had a second point.

24 MR. ENGLISH: But let me answer The question was -- and this has already been
25 answered. So, I am going to say it again Only those three parties to that
26 agreement are affected by that agreement and those statements in that
27 agreement.

28 MR. BRADSHAW: The contractors are not, the workers are not?

29 MR. ENGLISH: Only those three parties.

1 MR. BALLARD: And the subcontractors.

2 MR. ENGLISH: Any of those parties who have any agents working for them, which would
3 be their subcontractors, would also be affected

4 MR. BRADSHAW: So, the answer is yes.

5 MR. BALLARD: But not county or city, that sort of thing. It is just us and people who
6 work for us.

7 MR. BRADSHAW: That includes the lead agency part too? I didn't hear any comment. I heard
8 about the confidentiality clause, but I am talking about the lead agency,
9 which gives DOD the right to be the final authority of any kind of dispute
10 between agencies

11 MR. PHILLIPS: There is a separate clause in the Federal Facilities Agreement. It is called
12 the dispute resolution clause. And, if there is any disagreement, we go to
13 that clause for the resolution of the dispute

14 MR. WILLIAMS: Mr. Bradshaw, could you possibly submit your questions in writing to
15 someone on the board, so, at the January meeting, they could possibly
16 come back to you with some --

17 MR. BRADSHAW: I have even submitted my questions in writing to the Governor through our
18 State Representatives and State Senators, and he refused to answer.

19 MS. PETERS: Do they have to answer? Is that important to you?

20 MR. BRADSHAW: It is really important, if they are keeping secrets about the cleanup from us
21 I am just saying if anything in there through the confidentiality of secrecy, I
22 think the public has the right to know.

23 MR. CLAY: I want to ask Shawn: Has that ever been invoked, the second clause, by
24 DOD?

25 MR. PHILLIPS: Oh, the lead agency? That is not necessarily a step that is invoked or not
26 invoked. What the lead agency provision is there for, this is the DLA site.
27 DLA is responsible for anything that was buried here or disposed of here
28 DLA must fund everything

1 MR. BALLARD: When the Superfund law was passed in -- we authorized it in 1986, all the
2 authorities were given, by Congress, to the President. And the President,
3 then, delegated those authorities by executive order. And he delegated,
4 you know, for the private side of Superfund, he delegated the authorities to
5 EPA. For federal facilities cleanup, he delegated authorities, and lead
6 agency designation, to the various departments, defense, energy and
7 whatnot. And, the federal facilities just reflect that, that delegation.

8 MR. PHILLIPS: It also reflects the responsibility for the problem, which is the DLA
9 problem here.

10 MR. WILLIAMS: Ms. Bradshaw?

11 MS. BRADSHAW: What I am understanding is that DLA has to see everything that is done
12 over here, and it is up to them to release or keep information. And that is
13 in plain English. So, it is up to the DLA agency whether they want to
14 release something or withhold or whatever, right?

15 MR. PHILLIPS: I do not believe so. I believe the BRAC Cleanup Team gives the State
16 (TDEC) and the EPA authority to make comments on proposed plans,
17 proposed documents, proposed remediations. And, we have to have their
18 approval on it.

19 MS. BRADSHAW: Shawn, in the past, I remember Mr. Kaden making a statement that they
20 had to get together before they could release the minutes first. So, he
21 wanted to, you know, really kind of compact, or whatever he was doing, to
22 release the minutes. This has been months ago. That was the statement
23 that was made, that I asked for the BRAC meeting minutes, months and
24 months ago, and I never did receive them. And he said, well, we got to get
25 together. No minutes was never released to me as a private citizen.

26 MR. WILLIAMS: Okay, right at this point right now, we have gone over the time for the
27 environmental meeting. And it is left up to the board at this point right
28 now --

1 MR. DEBACK: Hold on. John DeBack with the Department of Defense. It has been
2 stated to the RAB before by the U.S. EPA representative, one of our
3 former representatives, the purpose of the security clause is to protect
4 national security. If, in fact, during the cleanup process -- one second
5 please -- if, in fact, during the cleanup process, something occurs that
6 would affect national security, the lead agency must request from the
7 regulators to withhold that information. It has also been stated by the
8 board, or by Dann Spariosu at one of the earlier meetings to the RAB, that
9 this clause has never been invoked at this location.

10 MR. PHILLIPS: Could you say that again

11 MS. PETERS: Come over to the center of the room. I think they would hear it better.

12 MR. DEBACK: I am sorry.

13 MS. PETERS: You know, so everybody can hear what you are saying.

14 MR. DEBACK: The purpose of the security clause is to protect national security. To use a
15 bureaucratic phrase, it is a boilerplate clause that is added into the Federal
16 Facilities Agreement. According to Dann Spariosu, one of the former U.S.
17 EPA representatives that sat on this RAB board, this clause has never been
18 invoked.

19
20 It is used by the lead agency, if, in fact, something through an
21 environmental investigation were to come up that would affect national
22 security, the lead agency can request from the regulators that that
23 information be withheld. It is up to the regulators to approve that request.
24 And, once again, this particular clause has never been invoked at this site,
25 according to U.S. EPA regulator.

26 MR. WILLIAMS: Hold on. Before we go any further with this meeting, it is left up to this
27 board if we adjourn this meeting or finish answering questions. So, it is left
28 to this board here, and I wish everybody would recognize the board. So,
29 right now we are looking for comments from the board if we are going to

1 extend this meeting or if we are going to adjourn this meeting right now. I
 2 am looking for a vote. All who want to end the meeting, raise their hand.
 3 All who don't.

4 MS. BRADSHAW: Discussion.

5 MS. PETERS: Mr. Mondell, could I speak?

6 MR. MONDELL: Well, this is being voted on

7 MS. PETERS: I see now this vote ain't fixing to work right this minute. What I am trying
 8 to ask, since he has about three other questions, if he would put them in
 9 writing and give them to whoever could answer those questions, because
 10 these questions have come up in this meeting before, and what we do is get
 11 people to say them

12 MR. WILLIAMS: I have requested that he write it out and send it to somebody

13 MS. PETERS: Well, then, that is the end of that.

14 MR. WILLIAMS: We have a charter here. Anybody want to hear what the charter says?

15 MS. BRADSHAW: I believe I had the floor, if you would recognize me. Now, I complained,
 16 as a private citizen before, about giving public comment time, a few
 17 minutes, and then we cut off and run out. Now, the purpose of the RAB,
 18 when you have public comment time, it should be recognized for the
 19 people that are here, because the community cannot participate in the
 20 regular meeting

21 MR. WILLIAMS: I understand what you are saying.

22 MS. BRADSHAW: So, either we do it at the end or we have to mix it in.

23 MS. PETERS: No. We have to let one person ask one question, and not two or three
 24 questions, because there ain't nobody here to answer the question.

25 MS. BRADSHAW: Well, Ms. Peters, a person may have fifty questions.

26 MS. PETERS: Well, you ain't going to stay here with me while you answer the questions

27 MS. BRADSHAW: Well, you shouldn't even be on the board.

28 MR. WILLIAMS: The floor is open to find out if we are going to adjourn this meeting or if
 29 we are going to do whatever. All in favor of adjourning the meeting, by

1 the sign of aye, or whatever, it will be all right with me. Anybody want to
 2 adjourn the meeting?
 3 MS. YOUNG: Aye
 4 MS. PETERS: I am going You can stay here if you want to.
 5 MR WILLIAMS. Meeting adjourned
 6 (Whereupon, at 7:35 p m., the meeting was adjourned.)
 7

NEXT MEETING: Thursday, January 21, 1999
The Memphis Depot, Conference Room
2163 Airways Boulevard, Memphis, TN

Attendance List
Restoration Advisory Board Members

Mr. Shawn Phillips	Facility Co-Chair
Mr. Mondell Williams	Community Co-Chair
Mr. Harold Brooks (for Mr Dave Bond)	Citizen Representative
Mr. John Garrison	Citizen Representative
Ms. Willie Mae Willett	Citizen Representative
Mr Kevin Clay	Citizen Representative
Mr Carter Gray	Memphis/Shelby County Health Department
Ms. Johnnie Mae Peters	Citizen Representative
Mr Eugene Brayon	Citizen Representative
Mr. Turpin Ballard	Environmental Protection Agency (EPA)
Ms. Janet Hooks	Memphis City Council
Mr. Ulysses Truitt	Citizen Representative

Restoration Advisory Board Members (continued)

Mr. Jordan English	Tennessee Department of Environment and Conservation (TDEC)
Dr. Cleo Kirk	Shelby County Commission
Mr. James Webb	Memphis Light, Gas & Water (MLG&W)
Ms Elizabeth Young	Citizen Representative
Ms Terri Gray	Citizen Representative
Mr Jimmy Covington	Memphis Redevelopment Corporation (DRC)
Ms. Doris Bradshaw	Environmental Representative (DDMT - CCC)

Others in Attendance

Mr Everett Humphreys	Citizen
Ms Sherrye Wheeler	Memphis/Shelby County Health Department
Ms. Dorothy Richards	Corps of Engineers (Huntsville)
Mr. Scott Bradley	Corps of Engineers (Huntsville)
Mr. Kurt Braun	Corps of Engineers (Mobile)
Mr. Rick Bowlus	U.S. Army Center for Health Promotion and Preventative Medicine (USACHPPM)
Mr. Phil Amido	Memphis Depot Caretaker
Mr. Ted Valentine	Corps of Engineers (Mobile)
Mr. Kenneth Bradshaw	DDMT - CCC
Ms. Lessie Brady	DDMT - CCC

Others in Attendance (continued)

Mr. Damon Morris	Citizen
Ms Margaret Curry	Citizen
Ms Bobbie Lyles	Citizen
Mr. Russell Ray Anderson	Citizen
Mr. Wayne Booker	Citizen
Mr. Stanley Tyler	Citizen
Mr Ben Reese, Jr.	Citizen
Ms. Peggy Brooks	Citizen
Mr Franklin Dmitreyezs	Citizen
Mr Greg Underberg	CH2M Hill
Mr Vernon Hence	Citizen
Mr John DeBack	Base Transition Office
Ms Alma Black Moore	Frontline
Ms. Jennifer Hall	Frontline
Mr. Steve Offner	OHM Remediation Services
Ms. Denise Cooper	Memphis Depot Caretaker
Mr Paul Galluzzi	Environmental Realty, Inc
Mr Jesse Wilburn	Environmental Realty, Inc

DDMT RAB

July 17, 1997

DDMT FEDERAL FACILITY AGREEMENT
Confidentiality Clause

The DDMT environmental investigations and cleanup are proceeding under a "Federal Facility Agreement" (FFA) that has been signed by the Defense Logistics Agency, the U.S. Environmental Protection Agency (EPA) and the Tennessee Department of Environmental Conservation (TDEC). The FFA is a legal document which describes how DLA will proceed with environmental work and which environmental laws and rules apply to the cleanup process. Section 29 of the FFA describes when and how particular types of information might be kept confidential, primarily so that DLA would not be compelled to violate national security laws. Similar confidentiality sections are found in almost all FFAs between the regulatory agencies and military facilities.

There are two types of information which a military facility may claim to be "confidential:"

1. **Confidential Business Information**

Any entity required by law to submit information to regulatory agencies has the right to request that confidential business information not be released to the public. The purpose of this is so that companies do not have to reveal trade secrets or patented processes to their business competitors. I have not been able to find any example in the southeast region where such a claim has ever been submitted to EPA by a federal facility. In theory, a federal facility could file such a claim to protect a 'trade secret' process developed by one of its private contractors. Financial information related to the competitive contract bidding process must also, by law, be kept confidential to maintain the integrity of the process.

DDMT has never filed a "confidential business information" claim with EPA.

2. **Classified Information**

Military agencies have the legal obligation to protect "secret" or "classified" information from public exposure in order to protect the lives of American servicemen. In cases where a hazardous waste disposal site may be in a "classified" area, for example, the military may have the obligation to clean up the site while not releasing information about the site to the public. However, EPA has investigators who maintain the highest level of security clearance and can therefore gain access to any classified information or area.

DDMT has not filed any classified information claims with EPA. DDMT has no classified areas within the facility.

DDMT RAB

July 17, 1997

CONCLUSIONS

For various reasons, federal agencies are required by law to maintain the confidentiality of various types of information. This does not include environmental or analytical data. The "Confidential Information" section in the Federal Facility Agreement for DDMT is typical of all FFAs at military facilities. However, because claims of confidential or classified information have never been filed by DDMT to date, *all data gathered in environmental investigations and all environmental documents are available to the public.*

Dann Spariosu
Remedial Project Manager
US Environmental Protection Agency
(404) 986-8552

A. DLA may possess information which is subject to a confidentiality claim established by DLA pursuant to regulation found at 32 C.F.R. Part 55 2(b). In the event that DLA submits information to other Parties pursuant to this Agreement which is subject to a confidentiality claim, such information shall be clearly designated by DLA as confidential. If no confidentiality claim accompanies the information when it is submitted, the information may be made available to the public without further notice to DLA.

B. Upon receipt of material claimed as confidential, EPA shall review the confidentiality claim pursuant to 40 C.F.R. Part 2, and shall make an independent confidentiality determination. DLA prior confidentiality determination shall be relevant to, but shall not control, EPA's confidentiality determination.

C. In the event that EPA determines that information submitted by DLA pursuant to this Agreement contains confidential business information ("CBI"), EPA shall manage such information according to EPA procedures for the management of CBI.

D. In the event that EPA determines that information submitted by DLA pursuant to this Agreement does not contain CBI as established pursuant to 40 C.F.R. Part 2, the Parties to this Agreement recognize that the conflicting confidentiality determinations made by EPA and DLA give rise to a unique inter-agency dispute. Therefore, in the event of such conflicting determinations, EPA and DLA agree to jointly elevate the resulting dispute to their respective offices of General Counsel for assistance in resolving the dispute. The Parties agree to abide by the final inter-agency resolution of the dispute resulting from such elevation; including appropriate management of the information in question in accordance with the resolution of the dispute.

E. Nothing in this Agreement shall serve as a limitation on DLA's right to classify information for national security purposes pursuant to the national security provisions referenced in Section 120(j)(2) of CERCLA, 42 U.S.C. Section 9620(j)(2), or to seek Site-specific Presidential orders under Section 120(j)(1) of CERCLA, 42 U.S.C. Section 9620(j)(1). Except as otherwise provided by Section 120(j)(1) of CERCLA, 42 U.S.C. Section 9620(j)(1), analytical data shall not be claimed as confidential by DLA.

F. If Federal law so requires, such information shall not be publicly disclosed by TDEC pursuant to applicable Tennessee laws. If no claim of confidentiality accompanies the information when it is submitted, the information may be made available to the public without further notice to DLA.

MEETING MINUTES

Restoration Advisory Board

October 15, 1998
The Memphis Depot, Memphis, TN
Conference Room

Subject: Request for an amendment to the October 15, 1998, Minutes

MR. GARRISON ... At the June 19, 1997 "RAB" meeting, Mr. Kenneth Bradshaw of the "Defense Depot Memphis, Tennessee - Concerned Citizen Committee" requested of the Facility Co-Chairman, Mr. Glenn Kaden, a written report concerning the "DDMT Federal Facility Agreement."

During public comment at the October 15, 1998 "RAB" meeting, Mr. Kenneth Bradshaw raised questions and openly discussed the "DDMT Federal Facility Agreement" again.

Mr. Dann Spariosu, Remedial Project Manager, U.S. Environmental Protection Agency - Region 4, researched and submitted a highly informative and professional report written expressly for the Memphis Depot RAB Board Meeting held on July 17, 1997.

I personally consider it appropriate for public record that the October 15, 1998 Minutes includes this amendment along with the "DDMT Federal Facility Agreement" Report (dated July 17, 1997) attached.

John L. Garrison, Jr.



DDMT RAB

July 17, 1997

DDMT FEDERAL FACILITY AGREEMENT

Confidentiality Clause

The DDMT environmental investigations and cleanup are proceeding under a "Federal Facility Agreement" (FFA) that has been signed by the Defense Logistics Agency, the U.S. Environmental Protection Agency (EPA) and the Tennessee Department of Environmental Conservation (TDEC). The FFA is a legal document which describes how DLA will proceed with environmental work and which environmental laws and rules apply to the cleanup process. Section 29 of the FFA describes when and how particular types of information might be kept confidential, primarily so that DLA would not be compelled to violate national security laws. Similar confidentiality sections are found in almost all FFAs between the regulatory agencies and military facilities.

There are two types of information which a military facility may claim to be "confidential:"

1. Confidential Business Information

Any entity required by law to submit information to regulatory agencies has the right to request that confidential business information not be released to the public. The purpose of this is so that companies do not have to reveal trade secrets or patented processes to their business competitors. I have not been able to find any example in the southeast region where such a claim has ever been submitted to EPA by a federal facility. In theory, a federal facility could file such a claim to protect a 'trade secret' process developed by one of its private contractors. Financial information related to the competitive contract bidding process must also, by law, be kept confidential to maintain the integrity of the process.

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DDMT RAB

July 17, 1997

CONCLUSIONS

For various reasons, federal agencies are required by law to maintain the confidentiality of various types of information. This does not include environmental or analytical data. The "Confidential Information" section in the Federal Facility Agreement for DDMT is typical of all FFAs at military facilities. However, because claims of confidential or classified information have never been filed by DDMT to date, *all data gathered in environmental investigations and all environmental documents are available to the public.*

Dann Spariosu
Remedial Project Manager
US Environmental Protection Agency
(404) 986-8552

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FINAL PAGE

ADMINISTRATIVE RECORD

FINAL PAGE