



# THE MEMPHIS DEPOT TENNESSEE

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## ADMINISTRATIVE RECORD COVER SHEET

AR File Number 542

**MEETING MINUTES**  
**Restoration Advisory Board**  
**January 21, 1999**  
**The Memphis Depot**  
**Memphis, TN**  
**Conference Room**

**The Restoration Advisory Board (RAB) meeting was held on January 21, 1999 at the The Memphis Depot in the Conference Room. The attendance list is attached.**

**WELCOME AND INTRODUCTION**

1 MR WILLIAMS: Let's call the meeting to order. I would like to say good evening  
2 and welcome everyone to our RAB meeting. This is the first one of  
3 this year - 1999 But I would like to first start off by apologizing  
4 for last year, at the October meeting, when we abruptly ended the  
5 meeting I would just like to say that. I wanted to make sure that  
6 everyone knew that I apologize for what had happened at the last  
7 meeting Some people were not here , but I just wanted to say that  
8  
9 I would first like to say it is going to be a little lengthy here tonight  
10 because there are a lot of things that have happened during the time  
11 that we were not meeting For the first thing, I'd like to first  
12 welcome everybody here to the meeting, the former employees and  
13 the new people that are coming that may be from the community or  
14 wherever I'd like to welcome you all here tonight. I would like to

1 welcome the volunteers from MIFA's Retired Senior and Volunteer  
2 Program. They have been working with Ms. Moore doing some  
3 volunteer work in the community And, if you don't mind, I would  
4 like to take a few minutes to let her go into that about the MIFA  
5 volunteers

6 MS. MOORE: Thanks, Mondell. MIFA has a program called Retired Senior and  
7 Volunteer Program, RSVP We've partnered with RSVP, and  
8 these volunteers have been a tremendous help for me. They are  
9 contacting neighborhood associations, block club presidents and  
10 maintaining our Information Repositories. I have three retired  
11 librarians in the group. The great news is most of the volunteers  
12 are from this community.

13  
14 We do have two volunteers here tonight. Mr. Garrison signed up.  
15 He was at MIFA at our meeting, and he'll be volunteering He's  
16 volunteering now - and Ms. Peters But, other community members  
17 here tonight—we have Ms. Thelma Nichols Would you stand, Ms  
18 Nichols? She's a retired librarian and has been at Cherokee Library  
19 working this week And, my mom, Alma Black—she's been  
20 running off all these copies that I have to run off for the RAB  
21 meeting She comes in and helps me out quite a bit. We have Ms.  
22 Peters, who also is a RSVP volunteer She hasn't done any extra  
23 work at our repositories yet, but we appreciate her work on the  
24 RAB. I see no more volunteers from RSVP, but I do have a staff  
25 of about eight ladies that are helping me out—and Mr. Garrison,  
26 and I appreciate that Let's give our volunteers a hand

1 MR WILLIAMS. I would like for you to know that the meeting is being recorded  
2 When you get up to speak, make sure you say your name first to  
3 make sure that the reporter gets everything. Also, I'd like to tell  
4 you that the RAB had a seminar in December, and it was on  
5 parliamentary procedures so we could be more professional about  
6 what's going on during the meetings and handle things more  
7 professionally. I wish a lot of the members could have attended,  
8 but they didn't and missed a good seminar.  
9  
10 I'd like to tell you about the flip chart. What we've done is try to  
11 implement a new program whereas, if a speaker is up speaking, they  
12 have five minutes to speak. During that time, someone will flip the  
13 chart or will show you the minutes that you have left to speak. So,  
14 you have to really pay close attention, because we are on a time  
15 frame here. We only have an hour and a half to conduct this  
16 meeting, and we would like to make sure that we take time out to  
17 let the community speak. The public is allowed five minutes to  
18 speak during the public comment period, and we want to make sure  
19 that we get them in during that time  
20 MR. PHILLIPS. We have the agenda to look at  
21 MR WILLIAMS. First of all, just give me a minute. I just came from Millington, and  
22 I was sort of in a rush.  
23

24 **REVIEW AND APPROVE AGENDA**  
25

1 MR. WILLIAMS. Our agenda—we need to look at the agenda and see if there are any  
 2 changes that need to be made. Would anyone like to add anything  
 3 to the agenda before we approve the agenda for the evening? Could  
 4 I get a motion to approve the agenda?

5 MR. COVINGTON. Moved.

6 MS. PETERS. Second.

7 MR. WILLIAMS. All in favor?

8 RAB MEMBERS. Aye.

9 MR. WILLIAMS. Any disagree? Okay. The agenda is approved for tonight. I would  
 10 like for the RAB members to sort of turn their cards facing so that  
 11 the co-chairs can see them so that you may be recognized when you  
 12 get ready to speak.

13 MS. MOORE. Not facing. What we are going to do is—I saw this at a  
 14 conference, and it worked. We're going to try it. It may not work  
 15 but, before you speak, to be recognized, turn your card up and let  
 16 the chair acknowledge you before you speak. When the chair  
 17 acknowledges you, then you turn it down like this, and then you  
 18 may speak. We are going to try that tonight. If it does not work,  
 19 then we will try something else.

20 MR. WILLIAMS. We would like for the RAB members to please make changes to  
 21 your addresses, phone numbers—anything that has changed in the  
 22 past. This is the list that's going around with all of your  
 23 information on it. So make sure that it is in order. We would also  
 24 like to use flip charts during the public comment period. We will  
 25 do that later in the meeting.

26

1 **REVIEW OCTOBER MEETING MINUTES**

2

3 MR. WILLIAMS I would like to review the minutes from the October meeting. Does  
4 anyone have any changes they would like to add or anything that  
5 was out of order in the minutes from the last meeting?

6 MR. ENGLISH I move to accept the minutes

7 MR. BALLARD Second.

8 MR. WILLIAMS All in favor?

9 RAB MEMBERS: Aye.

10 MR. WILLIAMS Any opposed? No Carried

11 MR. PHILLIPS As you can tell, Mondell and I are working very hard on our  
12 parliamentary procedures I think we were the focuses, although  
13 the training session in December was for all of the RAB members.  
14 Neither Mondell nor myself have ever run or chaired a meeting  
15 prior to our experience here So please forgive us our growing  
16 pains

17

18 **OLD BUSINESS**

19

20 MR. PHILLIPS: I'd like to get on with old business. There are several comments  
21 that I can follow-up on that have been made during previous RABs  
22 One comment was on how former employees can get compensated  
23 by the government for injuries or health situations they've had  
24 happen to them during their term of employment here At the time  
25 when I answered that question, I referred to a CA-1 form, which is

1 a Federal Office of Personnel Management form. I brought  
2 examples of them here.

3  
4 I will just read you the CA-1. It is called the Notice of Injury and  
5 Claim for Continued Pay and Compensation. The CA-2 is Notice  
6 of Occupational Disease and Claim for Compensation. I believe  
7 that is most appropriate if people have long-term health effects—  
8 the CA-2 form This is a copy of it These can be picked up at any  
9 federal office that has an employment branch or personnel branch.  
10 The closest to us here, ours is closed because we are a closed  
11 depot, are the IRS on Holmes near Getwell and the Corps of  
12 Engineers office downtown in the Federal Office Building These  
13 forms can be picked up there.

14  
15 Additionally Mr Truitt in a previous RAB, asked about the storage  
16 structures on the golf course and what the sampling there had  
17 shown I reviewed what CH2M Hill produced Out of the two  
18 sampling locations, there were no detections above any of the  
19 screening criteria the BCT had established or background levels  
20 So that is the answer to his question

21  
22 Also at the last RAB, the one in October, a comment came up  
23 during the public comment period about the confidentiality clause  
24 After the meeting, in a conversation I found out that the actual  
25 point of the question was if that confidentiality clause affects any  
26 other federal agency doing work here, such as ATSDR It does not

1 affect any other federal agency doing the work here With our  
2 meeting minutes last time, we mailed out a copy of that clause from  
3 the Federal Facilities Agreement

4 MS. MOORE: That is it up there. Is that not it?

5 MR. PHILLIPS: No. That is the Charter

6 MS. MOORE: Okay. Well, it is over here on the table

7 MR. PHILLIPS: Everyone had it in your minutes that were mailed to you, a copy of  
8 that clause.

9

10 **PUBLIC COMMENT OPTIONS**

11

12 MR. PHILLIPS: New business. During our administrative meeting that the RAB  
13 had in December, we discussed public comment options. When we  
14 met in December, we discussed several options that would allow  
15 for more public comment time at the end of the RAB. Our charter  
16 states, and this is a quote, it is straight from the charter that the  
17 RAB approved. "The public shall be given 3 to 5 minutes to  
18 comment on agenda topics at appropriate times during the meeting.  
19 The public shall be given 3 to 5 minutes to comment on non-agenda  
20 items at the end of each meeting. The RAB may vote to allow for  
21 more time for public comments, or discussion of public comments or  
22 agenda items. The community co-chair shall be responsible for  
23 ensuring comments provided during the meeting from the RAB  
24 members or the public remain relative to agenda topics. The  
25 community co-chair shall also be responsible for ensuring public  
26 comments during or at the end of RAB meetings do not exceed 5

7



1 minutes, unless RAB members vote to allow continued public  
2 comment.”

3  
4 Let me say this, when we say for 5 minutes the intention of the  
5 charter is per comment. When one person has a comment, they  
6 have five minutes to make their point. Get their comments heard  
7 We haven't provided sufficient time for public comments on the  
8 agenda items for the past few months and the public time at the end  
9 of the meeting. We thought about it during that administrative  
10 meeting we had in December, the RAB members who were here  
11 We voted, or we talked about two options. I've got those two  
12 options summarized. I would like to read them to you

13  
14 The first option is: Allow 3 to 5 minutes for one comment from  
15 one person for each agenda item when appropriate. Allow the  
16 allocated 15 minutes for public comments at the end of our  
17 meeting. That will be, if someone takes all of their 5 minute  
18 comment period, that means there is only three comments. Each  
19 person will be allowed 5 minutes for comments and discussion. If  
20 the RAB feels that more time for public comment is needed, the  
21 community co-chair will ask the RAB for a vote to extend the  
22 meeting. We could also provide cards at the front table as you  
23 come in for comments to be written on and submitted to the RAB  
24 as a board. If someone has a comment, and they are too shy to  
25 voice it or whatever, they can put their comments in writing. The  
26 card questions would be interspersed during the public comment

1 period. Any unanswered questions, any cards that we don't get to  
2 at the end of the meeting, we'd put those in that month's minutes,  
3 and we would respond to them.  
4

5 The second option: Allow 3 to 5 minutes for one comment from  
6 one person per agenda item when appropriate. Allow 15 minutes  
7 for public comments at the beginning of our meeting instead of at  
8 the end, and 15 minutes, 3 to 5 minutes per person, that could be as  
9 few as three comments addressed. It could be as many as five and  
10 as few as three. Each person will be allowed 5 minutes for  
11 comments and discussion. If the RAB feels more time for the  
12 public comment is needed, the community co-chair will ask the  
13 RAB for a vote to extend the public comment period. We would,  
14 again, provide cards for comments to be written on and submitted  
15 to the RAB. And we would answer any of those written questions  
16 that do not get answered during the RAB meeting, we would  
17 answer those in writing. That way, everyone's comments, whether  
18 they got to voice them at the RAB, or not, will show up in the  
19 minutes for that meeting, and receive a response to that comment.  
20 Would anyone like to open the floor to comment on these two  
21 options? Mr. Clay.

22 MR. CLAY I have a question I want to ask first. Have you put forth all of the  
23 clauses for comments at the beginning of the meeting or after the  
24 meeting, or are those the only options we have?

25 MR. PHILLIPS. It is up to the RAB to decide that

1 MR. CLAY. I guess I would like to move that we have a 15 minute public  
2 comment period prior to the meeting, or at the beginning of the  
3 meeting.  
4 MR. WILLIAMS Do you think that it will be feasible?  
5 MR. CLAY. I move that we select option two.  
6 MR. PHILLIPS: I need a second before that comes to the board for discussion.  
7 RAB MEMBER I second the motion.  
8 MR. WILLIAMS: Any discussion?  
9 MR. PHILLIPS. Mr. Brayon.  
10 MR. BRAYON. Does it mean, as clarification, 15 minutes before? What happens  
11 after the meeting? Maybe I missed that in the proposal. That is no  
12 comments after the meeting?  
13 MR. WILLIAMS: No There will be  
14 MS MOORE No, there won't  
15 MR. BRAYON I wanted a clarification.  
16 MR. CLAY The reason why I thought we might do that was so we could take  
17 on hard new issues that the public has, and maybe we need to table  
18 them or put them aside until we get more information But let's get  
19 that out in the open so that if anyone, before our meeting, goes, we  
20 can flow with our meeting I think the city of Memphis and city  
21 council and all other legislative bodies probably use the same  
22 approach.  
23 MR. PHILLIPS According to the two options, they are just summary The RAB  
24 can vote on what they need If, at the end of the meeting there is  
25 sufficient need for comment, the RAB can vote to open it up,

1 extend the meeting for that period I would like to recognize Ms  
2 Bradshaw  
3 MS. BRADSHAW In some of the national RAB meetings that I've attended, they split  
4 the time up between government and community. And that way, if  
5 there are issues that the community feels strong about and  
6 concerned about, those issues can be discussed So, they split I  
7 know Denver split the time up between government and time up for  
8 community issues But if they have this 15 minutes at the  
9 beginning, and they still would be able to comment during the  
10 meeting, so you're not cutting them out  
11 MR. PHILLIPS Mr. Ballard, did you rescind your comment?  
12 MR. BALLARD Yes  
13 MR. PHILLIPS Ms. Peters.  
14 MS. PETERS What I really wanted to know, if you are going to have the public  
15 to speak 15 minutes before the meeting, and they are entitled to ask  
16 questions during the meeting, how long do you say you are going  
17 to stay here? That is what I am concerned about, because I can see  
18 you spending 30 minutes right there, you know, 15 minutes before  
19 and then people during the meeting Whatever we discuss, they're  
20 going to have questions about what we're talking about Then if  
21 they ask questions then, how long? Didn't you say the meeting was  
22 going to last an hour and a half?  
23 MR. PHILLIPS I would like to respond to what we're doing with our presenters, so  
24 everyone understands that This timing system, presenters such as  
25 tonight's, Mr. Greg Underberg is making a presentation on  
26 groundwater. His allotted time is 25 minutes.

1 MS MOORE For questions and comments included.

2 MR PHILLIPS That includes questions and comments. He actually has 15 minutes

3 to do his presentation. And we will start his countdown, so he

4 knows his presentation needs to be over in 15 minutes

5 MS PETERS Did you count these minutes you got on here now?

6 MR. PHILLIPS Yes.

7 MS PETERS Does that include all of the minutes for the people to speak in and

8 after the meeting, too?

9 MR. PHILLIPS Right now, according to this month's approved agenda, the public

10 comment is at the end of this meeting. We're talking about setting a

11 precedence for the February meeting onward Let me mention one

12 thing about the card idea. At the end of October's minutes, I spoke

13 to no fewer than two citizens who attended the RAB meeting, and

14 who never did get a chance to ask their questions One lady was

15 frankly kind of shy about asking her question. The card idea is for

16 that reason Some people might be embarrassed by the question or

17 whatever. That is a great idea And, you know, it is up to the

18 RAB, but take that idea about the comment cards seriously Are

19 there anymore comments about the two options?

20 MS MOORE I wanted to reiterate that the public can speak, when appropriate,

21 about agenda topics Everyone may not have a comment

22 throughout the agenda topics For the past six months, we haven't

23 even implemented this particular part of the charter. So that will be

24 inclusive I don't think that we would be able to take but one

25 comment per issue So it will be a limited process

1 MR. PHILLIPS: When each presenter's 20 or 25 minutes is over, that is the end of  
2 that agenda item Ms Hooks?

3 MS HOOKS: I certainly think it is extremely important that the public has an  
4 opportunity to comment and that we have some structure in place  
5 to allow that. I do not think, though, that it is appropriate for the  
6 public to comment during the meeting. And I am really basing this  
7 from other boards that I serve on as well as being on the council.  
8 We conduct our meetings formally, and anyone that wants to speak  
9 on any item on the agenda there is certainly sufficient time for them  
10 to do that.

11  
12 And I am a little bit concerned that, if we do that while the meeting  
13 is going on, then perhaps we won't be able to move through the  
14 agenda that we need to move through. If the comment period  
15 needs to be expanded so that it gives everyone an opportunity to  
16 get their questions answered, I don't have any issues with that at all  
17 But I do think we need to, because of the time sensitivity that we  
18 are working under, be able to move through the agenda and  
19 recognize the public appropriately at that point in time

20 MR PHILLIPS: Let me read something from the charter This is that very first  
21 quote. "The public shall be given 3 to 5 minutes to comment on  
22 agenda items at appropriate times during the meeting."

23  
24 That may be appropriate to get through the agenda and make sure  
25 all comments are addressed at the end like we have done it at the  
26 end in the past, and still keep the card idea

1 MS HOOKS: If that is in the charter, I am not suggesting that we supersede any  
2 of the..

3 MR. PHILLIPS: No. The charter is not clear. That is the point. Was your  
4 suggestion a motion?

5 MS HOOKS: Yes.

6 MR. PHILLIPS: An amendment to one of those two options?

7 MR. FLYNN: Should I give an amendment to the motion?

8 MS. HOOKS: Correct.

9 MR. PHILLIPS: Do we have a second on that?

10 MR. ENGLISH: Second.

11 MR. PHILLIPS: Discussion on the amendment. Mr. English

12 MR. ENGLISH: I kind of agree with her that the comment was made by Alma that  
13 we might only have time for one person to make a comment on an  
14 agenda item. If we limit any public comment to one person and  
15 then we don't give good balance, possibly, to a full development of  
16 the discussion from the public regarding any agenda item. I agree  
17 with Ms. Hooks. I agree with the concept that we need to probably  
18 have it more structured either before, at the beginning, or at the end  
19 of the meeting. Whatever we have to do to give everybody time,  
20 but let's not bog down the agenda process

21 MR. PHILLIPS: Mr. Clay

22 MR. CLAY: I would like to withdraw my motion

23 MS. PETERS: Thank you.

24 MR. PHILLIPS: Mr. Ballard

25 MR. BALLARD: In line with the idea of having the cards, you know, you presented  
26 that as people who want to submit some questions. If the cards are

1 available for them and as a question comes to their mind on an  
2 agenda comment, they write it down, hand it to Alma. And at the  
3 public comment portion of the meeting, perhaps at the end, you can  
4 read a comment. Take one from the audience, and then read a  
5 comment, something like that. Make sure that those who have  
6 questions about agenda topics get their questions in there, and you  
7 don't have to wait until the next meeting to get the question out.

8 MR. PHILLIPS: Ms. Hooks, would you repeat your amendment?

9 MS. HOOKS: Certainly.

10 MR. FLYNN: You can't withdraw the motion yet.

11 MS. PETERS: Somebody already did.

12 MR. FLYNN: You can't withdraw the motion yet.

13 MS. HOOKS: My amendment to the motion was that the public comment not be  
14 during the actual meeting. I had no issue whether or not we were  
15 going to do a period before or a period after, only that the comment  
16 not be during the meeting so that we have an opportunity to, at  
17 least, move through all of the items that are on the agenda.

18 MS. YOUNG: I second it.

19 MR. PHILLIPS: Another discussion on that amendment?

20 MS. BRADSHAW: Years ago, community people used to come in here and sit up here  
21 like zombies. And everyone that, if you had a question about  
22 something that the person had this slide up about, you were not  
23 allowed to ask questions, make comments or anything. I can  
24 understand that it may get into a timely discussion. But, if it is  
25 something important then you know, people should have the  
26 opportunity to express their concerns about whatever. And I don't



1 think that we have the right to limit that If it is stated in the  
2 charter, so let it be, and why change that? You may explain things  
3 clear enough where no one has a question But, then again, it may  
4 be a lot of loopholes in there that needs some discussion  
5

6 So I can understand things being lengthy, but I think that is  
7 important. I sit here in many meetings, and by the time at the end  
8 of the meeting, even though I wrote down a question, I've flipped  
9 through so many pages, I lost the question. And I needed that  
10 person to go back and set up his display and see. That is kind of...

11 MR WILLIAMS I sort of agree with Ms. Hooks about the comment period being at  
12 the end But seeing that I am the community co-chair, I have split  
13 feelings I feel that if we do have public comment period, I think  
14 that we could limit the minutes of the question Then maybe we  
15 can possibly get more people in during the time that they are doing  
16 the discussion. I think if we limit some of the time we could do it  
17 so we get more people in If we just give 5 minutes to one person,  
18 we won't be able to let anybody else speak I think that would be  
19 wrong So during the meeting if a public person wants to speak, I  
20 think that if we could sort of limit the minutes we might could work  
21 it in

22 MR PHILLIPS Point of clarification, then we will recognize Ms Gray The 5  
23 minutes is for public comment, and if there needs to be a response  
24 from the RAB board, a response. Not necessarily every comment  
25 requires a response. Questions require responses. Okay? And that  
26 is for the comment and response Ms Gray

1 MS GRAY I agree that you know, the comments may be before or after  
2 However the public that comes to this meeting, as the meeting  
3 progresses, they are going to come up with questions that they  
4 won't remember a month from now. Your idea of the cards is  
5 good They can write during the presentations Write on the cards  
6 their questions, maybe even give them to Alma. And then if we  
7 have the public comment period at the end, each presenter can take  
8 his cards that she has kept with their questions on it and give it to  
9 the citizen. The citizen can sign the card, put their name on it if  
10 they want to have some interaction with the presenter, and do it  
11 that way. And that would cut down on the interruptions as we  
12 went through the agenda items

13 MR. PHILLIPS Ms Hooks

14 MS HOOKS: I really hate to do what I am getting ready to do But, again, I do  
15 think that the public comment period is critical and the input is  
16 critical to what we are doing over here There may be opportunity  
17 to resolve the issue quite easily if you allow a time limitation, so  
18 that if you have an item on the agenda and you have people that  
19 want to speak, if they are limited to 2 minutes, whatever the  
20 magical number is that the board wants to come up with, then they  
21 have the opportunity then

22  
23 Doris, I think that goes back to what you say They haven't  
24 forgotten about it, because we have moved on to something else.  
25 The opportunity is there to ask a question and get the feedback on  
26 it And we still pretty much have control of the flow of the agenda

1 because we are limiting the comment. Then at the end if you want  
2 to move back into, as this agenda is set up today, a 15-minute  
3 comment session that can be for any items that are not on the  
4 agenda. Or any other questions that come up, you can do that as  
5 well. That allows the critical input. My concern is that we are able,  
6 because of the time sensitivity with which we are working under, be  
7 able to complete those items that we need to. But, by no means do  
8 I want to put anything in place that would disallow public  
9 comment. Yes, it is in the form of a motion. But you've got a  
10 motion. You've got an amendment.

11 MR. PHILLIPS: This is back to what Kevin suggested. Do we vote on the motion?

12 MR. ENGLISH: Point of order. I guess, aren't we deciding with Kevin's motion that  
13 we want the public comment on the front end of the meeting versus  
14 the back end of the meeting?

15 MR. PHILLIPS: That is what we are talking about.

16 MR. ENGLISH: That is pretty pure and simple with whatever amendments may have  
17 been added to it, what we are voting on here. Basically the way I  
18 understand it is, if we don't vote to have it before, we're basically  
19 going to accede to the fact that we are having them afterwards.

20 MR. PHILLIPS: Okay. And Kevin's motion, which he withdrew, which I might ask  
21 him to replace, was that it be at the beginning. Okay, would you  
22 like to reissue that motion?

23 MR. CLAY: Have I successfully withdrawn the motion, first?

24 MR. PHILLIPS: Yes, you did.

25 MR. CLAY: I have no other motions. If anybody else wants to make one that is  
26 fine.

1 MR. PHILLIPS: Mr Ballard

2 MR. BALLARD: I would move to have the public comment on non-agenda items at  
3 the end of the meeting, and 2 minute per agenda comment allowed  
4 at the end or during each agenda item

5 MR. PHILLIPS: At the end of each agenda item?

6 MR. BALLARD: At the end or during, but limited to 2 minutes per agenda item.

7 MS. HOOKS: I second.

8 MS. PETERS: I second.

9 MR. PHILLIPS: I have got 2 seconds. Any discussion? Mr English

10 MR. ENGLISH: The only thing I was going to suggest is with 2 minutes it is not  
11 going to give us much time. But for the purpose of agenda items,  
12 probably, the best comment that can be made during a 2 minute  
13 period is like a point of clarification or something that helps clarify  
14 the information presented. In my opinion it shouldn't go on to  
15 question or expound why we did or didn't do something else. That  
16 is more something that should come at the end of the meeting that  
17 should be why didn't you do it this way or whatever. It seems like a  
18 clarification comment or understanding type question that is more  
19 important.

20 MR. BALLARD: I was going to add that if any questions on agenda items that aren't  
21 picked up should be written down and handed in. That is what the  
22 cards will be for, one purpose of the cards, so everyone gets heard.  
23 But we go ahead with the business of the meeting done in a timely  
24 fashion

25 MR. PHILLIPS: Mr. Gray

1 MR. GRAY

I think a lot of this could also be accomplished by using the cards as much as the city council and county commission use them Which is, if someone comes to the meeting knowing their agenda topic and knowing they have a comment about that agenda topic, they preregister for it with Alma or with Mondell, or whoever is the appropriate person We can then look—we have 60 people that want to talk about the same topic. If we have 60 people who want to come to our meetings and talk about that same agenda topic, before we approve the agenda, we will have in our hand a series of cards that says this is the hot topic tonight. Let's reshuffle, assign the appropriate public comment time on the front end and not say, oh, we can only talk 2 minutes and everything else at the back.

13  
14 So I think if we are looking for alternatives on how to get the  
15 maximum public comments, I think you have to have questions that  
16 come up in discussion. But if we can control it on the front end by  
17 a series of cards where it says I want to talk tonight about the  
18 Technical Assistance and Public Participation (TAPP)  
19 Subcommittee because I want to tell what a great job this guy did  
20 for me, we know that on the front end We have 10 people that  
21 want to do that We can adjust the meeting Say we have 10  
22 minutes for comments at the end of this meeting because we've  
23 gotten preregistration. I can't put a motion on the floor to that  
24 ability, but I think there are methods we can use to be within the  
25 purview of the charter and within sort of existing rule formats to  
26 adjust that public comment where it is needed

20

1 MR. PHILLIPS: What you are suggesting, Mr. Gray, we could do that as standard  
2 policy And when we read the agenda at the beginning of the  
3 meeting and ask for its approval, we can do that at that time It  
4 doesn't necessarily have to be part of the motion that is on the table  
5 for discussion right now Is there any further discussion on that  
6 motion that has been made?

7 MR. CLAY: Can you clarify the motion that is on the table? I don't understand  
8 what we are fixing to vote on.

9 MR. BALLARD: It was, the motion I made was to have the public comment period  
10 for non-agenda items at the end of the meeting and allow a 2  
11 minute period per agenda item for public comment during the  
12 meeting at an appropriate time during each agenda item

13 MR. CLAY: But no comments prior to the meeting?

14 MR. BALLARD: Right

15 MR. PHILLIPS: Okay. Mr. Brayon

16 MR. BRAYON: Point of clarification, that is only one 2 minute comment per agenda  
17 item?

18 MR. BALLARD: Yes

19 MR. BRAYON: Just, I doubt very seriously if you are going to be able to, as an  
20 example, public comment options, 10 minutes, Mr Shawn Phillips.  
21 How long have we been on this item?

22 MR. BALLARD: It is up to the chairs to manage the time

23 MR. PHILLIPS: We have four more minutes on this topic Ms Peters

24 MS PETERS: I heard three people make some motions I heard people try to  
25 withdraw a motion Can you repeat that motion, because when you  
26 have motions on the floor if somebody makes an amendment to the

1 motion you have to vote on the amendment first And we started  
2 making motions, and we ain't finished the motion

3 MR. PHILLIPS. No, ma'am. The motion currently on the table is for non-agenda  
4 items that the public might have comments about to be addressed at  
5 the public comment period at the end of the meeting During  
6 agenda topics, tonight for example—Groundwater  
7 System/Monitoring Well Update—Greg Underberg, a 2minute  
8 period allowed when appropriate during that agenda item for the  
9 public to make a comment Typically that may be a question like,  
10 “what did you mean by that?” That is a reasonable thing.

11 MS PETERS. Are you saying we don't have three motions on the floor of some  
12 kind?

13 MR PHILLIPS. No The other ones were withdrawn There is one current one I  
14 just stated it. Mr English

15 MR. ENGLISH. It's not like we're not all involved here on this board. This doesn't  
16 limit the board to questions during the agenda topic We are here  
17 so we can kind of feel from maybe the question that might come  
18 from the audience that there might be concerns about it It is not  
19 like we're just skipping over all concern altogether And that  
20 concern can still be made at the end of the meeting as part of the  
21 overall comments

22 MR PHILLIPS Could I call the question on the motion that is on the table? Those  
23 in favor? We have 1, 2, 3, 4, 5 Do I see you Ms Hooks or not?  
24 6, 7, 8, 9, 10, 11, 12, 13 in favor Opposed? One Abstentions,  
25 non-voting? We will assume those who didn't vote don't vote. This  
26 motion is carried Ms. Hooks

1 MS HOOKS Thank you Just a quick comment then, and you all have to bear  
2 with me. This is the way we do down at the council. I am a little  
3 concerned which is the reason why I voted against it I certainly  
4 support public comment per agenda item, but in my mind I was  
5 thinking more 2 minutes per person to speak, as opposed to a 2  
6 minute window for the entire public comment during agenda items.  
7 I am here for the duration. You know, if that requires that I spend  
8 30 or 40 extra minutes then so be it. I do think it is critical that the  
9 public does have the opportunity to make that comment

10 MR. PHILLIPS. Thank you. I've got another thing or two here. When you come in  
11 could everyone please make sure you sign in on the sign-in sheet,  
12 so we can get information out to you that's generated at the  
13 meeting. And as you can tell we are going to really try to get the  
14 public's comments, and it's going to take for our presenters to pay  
15 attention to the time clock I would like to remind all the  
16 presenters about that, and ask you to please follow. Today during  
17 our Base Realignment and Closure (BRAC) Cleanup Team meeting  
18 we approved the October and the December BRAC Cleanup Team  
19 minutes They are available here tonight. Are they on the back  
20 table?

21 MS. MOORE Yes

22

23 **THE GREATER MEMPHIS ENVIRONMENTAL**

24 **JUSTICE WORK GROUP MEETING**

25



1 MR. PHILLIPS. We should be on The Greater Memphis Environmental Justice  
2 Work Group Meeting. I would like to introduce Dr. John Crellin to  
3 give a very brief discussion on the status of his work. Do you need  
4 an overhead projector?

5 DR. CRELLIN. It looks like it will be a hassle setting it up. I have about 20  
6 handouts here of one-pagers if we can hand them around the room  
7 as far as they go. So let's do that and that way we don't have to  
8 disturb the projector. October 17, 1998—we had a meeting of the  
9 Greater Memphis Environmental Justice Work Group, and I was  
10 asked tonight to come to just give you a briefing on some of the  
11 things that happened at the meeting and basically my agency's  
12 recent activity. We have several subgroups within the agency or  
13 the agencies within the work group.

14  
15 The first one is the one that is reevaluating the 1995 Public Health  
16 Assessment. It is called the Site Review and Update Subgroup.  
17 Some of the things that we shared at the October 17 meeting were  
18 my preliminary conclusions on the site. Preliminary conclusions  
19 that currently the Memphis site, the contaminants from the  
20 Memphis Depot do not represent a long-term health hazard to the  
21 people living off the site. That is my preliminary evaluation of data.  
22 It needs to go through review by all the people involved in this  
23 room or whatever. The reasons why I make that statement now, I  
24 thoroughly looked at the data and there is a lot of data on this site.  
25 Again that is my preliminary conclusion. The second thing is that  
26 when you look back in time, especially far back, this is a site that

1 has been around a long time. I wasn't able to determine whether  
2 there is a health hazard or not. There are so many uncertainties so  
3 many data gaps I just can't say. Something could have happened.  
4 Maybe it didn't. I don't know. And I don't know of any way right  
5 now of solving that. I've had some suggestions, and we will look  
6 into those

7  
8 The other thing I wanted to mention was that we talked about was  
9 off-site sampling. ATSDR, through our own, we have a group that  
10 does environmental sampling that will do sampling off-site. We  
11 sent out a list to people of proposed areas. We got a few  
12 suggestions back, but we're going to continue to develop what  
13 we're going to do. We will work to develop our protocol as far as  
14 what we're going to sample for, where we are going to sample, and  
15 how we are going to sample, basically, with all the stakeholders  
16 involved in the site which is the Concerned Citizens Committee,  
17 EPA, the Depot staff, the members of the RAB. So you all know  
18 what we're doing. As far as the current status of the document, it  
19 has taken me far longer than I ever thought to do it. I'm hoping  
20 that I will be done in three or four weeks. And then it goes out for  
21 data validation. And then probably in another four to six weeks a  
22 draft document will be ready for people to look at.

23  
24 Let me quickly cover the Health Subgroup. The preliminary, again,  
25 we released this information in October. The overall cancer rate for  
26 the six census tracts immediately around the site were not elevated

1                   There was an elevation in male stomach cancer and in women, in  
2                   endometrial cancer, endometrial and uterus. We are still looking at  
3                   the data. We have extra information, another year's worth of data  
4                   we are going to look at. We hope to have a draft in another month  
5   DR. KIRK:       What data are you looking at?  
6   DR. CRELLIN:   We're looking at the cancer incidence data that the state holds for  
7                   the city of Memphis and for Shelby County, and we're looking at  
8                   all, you know, we looked at a wide variety of cancers  
9   DR. KIRK:       These documents you are looking at are they complete documents  
10                   on, does it come from our health department?  
11   DR. CRELLIN:   They come from the hospital case records. That's the way they  
12                   pick them up. It is from what they tell me, it is pretty complete  
13                   reporting as far as these things are done. They have 80 or 85 or 90  
14                   percent of the hospitals. The cases that can be reported are  
15                   reported and that is considered acceptable.  
16   MR. PHILLIPS:   Can I interrupt? You have another couple of issues? Are you able  
17                   to give updates on those or are you really involved in those?  
18   DR. CRELLIN:   I am not as much involved with this. We passed the sheets around  
19                   or whatever. I guess if you have questions afterwards I would be  
20                   glad to provide as many answers as I can. I am much more  
21                   involved in the first two issues than these others. I guess the one  
22                   thing I would like to just briefly mention the Health Care Subgroup,  
23                   this is the idea of having the Memphis Health Resources Services  
24                   Administration (HRSA) Clinic. It's a government-funded clinic  
25                   that is partly funded by the government that could, people that have  
26                   concerns about their health and want a place to go for competent

1 treatment. We are setting up with them through a cooperative  
2 agreement, and then through, they will have available, experienced,  
3 environmental physicians from Meharry that will basically train their  
4 staff to know what to look for, or how to include environmental  
5 types of diseases in their diagnosis.

6 MR. PHILLIPS: We have a question or comment from Ms. Bradshaw?

7 MS. BRADSHAW: John, you said there was no elevated cancer in the community but  
8 there was elevated cancer and stomach cancer and ovarian cancer,  
9 right? Or cervical cancer?

10 MS YOUNG: No, uterine

11 MS. BRADSHAW: You said it wasn't, but those two cancers was elevated?

12 DR. CRELLIN: I meant that there was an elevation in males for stomach cancer and  
13 there is an elevation in women for uterine cancer. Overall for men  
14 and women for stomach cancer, there wasn't an elevation

15 MS. BRADSHAW: Also, we didn't ask for just five years We asked for 20, going with  
16 a 20 year data We wanted a 20 year data because you can't tell  
17 anything about no five years Because cancer, people report cancer  
18 every day

19 MR PHILLIPS: Okay Thank you.

20 DR. CRELLIN: Can I just respond? To do 20 years, we have to do mortality data  
21 which is not as good as incidence data And the state of Tennessee  
22 now has, the reason we are doing it next year, they now have six  
23 years of data, 1990 to 1996 But that is like a lot of states, there is  
24 not an extensive incidence data base which is the actual hospital  
25 case records You know people getting sick rather than a  
26 mortality, of course, is whether people die of that

1 MR. PHILLIPS: Thank you Mr. Brayon?

2 MR. BRAYON: I guess that is my question to you. Was it a six year data collection  
3 base? What parameter of time did you collect the data?

4 DR. CRELLIN: 1990 to '95.

5 MR. BRAYON: How do you know it is elevated or not elevated? What criteria did  
6 you use for your case?

7 DR. CRELLIN: We compared it back to the national rates. One of the things we  
8 are going to do this second time period is we are going to compare  
9 it back to county rates and, also for the city of Memphis because  
10 there can be differences in what you are seeing just based on what  
11 is typical for an area.

12 MR. BRAYON: Six years. And you have got work to do yet?

13 DR. CRELLIN: It should be done in a month. Most of the actual analysis has been  
14 done and has been written up.

15 MR. PHILLIPS: Ms. Hooks.

16 MS. HOOKS: Doris asked the question that I was interested in. It was a point of  
17 clarification. Thank you.

18 MS. BRADSHAW: Could I clear up one more thing on the census tract. That data is  
19 not accurate because 38106 goes all the way over to Mapco and as  
20 it goes it spreads outward. It kind of thins out, the data that we  
21 need. So it's problems with the whole data that was taken. They  
22 are supposed to be going back and doing it like a half mile radius  
23 and capturing what is found in the half mile radius, then I believe up  
24 to a mile radius, then a mile and a half to two miles. So it is  
25 incomplete.

26 MR. PHILLIPS: That is a good point.

1 MS BRADSHAW: He didn't bring out those points

2 MR. PHILLIPS Thank you The next agenda item and we are 20 minutes behind  
3 right now No, 10 minutes behind right now. I just checked my  
4 watch. Hey, we're getting there.

5

6 **Technical Assistance and Public Participation (TAPP) SUBCOMMITTEE**

7 **Review Scope of Work and Contractors to Submit to DOD**

8

9 MR PHILLIPS Ms. Elizabeth Young. She was on the subcommittee for the TAPP  
10 application.

11 MS YOUNG. Good afternoon I'm sure that all of you saw all the papers that  
12 were lying at your spaces on this table. You are charged with  
13 taking those with you and reading them and coming to some  
14 conclusion of who it is you want to represent you with this TAPP  
15 Grant We've been talking about this for the last five months.  
16 Personally, I am a little sick of it. I think we need to bring some  
17 closure to it, and it is up to this board to close this project The  
18 three items that are in front of you are from Environmental Realty,  
19 Hess Environmental Services and the Southern Center for Studies  
20 and Public Policy.

21

22 I asked you all to please call the Depot and let them know if you  
23 knew of any environmental agency that was interested in doing the  
24 work for the TAPP Grant. Nobody called So I was advised to go  
25 to the Yellow Pages. I did secure some names from there, and  
26 Hess was the only one who responded Environmental Realty had

1 already made a physical presentation to us But what I'm going to  
2 call their resumes, qualifications and experience, are in your hands  
3 now What I would like for you to do is read the statement of  
4 work, the scope of work, and see, it is there on the table, and see  
5 which one of these companies you think would fit the bill. You are  
6 also charged with, by April 29, of calling Alma Black Moore.

7 MS. MOORE: No. January.

8 MS YOUNG: I'm sorry, January of this year, the 29. Please call Alma and let her  
9 know which of these three you wanted Rank them first, second  
10 and third. You might like them all, but we need your vote. And if  
11 you can do that for us Now, the committee could recommend  
12 somebody for you, but that's not why we got together. It is a  
13 decision the whole board needs to make. If you would be about  
14 your business and do that, we would certainly appreciate it

15 MR PHILLIPS I would like to add, first of all I would like to recognize the efforts  
16 and it is appreciated, believe me. If the board does not, first of all I  
17 encourage you to read the statement of work and see what it is that  
18 the grant money is proposed to buy you. This is a service that you  
19 are buying I would also like to

20 MS MOORE: It is a draft They can add comments if they want

21 MR PHILLIPS: If you have comments on the services, give those to us by January  
22 29 as well Let me just pass along to you what will happen if the  
23 members don't take the time to review these statements of  
24 qualifications from these three fine companies. If you don't take  
25 that time, we send this package up to our contracting folks in  
26 Pennsylvania with, you know, potential offerors of the services that

1                   you are asking for And somebody in Pennsylvania makes the  
2                   decision for you with no input from you. That's what it is. The  
3                   application is going to go in, and we're going to find somebody to  
4                   provide these services for you I hope it is who you wanted. That  
5                   is it.

6    MS. HOOKS:       Shawn, might I ask, I understand Environmental Realty didn't do a  
7                   presentation, but there is not provided in this document a scope of  
8                   the work that.

9    MS. YOUNG:       The scope of work is what we developed. You should have it there  
10                   with yours.

11   MR. PHILLIPS:    A statement of work for this project is a very brief page and a half  
12                   document Are there any other comments on this agenda item?

13   MS. HOOKS:       I am not finished Not to belabor this I realize this is the statement  
14                   of work that we're interested in a company doing. What I am  
15                   asking is whether or not the presentation has been made by  
16                   Environmental Realty? Hess, of course, is here and Southern  
17                   Centers But is there anything in the documentation from them that  
18                   indicates what they would be willing to do Because if you are  
19                   following where I am going I might recommend Hess because what  
20                   they have got in this packet looks good, but I don't know whether  
21                   Hess can perform our statement of work or is willing to perform  
22                   our statement of work And that is the question that I am asking.

23   MR. BALLARD       The statement of work, review it, see what it is submitted and see  
24                   which one they best fit



1 MS. YOUNG That best fits the scope of work The TAPP Grant says that these  
2 are the things these companies must do, and all of them do it But  
3 which one of them does it best?

4 MS. HOOKS I understand that. I understand that. So they are aware of what the  
5 statement of work is?

6 MS. YOUNG. Yes. Every one of them

7 MS HOOKS. Thank you very much.

8 MR. PHILLIPS: Let me be frank with you You are one of the three offerors, and I  
9 am sure it is inappropriate for you to talk

10 MR. WILBURN: Jessie Wilburn from Environmental Realty.

11 MR. PHILLIPS I need to ask the board, let the board know Mr. Wilburn, he's one  
12 of the potential offerors He, I am sure, would like to discuss that  
13 he can meet the statement of work that the board is asking for. Is it  
14 the will of the board to hear that?

15 MR WILBURN I don't want to speak on that I just want to say something

16 MR PHILLIPS Would the board like to hear this?

17 MS PETERS: I don't mind hearing him. That's all right

18 MR PHILLIPS Those who want to proceed with this? Please go forward

19 MR WILBURN What she was saying about what you have received before you, to  
20 be perfectly honest, I think Ms Black called me and told me she  
21 had lost our qualifications. And in my haste to get her something, I  
22 didn't know really what she wanted to do with it Now I know she  
23 wanted to pass it out and for you all to make a decision In my  
24 haste I gave her a qualification that only talked to us as asbestos  
25 and lead-based paint abatement people  
26

1 In reality we have a variety of other qualification statements that we  
2 sent out For instance the one to Firestone is totally different from  
3 the one that you have before you, because we try to send them out  
4 based on the issues involved. You don't have too much in the one  
5 on Environmental Realty talking about what they can do for you  
6 MR. PHILLIPS Let me make a comment then, or a suggestion There are two ways  
7 that we could get the proper information from Environmental  
8 Realty. Their number is on the third page of their package. It is at  
9 the very top Individuals from the RAB can contact them and feel  
10 them out, if you are interested You could provide us with  
11 something updated  
12 MR. WILBURN: I can mail each one of them a copy.  
13 MR. PHILLIPS. If we could get it by close of business tomorrow, Alma will get it  
14 out to the folks  
15 MS. MOORE I can give him a list of the RAB members, and he said he can mail it  
16 out  
17 MR. WILBURN Yes. I can mail each one of them  
18 MR. PHILLIPS Try to get it to us by tomorrow so they can get it on the weekend  
19 The first comment was Ms Bradshaw  
20 MS. BRADSHAW: Yes. I gave Alma the Southern, what is the name of that group, the  
21 group out of Atlanta? And she picked the wrong doctor  
22 MS. MOORE Well, let me clarify that That is the guy I met at the National  
23 Environmental Justice Advisory Council (NEJAC) meeting The  
24 guy who you were referring to was not called. The people who  
25 responded with packages to me are all that I can submit. So the

1 one that responded was the guy, Bob Holmes, that you guys got a  
2 copy on The other Bob never did respond.

3 MS. BRADSHAW We never did get a chance to contact him, a Dr Bullard He's in  
4 the same area. I want to try to get that packet in as soon as  
5 possible to you because he is well known throughout the United  
6 States

7 MR PHILLIPS Prior to January 29 and I believe it can be included in what we can  
8 send up

9 MS BRADSHAW I thought that we didn't have to pick one, that it could be several.

10 MR PHILLIPS She did not ask you to pick one. She asked you to rank them.  
11 That is all you have to do

12 MR FLYNN Ranking

13 MR PHILLIPS. Mr English

14 MR. ENGLISH The only comment I want to make is that this is sort of becoming a  
15 prebid meeting in a sense

16 MR PHILLIPS. That is extremely touchy

17 MR ENGLISH It is. I wanted to make sure that the information we pass out to  
18 everyone for you to consider is identical If a member has no  
19 chance to respond, that they all have a chance a respond to a  
20 specialization, if we all call it that We are heading down some  
21 shaky paths here

22 MR. PHILLIPS. Mr. Clay.

23 MR. CLAY. I'd like to move that we send this back to the committee and let  
24 them straighten it out so we don't spend this much time in meetings  
25 anymore

26 MR PHILLIPS Ms Hooks

1 MS. YOUNG Ms Hooks?  
2 MR. PHILLIPS Ms Hooks was up first  
3 MS. HOOKS I am looking. This has just been a cursory examination of the  
4 documents in front of me, but I will tell you there is absolutely no  
5 way I can rank anybody or make a representation. What I have in  
6 front of me are the qualifications of one company, a client list on  
7 another list. This obviously, is too large for me to go through.  
8 What I am looking for, if I am being asked to rank so that we can  
9 choose, is a proposal from a company that says, based on this  
10 Request for Proposal (RFP), this is what we can do. Okay, and  
11 then attached to that they can give me their qualifications.  
12  
13 I don't have the expertise, quite honestly, to sit here and look at the  
14 qualifications of a company to make a determination that just  
15 because this is their client list means that they are going to do what  
16 is in our scope. And if we are not doing a request for a proposal  
17 where we can analyze the differences between company A, B and C  
18 based on the scope of work that we're asking, you are not going to  
19 get a reply from me, because I am shooting in the dark.  
20 MR. PHILLIPS That is your prerogative.  
21 MS. HOOKS If sending it back, Shawn I am sorry, I differ rather than it being a  
22 prerogative. I want to be able to make an educated decision based  
23 on what I have before me. Anybody that's sitting here that looks at  
24 what they have before them does not have a proposal that suggests  
25 that they will carry out the specifics that are in here. And if  
26 someone does, I don't want to belabor my point, but please take the

1 time after the meeting to explain it to me, because I am obviously  
2 missing it Thank you.

3 MR PHILLIPS: I should explain a bit of the TAPP process. Comment from Ms.  
4 Peters.

5 MS PETERS: My concerns are if the proposal that we're going to get the grant  
6 for, I think it ought to be clear to each company what we want  
7 from them, what we expect them to do according to what we can  
8 get out of the \$25,000 We don't need to know all of the things  
9 that they do We need to know the things that they can do for us  
10 according to what we are fixing to deal with in that \$25,000 I  
11 think if we would be to the point on that and not want to know  
12 everything the company can do since we ain't fixing to hire the  
13 company to do everything they can do. Let's just have them, you  
14 know, specify about putting in there what we need done with the  
15 program that we are going to do How will that work?

16 MR ENGLISH: This statement of work needs to be firmed up, finalized, presented  
17 to any and all people that we might want to consider They  
18 respond to this The way they respond to this, in other words, I am  
19 agreeing with everybody else that said something The way they  
20 respond to this is the way we grade them We don't look at the  
21 people they serve, the kinds of work they do We want to look at  
22 what we want them to do for us If we want to get more specific,  
23 that is fine. If we want to leave it like this, that is fine We have a  
24 tougher grading job. We give this to them final and say here is  
25 what we want you to do, how can you respond to our needs, and  
26 we grade them based on that

1 MR. PHILLIPS Ms Bradshaw

2 MS. BRADSHAW I think that some of the companies didn't understand what we were

3 talking about technical assistance. People kind of misunderstood

4 that. But what we were looking for, technical assistance from

5 people, was that they had experience in participating with

6 community people and that can give technical assistance to the

7 RAB. Now that was my understanding. Are you saying that it

8 doesn't matter what they have done, and they have no experience in

9 this particular arena to give technical assistance? Then, you know,

10 I don't see how they can...

11 MR. PHILLIPS Ms Young had a comment

12 MS. YOUNG Yes, I sure did. I would like to make a suggestion that Alma

13 reword whatever information she sent to these companies and send

14 them the scope of work with something like are you able to provide

15 these services for us, and let's bring this to a close because...

16 MR. PHILLIPS Let me explain the contracting procedure as it has to happen. I

17 hope this will explain it to you too, Alma. I've heard it go all the

18 way around the table. Unfortunately, I should have explained this

19 up front. What members of the RAB are going to do when they

20 look at these qualifications, statements of qualifications, from these

21 potential offerors, in essence, is going to tell a contracting officer in

22 Pennsylvania only that these guys are on the playing field or not.

23

24 The request for proposal, your RFP as you referred to, goes out to

25 all the bidders. They propose on that scope of work to the

26 contracting officer. The contracting officer makes the selection,

1 and this grant is awarded to that offeror You are doing a  
2 preclearance for the contracting officer to know these offerors are  
3 on the playing field. I would not lose any sleep over what you are  
4 doing here And if we just want to provide the contracting officer  
5 offerors out of the Yellow Pages, we can do that little. Ms Moore.  
6 MS MOORE. Please, RAB members, I'm going to make this statement. I wanted  
7 to make it because we have three TAPP Subcommittee members  
8 Let's be fair We've talked about this We've called you We've  
9 asked you for your input, your suggestions of companies and what  
10 you want done. And, let's be honest, nobody has submitted that  
11 information \

12  
13 Ms Young submitted some suggestions. I called these companies  
14 and explained that we were working on our scope of work and  
15 asked if they were interested This is a draft scope of work. We're  
16 asking you for your input. Now, what I'm hearing now is us to go  
17 back to the drawing board and get all of this again, and then it will  
18 be the same two or three people If we don't get the proposal or  
19 the interest from a company, we just can't get anymore companies.  
20 So we need everyone to make a suggestion of a name of a company  
21 if you have one in mind We've done that. Ms. Young, haven't we  
22 done this over and over?

23 MS YOUNG. Yes

24 MS. MOORE And it's the same people making the suggestions. So what I am  
25 saying is those companies, those three people right there, are the  
26 only people who have voiced a concern in the Memphis Depot

1 Restoration Advisory Board. If there are other companies out there  
2 that you know about, it is your money. It's your project. I'm  
3 trying to be a liaison. So if you know about another company, then  
4 you can contact them. You have that right to forward the  
5 information, to go through the procedures. But nobody has  
6 recommended any companies other than these companies. I haven't  
7 gotten any information. I called a couple of other companies. They  
8 didn't even call me back. So that's where we are now.

9 MR. PHILLIPS: I don't know who was first. Ms. Hooks.

10 MS. HOOKS: For clarification purposes, my issue has absolutely nothing to do  
11 with who responded. My issue has nothing to do with what work  
12 has gone before. My issue has nothing to do with the fact that I am  
13 one of those that did not call back. My issue has nothing to do with  
14 anything other than I have been asked to evaluate three companies  
15 based on a list of their clients. And, I am sorry, Shawn I have to  
16 tell you this, a comment that that is my prerogative is certainly  
17 inappropriate. It is my prerogative that I am sitting here. I really  
18 don't, I don't need that.

19  
20 But in order for me to make an intelligent decision to do what I just  
21 was asked to do, I have to have something in front of me that  
22 makes me know the people that have expressed some interest,  
23 whether they came out of the Yellow Pages or they picked up the  
24 phone and called, can, in fact, perform this statement of work. And  
25 if what I think I heard you tell me was somebody up in  
26 Pennsylvania is going to make this decision for us anyway and all



1 we're doing is saying here are three people we would like you to  
2 consider, then I don't need that kind of exercise.

3  
4 I need to be able to evaluate whether or not a company can perform  
5 a statement of work. Now, are you telling me that the boss up  
6 there is getting ready to say, well, that is all very well and good that  
7 you all have taken the time to do that, but we are going to choose  
8 that company over there? Then I am really busy, and I can focus on  
9 some other aspect where my input is valuable

10 MR. PHILLIPS: I apologize to you for that statement about prerogative. That was  
11 inappropriate. I am sorry Mr. English.

12 MR. ENGLISH: I kind of agree with Ms. Hooks to the extent that what we have in  
13 front of us here, with these different potential contractors, is  
14 varying degrees of information, or quantities of information. And I  
15 think it is definitely wrong for us to rank these guys because,  
16 basically, from what we've gotten here we can't rank their abilities  
17 to do that job for us

18  
19 We need to present to them, and my suggestion is from all our  
20 good work, we only got three answers. These are them guys. Let's  
21 go with them. Let's firm this scope up, get them to these guys and  
22 let them go with it. These are the guys showing the interest now.  
23 Let's go with it and get this thing solidified here the statement of  
24 work. Anyway that we want to better it, better it, and go with it.  
25 Let's don't propose any language to anyone. Let's decide who we

1 like and let some guy in Pennsylvania propose what he wants to do,  
2 and see what we can do from that.

3 DR. KIRK I'm in total agreement with Ms. Hooks I am too busy to get  
4 caught up with something else if we are not able to make decisions  
5 If the only thing we do is collect information and send it to  
6 someone else to make the decisions, we don't really need to be  
7 wasting time My concern, it probably goes a little deeper than this  
8 item that we're dealing with right now, but it has something to do  
9 with it.

10  
11 And, I would like to know, see if you can give me a list of all of the  
12 minority participation in all of the projects around here Can you  
13 get that information for me, the minority participation in all of the  
14 projects that we have? I understood that we had somewhere close  
15 to a \$100 million dollars that's being spent in this area, somebody  
16 said earlier, and I would like to know what type of participation we  
17 have with minorities

18  
19 And, if it is where I think it is, I know one of the companies that is  
20 applying for this, you know, the right to do the work here I dealt  
21 with them on another board, on a Memphis city board and two or  
22 three other boards where we used these companies. Once this goes  
23 to Pennsylvania there, we don't know what criteria they select from.  
24 I would like to look at that. And once we find the qualified  
25 minorities companies, we ought to bring them in

- 1 MR. PHILLIPS I can get an answer to you from your question about minority-  
2 owned businesses which our contractors are currently using, the  
3 Corps of Engineers. I can get that information I will provide that,  
4 hopefully, as an attachment to the minutes that go out. Ms  
5 Bradshaw.
- 6 MS BRADSHAW: I wanted to ask, I feel like some people don't understand what the  
7 TAPP is all about I think by them not being able to be here, they  
8 will understand that it was for the community to use for technical  
9 assistance. This is not for the officials It was for our training,  
10 right?
- 11 MR. PHILLIPS. For the voting members of the RAB
- 12 MS. BRADSHAW Maybe you need to give them the qualifications of the TAPP.
- 13 MR. PHILLIPS. I will point back to a few months ago Mr. Mike Dobbs from New  
14 Cumberland, Pennsylvania did a presentation on the TAPP If  
15 anybody would like to get a copy of that presentation so they can  
16 see what this grant is all about, I encourage you to call Ms Alma  
17 Moore She can drop another copy in the mail to you.
- 18 MR COVINGTON I just wanted to see if I could get this straight, or get a clarification,  
19 on how this contracting is going to be done or how the procedures  
20 work in Pennsylvania
- 21 MR PHILLIPS Is that a question?
- 22 MR COVINGTON. It is just a question for you or for anyone else who can answer that.
- 23 MR. PHILLIPS Mr. Covington's question was to try to get some clarification on  
24 exactly how the contracting is done, how the contracting officer  
25 makes their decision, how this grant is awarded I would suggest,

1 with all the conversation on this, I need to do that So do we have  
2 any motions to table this discussion until I get that information?

3 MS PETERS Mr Chairman, could I say something?

4 MR. PHILLIPS: Actually, Kevin Clay.

5 MR. CLAY. I just want to say that, to kind of piggyback on Dr Kirk's  
6 statement, I think we need a full account of how much minority  
7 participation is involved in this project, too A \$100 million dollars  
8 is a lot of money being spent, and the fact that we don't get any of  
9 the business—it ain't right. I'm going to go on record and see how  
10 much have we gotten, one percent, one-half of one percent, of that  
11 \$100 million dollars? The day is too long to keep stuff the old way  
12 It's time to do it right You can always count on me to be the first  
13 one to throw a monkey-wrench into the situation But we've been  
14 doing wrong It is time for us to come out and do it right.

15  
16 The entire board—from anybody at ATSDR, any contractors they  
17 use, any contractors the Defense Depot uses—any contractors the  
18 board uses. We need to have some minority participation. I'm not  
19 racist, but I am tired of being left out. I want a place at the table I  
20 want a place in the line at the bank I want to be involved in it  
21 And it is time for everybody in this room You know I'm telling  
22 you the truth If you don't, you are racist!

23 MR. PHILLIPS: That is why I jumped right on Dr Kirk's suggestion I can find that  
24 information because we do document that

25 MR. CLAY. We also need to, once we get the information, we need to make  
26 some adjustments on it.

1 MR. PHILLIPS May I mention this goes back to a concern that Ms. Hooks had last  
2 year about Dunn Field with dust on the road. I would like to point  
3 out that the contractor that got that entire job is S&W. They are a  
4 road firm owned by a very respectful man, Mr. Floyd Veasley.

5 MR. CLAY: Shawn, in the big picture, that man doesn't get one-tenth of one-  
6 half of one percent! We're talking about real dollars here, and the  
7 issue is on the table. We need to stand up to it. If this is not the  
8 board to do it, if it is the other board should do it, whoever is  
9 awarding the contracts, we need to have some minority  
10 participation. The day is over with for just calling our friends in to  
11 bring the fluorspar, put the dirt in and to shift it from here to there  
12

13 Everybody is getting rich and say we've done something in the  
14 community. That ain't working. These folks are out here walking  
15 around poor. We ain't got no say-so. Telling the board we ain't got  
16 no input. And we have got to sit here and listen to this stuff. I can  
17 speak for Kevin. I could be making \$110 an hour somewhere else.  
18 I'm volunteering my time. And if I am going to be here, I want to  
19 have an input. I don't want just to be part of a board with nothing  
20 else to say other than yes sir. I am through with that.

21 MR. PHILLIPS Mr. Brayon

22 MR. BRAYON: I would like to have a point of clarification as to where we are with  
23 the Technical Assistance Public Participation Grant, the TAPP  
24 Grant. I would propose, I won't put it in a motion until you can  
25 clarify this. Are we going to send the three people the criteria so  
26 that they can return their proposal according to the criteria, and that

1 we can either vote on it or let the committee vote on it or to bring  
2 end to this procedure? Now, I haven't heard what we are going to  
3 do.

4 MR. PHILLIPS: If I was to get the contractual procedures clarification that you  
5 asked for, how does the process work in terms of the selection  
6 committee and the award of the grant I think that will answer that  
7 question, but I don't know how that is done off the top of my head

8 MR. BRAYON: I didn't make myself clear. You've got three people that have  
9 submitted a proposal for this particular situation, and Ms. Hooks  
10 has pointed out a very valid problem. It is not adequate for us to  
11 make a decision. I thought that we could send it back to them with  
12 the criteria again, let them resubmit. And if they miss the criteria  
13 then, forget it.

14 MS. MOORE: That is right.

15 MR. WILLIAMS: I totally agree with you, Mr. Brayon. I think that the statement of  
16 work should go back out to the people who submitted the  
17 applications or the information. I think we should send the  
18 statement of work back to them. I'm saying that I think the work  
19 sheet should be sent back out to them to give the people an  
20 opportunity to really apply to be the agents for us with the TAPP  
21 Grant and give them the opportunity to really set forth their best  
22 efforts to answer the questions and see if they can meet the criteria  
23 that we're looking for. I think that the subcommittee should, if I  
24 can get Ms. Young to maybe consider that, redoing that, I would  
25 appreciate it. But I know she's been working very diligently.

26 MS. YOUNG: I would be glad to. Can we move on?

1 MR. PHILLIPS We do need to move on. We are significantly behind our schedule  
2 now I would like to table this discussion. Can we table it until  
3 next month?

4 MR. BALLARD No. I had something to say about it. I think it is pretty simple, and  
5 I think Jordan already said it. I think Ms Hooks already said it  
6 And that is, according to what you said about the contracting  
7 procedure, this board will be making no decisions about which  
8 contractor gets this work

9  
10 So if we got three names you submit them Then the folks up in  
11 Pennsylvania send out the RFP with our statement of work They  
12 get proposals back, and they do the evaluation If they are making  
13 the decisions anyway, why does this board have to go through  
14 another iteration of, you know, receiving stuff and saying we like  
15 this guy If the official proposal that comes up after the bid goes  
16 out says, you know, after that is evaluated and they say, well no,  
17 we think this guy is better.

18 MR WILLIAMS But to give the other contractors a better opportunity to better --

19 MR BALLARD Which other contractors?

20 MR WILLIAMS Whoever has submitted

21 MR BALLARD That is three guys, right?

22 MR WILLIAMS Well, to give them a better chance of

23 MR BALLARD They will.

24 MR WILLIAMS Of when it goes to

25 MR BALLARD They will get a better chance because this stuff won't be considered  
26 This statement of work and their three names would go up to

1 Pennsylvania. And the RFP, based on this statement of work,  
2 would go to them, and they would be invited to submit a proposal  
3 for this statement of work to the folks in Pennsylvania. And then  
4 they will make that decision See they're not going to get this stuff,  
5 right?

6 MR. PHILLIPS: This sounds like this could be a motion.

7 MR BALLARD. I move that these three names and this, or a tightened up, statement  
8 of work be sent to the folks in Pennsylvania.

9 MR ENGLISH. I have a point of clarification. Are you absolutely sure that it goes  
10 to a person in Pennsylvania to make this decision without any input  
11 from us?

12 MR PHILLIPS. No I want to check that out. Mr Brayon

13 MR BRAYON I understand what Mr. Ballard is saying, but I would not want to  
14 attach my name or the committee's name to sending forward  
15 somebody that I have no inkling about what they can or cannot do  
16 I would like to have input first, even though I don't make the final  
17 decision If I send something forward, I want to be able to say I  
18 back this person to the hilt

19  
20 Now if you're reasonably assured, Mr Ballard, I would take your  
21 word for it, that these people can do the work and are reputable,  
22 and I happen to know one of the gentleman in this particular  
23 business. I would back him a hundred percent, but I want some  
24 clarification You just don't attach your name to somebody chosen  
25 out of a yellow telephone book There is too much stuff going on  
26 now



1 MR. WILLIAMS. I would like to make a point here. Right now it is about 28 after  
2 7:00 p.m. And I am asking the board at this present time, would  
3 someone like to make a motion to continue this meeting or table all  
4 of this until the next time because we are embarking on 7:30 p.m.?

5 MS. PETERS: It is to the point of what you're saying, because I've been talking  
6 about this TAPP Grant for three months, and it ought to be coming  
7 to some conclusion. I don't think you ought to send no three names  
8 up there, because they're going to look over that and say you don't  
9 know what you're doing no way and then pick somebody. If you  
10 would come up to the conclusion of sending one name, I believe it  
11 would get more help or something than sending three.

12 MR. WILLIAMS: May I call a point of order?

13 MS. PETERS: I ain't trying to make no motion.

14 MR. BALLARD: I had a motion. I made the motion.

15 MR. COVINGTON: Seconded.

16 MR. FLYNN: Vote.

17 MR. ENGLISH: Can we not discuss?

18 MR. PHILLIPS: Suggestion from the chair. We are operating here without the full  
19 knowledge of how this process works, because I don't know the full  
20 knowledge. Let me answer Mr. Covington's question. It may take  
21 asking someone who knows about this TAPP presentation or TAPP  
22 process better to come back and give us another presentation.

23

24 At the very minimum, I would like to speak with the TAPP  
25 Subcommittee, because they have the TAPP protocol. I would also  
26 like to speak, with that protocol in my hand, to a contracting officer.

1 who is going to make this decision and ask about what can or can't  
2 be presented to the RAB and who will or will not request the  
3 proposal from a contractor. So may we table this?

4 MR. BALLARD I withdraw my motion.

5 MR. ENGLISH I would like to say, I agree with your desire to wait and find out  
6 really what we can do. I think we really need more information. At  
7 the same time, regarding the statement of work, I think this part of  
8 it can go forward. I think this is a good starting point. I think,  
9 largely it is a pretty good document. I have one idea that can help  
10 you and there may be some more after I have had a chance to look  
11 at it a little more \

12  
13 But I think we can continue with refining the statement of work,  
14 but also in the meantime, wait for a clarification on how this  
15 process actually works, because we may be able to work this thing  
16 better because we know how it works, and propose to whoever we  
17 want lists of people that we like, all of them. And if anybody we  
18 don't like, we don't send it up. So that way their decision is tough,  
19 and there is one person for them to pick from that is who they are  
20 going to get. Just an idea.

21 MR. PHILLIPS Question for presenters and for the board. Due to the length of  
22 time which we are running, may we take, I will read down through  
23 several agenda items to table to the next meeting. I would like to  
24 table The Environmental Justice Advisory Council Meeting  
25 discussion from Ms. Doris Bradshaw who attended that meeting. I  
26 would like to table that. Also, in the New Business the visit to

1 Ogden, Utah, that is something coming up later this summer. So I  
2 could table that until next month The BRAC Cleanup Team  
3 update?

4 MR. GRAY: Under our charter, we're supposed to get a report every month

5 MR. PHILLIPS: Mr. English, can you tighten up your presentation?

6 MR. ENGLISH: It is very quick.

7 MR. PHILLIPS: And, Kevin, Mr. Clay

8 MR. CLAY: I can do it in half the time, easily.

9 MR. PHILLIPS: Thank you You are on

10

11 **REPORT ON RAB MEMBERSHIP SUBCOMMITTEE**

12

13 MR. CLAY: We had a meeting I'm one of the members of the membership  
14 subcommittee, along with Mr. Truitt, Jim Covington, and I think  
15 that is basically the group that participated. We held interviews  
16 with three very strong candidates We had Mr. Wayne Booker,  
17 Ms. Peggy Brooks and Mr. Stanley Tyler Quite frankly, we had  
18 difficulty coming up with one name, to elevate one name, but one  
19 guy did stand out above the other two when we looked at the big  
20 picture

21

22 Mr. Tyler is the person that we submit from the committee to the  
23 board to fill the seat that was vacated by Ms. McGlown We also  
24 felt very strongly that Mr. Booker and Ms. Brooks were very good  
25 potential candidates for representation on the board And we  
26 encouraged them to stay active with the board and, you know,

50

1 work with us So I guess the committee goes forward with  
2 recommending Mr Stanley Tyler to fill the vacancy by Ms. Karen  
3 Blanks McGlown  
4 MR. PHILLIPS: Is there a second?  
5 MR. COVINGTON: Second.  
6 MR. PHILLIPS: Is there any discussion on Mr. Tyler being nominated?  
7 MR. CLAY: Mr. Tyler is here, by the way.  
8 MR. PHILLIPS: Mr Tyler, would you like to identify yourself?  
9 MR. TYLER: Sure. Stanley Tyler.  
10 MR. PHILLIPS: There is no discussion. Those in favor?  
11 RAB MEMBERS: Aye.  
12 MR. PHILLIPS: Those opposed? Abstentions?  
13 MR. CLAY: Shawn, I had one other I'm sorry  
14 MR. PHILLIPS: I would like to welcome the new board member Would you like to  
15 come up, Mr. Tyler?  
16 MR. TYLER: Thank you We will save the formal ceremonies so we can speed  
17 the meeting along  
18 MR. PHILLIPS: Mr. Clay.  
19 MR. CLAY: Also, there is another issue that has been brought to my attention  
20 about a member who has, I think quit or hasn't officially resigned,  
21 but she has missed several meetings. We've made several attempts  
22 to contact her for her to give us some feedback as to her intentions  
23 And to date we haven't received any feedback  
24  
25 It is the board's, the charter pretty much says that all RAB members  
26 are expected to attend every scheduled meeting. Members must

1 contact either the Defense Depot or the Environmental Office if  
2 they are going to miss a meeting or send a representative in if they  
3 are going to send one in their stead. Basically, the member in  
4 question has not lived up or met any of the basic qualifications to  
5 retain membership on the board I just want to present to the board  
6 the idea of possibly removing her from the board and opening the  
7 board up for a new position. Mr Covington? Mr. Truitt who is  
8 not here today.

9 MS. MOORE: Who is the person in question?

10 MR. CLAY: It is Ms -- what is her name?

11 MS. MOORE: Veronica Smith \

12 MR. CLAY: Veronica Smith, I'm sorry So, believe me I'm not one to want to  
13 remove anyone from the board, but I do think the board in order to  
14 be effective must have good, active membership. I'm moving that  
15 we open up for a vote for removal or whatever.

16 MR. BALLARD: Second the motion

17 MR. PHILLIPS: Was that the motion?

18 MR. BALLARD: That was the motion

19 MR. PHILLIPS: And the second, okay Any discussion on that?

20 MR. CLAY: I would like to say she is not here on the board, so it is not that we  
21 are forcing her out

22 MR. WILLIAMS: Was a certified letter sent?

23 MS. MOORE: Yes, it was

24 MR. WILLIAMS: Mr Gray

25 MR. GRAY: You answered some of my questions in that discussion We  
26 notified her of the jeopardy to her position. Do you remember how

1 many meetings she attended last year? I know she missed some  
2 Did she attend any meetings last year?  
3 MS MOORE: Her last meeting, I believe, was June. We sent her a certified letter.  
4 I called. I sent a letter. Shawn called. Shawn sent a letter.  
5 MR GRAY: So, she missed at least four in a row  
6 MS. MOORE. Right, which the charter states  
7 MR PHILLIPS. Is there any other discussion? All those in favor?  
8 BOARD MEMBERS: Aye.  
9 MR. PHILLIPS Opposed? Motion carried. Kevin.  
10 MR. CLAY: Well, I'd like for us to consider a new member now, if we can. I  
11 think we have two very fine candidates available. I think Ms  
12 Brooks was selected as probably the next most likely person to be  
13 prepared to move on to the board and assist. So I would like to put  
14 her name as, move that she be considered for the position just  
15 vacated.  
16 MS MOORE: Could you state her full name, please?  
17 MR. CLAY Ms. Peggy Brooks  
18 MR. PHILLIPS: Do I have a second on that motion? Discussion?  
19 MR. BRAYON Did you say you have two others, Wayne Booker and Peggy  
20 Brooks? We need to consider both or take a recommendation I  
21 don't know either.  
22 MR CLAY. Are you moving, I don't know if they want to have another round  
23 of discussions, interviews between Ms Brooks and Mr Booker.  
24 MS MOORE. We just interviewed them  
25 MR. CLAY We just interviewed them.

1 MR. FLYNN. The nominating committee had her ranked second So they had  
 2 Mr Tyler number one, Ms Brooks number two and Mr Booker  
 3 number three  
 4 MR. PHILLIPS. Did that satisfy your question?  
 5 MR. BRAYON Yes. I only heard one name. -  
 6 MR. BALLARD. Actually, I did. Is this just another community at large member  
 7 position?  
 8 MR. PHILLIPS: Yes By the way, let me remind the government members, I know I  
 9 raised my hand a second ago, but we are non-voters. Sorry.  
 10 Discussion, Mr. Covington.  
 11 MR. COVINGTON. I was on the nominating committee and interviewed all three of  
 12 those candidates, and she truly is a good person for this job. -  
 13 MR. PHILLIPS. Okay. Any other discussion? We have the motion on the table for  
 14 Ms. Brooks  
 15 MR. CLAY. Ms Peggy Brooks, yes  
 16 MR. PHILLIPS All those in favor? Those opposed? Abstentions? Motion carried.  
 17 Is Ms Brooks, is she here tonight?  
 18 MS. MOORE No She isn't here tonight  
 19 MR. PHILLIPS Let me ask you, does she live over on Hays?  
 20 MR. CLAY. Yes. I'm surprised she's not here But I think for the same reason  
 21 I was concerned she didn't come  
 22 MR. PHILLIPS Excellent choices, board She is a fine lady.  
 23  
 24 **NEW BUSINESS**  
 25  
 26 **BCT MEETING UPDATE**

1

2 MR. PHILLIPS BCT meeting update Mr English

3 MR ENGLISH

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Listen up. It is going to be quick. Basically, signed minutes We went through the action items from the last meeting. These action items are in the December meeting minutes that you have here in front of you I'm not going to go into each one of them. If you've got a question tonight, I will be glad to answer your questions later Brief status update. We did a discussion of the Remedial Investigation (RI) Dorothy Richards gave updates on field work for the RI. They basically are completed. Hill is working on the RI report, and we anticipate the final report out for public comment in the fall The biotreatability study, sod has been pulled. It is undergoing a process, basically, a bench-scale study The BCT anticipates reviewing a progress report on the effectiveness in February

The proposed 1999 Engineering Evaluation/Cost Analysis (EE/CA) was basically about the lead-based paint removal project at the former military housing scheduled to begin February 9th and will be completed in April That is housing. Excuse me. Pardon me Lead-based paint removal project at the former military housing was discussed by Kurt Braun The EE/CA for the proposed EE/CA for 1999 centered on the early removal project at the former sandblast and paint booth area, that is being prepared right now We anticipate the EE/CA and the action memorandum out for public review out this summer.

55



1  
2 We also discussed USGS role Some of us like United States  
3 Geological Survey (USGS) We think they ought to continue We  
4 think they have a lot of credibility. We decided that they would  
5 continue to be involved with the daily review and provide more  
6 objectivity to our work here The last item—OH Materials  
7 (OHM/IT Remediation Services) indicated that they would be in  
8 the neighborhood west and northwest of Dunn Field sampling some  
9 of those monitoring wells in those areas They will be there at the  
10 end of next week or the first part of February. So if you see people  
11 out there, you will know what is going on

12 MR. PHILLIPS: We were also following that with some —Alma always does flyers  
13 that we hand out door to door letting folks know what we are  
14 doing in the neighborhood

15 MR. ENGLISH. That's it

16 MR. PHILLIPS I need to put a question to the board prior to Mr Underberg who is  
17 doing the groundwater system update We are at—we are beyond  
18 the end of the regular scheduled meeting of the RAB Would the  
19 RAB consider continuing the meeting for this presentation? We  
20 have to vote on that. It is roughly a 25 minute presentation. So be  
21 aware of that.

22 MR. ENGLISH. Can we give a real brief statement to them what this is about, so  
23 they will kind of know what they are going to wait to hear later?

24 MR. UNDERBERG We are going to present an overview of the groundwater  
25 characterization work We're going to talk about the, provide the  
26 data that we collected in October with some of the wells and talk

1 about the performance of the extraction, the pumping system at  
 2 Dunn Field. Then, I've got an animation from the Army Corps of  
 3 Engineers Waterways Experiment Station (WES) model to  
 4 demonstrate how that system works. The whole presentation will  
 5 take roughly about 20 minutes

6 MR. PHILLIPS So we are talking about a half an hour, probably.

7 MR. WILLIAMS And we still have the public comment period that we must get in.

8 MR. PHILLIPS. The choices are public comment period now, and that extends the  
 9 meeting for 15 more minutes That is roughly a little bit after 8:00  
 10 p m , and no groundwater presentation Greg can make his  
 11 presentation next month. Or, to have him do this, have the public  
 12 comment period, puts us here until about 8.30 p m So if any RAB  
 13 member would like to make a motion on which way we go? Mr.  
 14 English.

15 MR. ENGLISH I move that we allow Greg to do his presentation He is prepared  
 16 for it He's ready He's here now I know it will take things  
 17 longer, and I am willing to accede to other people's wishes if they  
 18 don't want to do it But I just think we need a motion on the table  
 19 to vote yes or no on it I propose we let him quickly go through his  
 20 presentation, hold questions to a minimum, if possible, and then

21 MS HOOKS Second

22 MR. PHILLIPS. Discussion?

23 MR. BALLARD: Caveat, the only discussion is what we talked about earlier. This is  
 24 a story. Let him tell it, then ask questions.

25 MR. PHILLIPS Okay. Mr Underberg's presentation

26 MS HOOKS. You have a motion on the table.

1 MR. PHILLIPS Let's take a vote Extend the meeting and have the presentation,  
2 those in favor?

3 RAB MEMBERS Aye.

4 MR. PHILLIPS. Those opposed? We're going to extend the meeting. Greg is going  
5 to make his presentation We will take a 5-minute short break.  
6

7 (Whereupon, a brief break was taken in  
8 the meeting )  
9

10 MR. PHILLIPS. Mr Underberg, his presentation on the groundwater system that  
11 was recently installed, has a real quick update on the ground water  
12 program Don't tell me technical difficulties. Order of business  
13 prior to getting the projector worked out here, we have not  
14 solicited yet for a volunteer from the RAB, a private citizen, to  
15 come to the February BRAC Cleanup Team meeting Do we have  
16 any volunteers for that? Oh by the way, Ms. Bradshaw came to  
17 today's meeting, and is there anything you would like to say about  
18 how today's meeting went? Was it informative to you?

19 MS. BRADSHAW In a way I took a lot of notes But, I haven't gotten a chance to  
20 go back over them, since it was today and everything But it was  
21 informative. I still have some questions

22 MR. WILLIAMS. Since we are having technical difficulties, could we go on to the  
23 public comment period and come back to this Does anyone have  
24 any public comments?

25 MR. PHILLIPS I appreciate the patience of this board, especially tonight It is not a  
26 very good way to start 1999, is it? But we'll get better.

1 MR WILLIAMS: I would like to know if anyone of the community or anyone else  
2 have any public comments? Can we call it to order? Okay, Mr  
3 Bradshaw

4 MR BRADSHAW: Yes, I got, because the last meeting was adjourned so abruptly and  
5 everything, I didn't get a chance to get my Christmas wish list in.  
6 And, as far as the groundwater and the surface water runoff and  
7 everything, we got two or three outstanding, what I call legal  
8 issues, because we heard a lot of things about the experts come in  
9 and explain things

10  
11 But we haven't had any attorneys from Agency for Toxic  
12 Substances and Disease Registry (ATSDR), Centers for Disease  
13 Control (CDC), Environmental Protection Agency (EPA),  
14 Tennessee Department of Environment and Conservation (TDEC),  
15 or anybody to come here and explain the law to us. Because, if my  
16 memory serves me correct, if that fluvial aquifer was contaminated  
17 by the Defense Depot, that is a violation of the Safe Drinking Water  
18 Act. And I wanted that on my wish list, because you all responded  
19 so quickly to my other issues about the national security thing, I  
20 want some type of written legal response to why the Defense Depot  
21 can break the laws and everything, and black businessmen in the  
22 community are being criminally prosecuted.

23 MR PHILLIPS: This is a question that you might be able to answer.

24 MR BRADSHAW: And, another point, I feel very uncomfortable with people that are  
25 in charge of enforcing criminal and civil laws being on the RAB  
26 board For instance, EPA, TDEC and several other regulatory

1 agencies are solely responsible for prosecuting criminal activity as  
2 far as the Depot is concerned. And because of the Federal Facilities  
3 Agreement—where I won't go into any conspiratorial theories or  
4 anything—but, because of the Federal Facilities Agreement, these  
5 agencies have already made agreement that no kind of legal action,  
6 evidently, would be taken against the Defense Depot

7  
8 And, as far as the Tennessee Code Annotates, Title 68-212-101, et  
9 seq. (unclear word) it specifically states this is a criminal and a civil  
10 offense to deposit any kind of pollutants into the waters of the state  
11 of Tennessee And, I have called TDEC, left messages on the  
12 answering service and everything, and I haven't got any response on  
13 how or why the Depot doesn't have to comply with federal and  
14 state laws And, I need some kind of written verification for this  
15 That is all.

16 MR. WILLIAMS. Anyone else have any comment?

17 MR. PHILLIPS. Folks, earlier today Mr. Underberg put this machine up on the wall  
18 in my office, and it worked I don't think it is going to work

19 MS. MOORE. I have one comment before you adjourn. There is, I noticed, a  
20 notice in the paper today maybe some of you saw it The Naval  
21 Base has a RAB now Its meeting is Tuesday night, and I'm going  
22 to go to that to observe I will give you some feedback at next  
23 month's meeting

24 MR. ENGLISH. They've had that

25 MS. MOORE. I've never seen the ad, but it is in today's paper

26 MR. WILLIAMS. May I get a motion to adjourn the meetings?

1 MS YOUNG: A motion  
 2 MR PHILLIPS Those in favor?  
 3 RAB MEMBERS Aye  
 4 MR PHILLIPS: Those opposed?  
 5 MR. UNDERBERG: We will have a repaired machine next month.

6

7 (Whereupon, at 8:05 p.m. the meeting was  
 8 adjourned )

9

10

11

**NEXT MEETING:**

**Thursday, February 18, 1999**

**6:00 p.m.**

**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 Dave Bond	Citizen Representative
Mr. John Garrison	Citizen Representative
Mr. Stanley Tyler	Citizen Representative
Mr Jordan English	Tennessee Department of Environment and Conservation (TDEC)
Dr Cleo Kirk	Shelby County Commission
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 James Webb	Memphis Light, Gas & Water (MLG&W)
Ms Elizabeth Young	Citizen Representative
Ms. Terri Gray	Citizen Representative

**Restoration Advisory Board Members-continued**

Mr. Jim Covington	Memphis Depot Redevelopment Corporation (DRC)
Ms. Doris Bradshaw	Environmental Group Representative (DDMT-CCC)

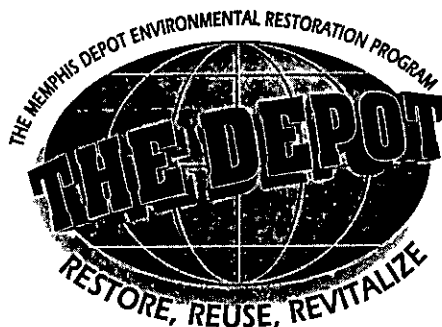
**Others in Attendance**

Mr. Greg Underberg	CH2M Hill
Mr. John DeBack	Site Manager/Base Transition Office
Mr. Steve Offner	OHM Remedial Services Corp
Ms. Dorothy Richards	Corp of Engineers
Mr. John Crellin	ATSDR
Mr. Mark Starnes	Weston
Mr. Jessie Wilburn	Environmental Realty
Ms. Alma Black Moore	Frontline
Mr. Terry Flynn	Frontline
Ms. Denise Cooper	Memphis Depot Caretaker
Ms. Betty Mills	Citizen
Ms. Alma H. Black	Citizen
Mr. Elroy L. Black	Citizen
Kurt Braun	Corps of Engineers
Mr. Everett Humphreys	Citizen
Ms. Thelma Nichols	Citizen
Ms. Katrina Hamm	EPA
Mr. Russell Ray Anderson	Citizen



Others in Attendance-continued

Ms. Barbara A Warr	Citizen
Ms Bobbie Lyles	Citizen
Ms. Janice Smith	Citizen
Ms Margaret Curry	Citizen
Mr. Kenneth Bradshaw	Citizen



TO: All Recipients of the January 21, 1999 Restoration Advisory Board (RAB) Minutes  
FROM: Alma Black Moore *Alma Black Moore*  
Community Relations Specialist  
DATE: March 18, 1999  
SUBJECT: Corrections to the January 21, 1999 RAB Minutes

The following corrections were made to the January 21, 1999 RAB minutes. The corrected minutes will be placed in the Information Repositories. The pages and line numbers are as follows:

Page 34, line 3

Page 43, lines 9 and 13

Page 44, lines 8 and 9

Copies of those pages are attached.

1 one that responded was the guy, Bob Holmes, that you guys got a  
2 copy on. The other Bob never did respond.

3 MS. BRADSHAW: We never did get a chance to contact him, a Dr. Bullard. He's in  
4 the same area. I want to try to get that packet in as soon as  
5 possible to you because he is well known throughout the United  
6 States.

7 MR. PHILLIPS: Prior to January 29 and I believe it can be included in what we can  
8 send up.

9 MS. BRADSHAW: I thought that we didn't have to pick one, that it could be several.

10 MR. PHILLIPS: She did not ask you to pick one. She asked you to rank them.  
11 That is all you have to do

12 MR. FLYNN: Ranking.

13 MR. PHILLIPS: Mr. English

14 MR. ENGLISH: The only comment I want to make is that this is sort of becoming a  
15 prebid meeting in a sense

16 MR. PHILLIPS: That is extremely touchy

17 MR. ENGLISH: It is. I wanted to make sure that the information we pass out to  
18 everyone for you to consider is identical. If a member has no  
19 chance to respond, that they all have a chance to respond to a  
20 specialization, if we all call it that. We are heading down some  
21 shaky paths here

22 MR. PHILLIPS: Mr. Clay

23 MR. CLAY: I'd like to move that we send this back to the committee and let  
24 them straighten it out so we don't spend this much time in meetings  
25 anymore

26 MR. PHILLIPS: Ms. Hooks

1 with all the conversation on this, I need to do that. So do we have  
2 any motions to table this discussion until I get that information?

3 MS PETERS Mr. Chairman, could I say something?

4 MR. PHILLIPS. Actually, Kevin Clay.

5 MR. CLAY. I just want to say that, to kind of piggyback on Dr. Kirk's  
6 statement, I think we need a full account of how much minority  
7 participation is involved in this project, too. A \$100 million dollars  
8 is a lot of money being spent, and the fact that we don't get any of  
9 the business—it ain't right. I'm going to go on record and see how  
10 much have we gotten, one percent, one-half of one percent, of that  
11 \$100 million dollars? The day is too long to keep stuff the old way  
12 It's time to do it right You can always count on me to be the first  
13 one to throw a monkey-wrench into the situation. But we've been  
14 doing wrong It is time for us to come out and do it right.

15

16 The entire board—from anybody at ATSDR, any contractors they  
17 use, any contractors the Defense Depot uses—any contractors the  
18 board uses. We need to have some minority participation I'm not  
19 racist, but I am tired of being left out I want a place at the table I  
20 want a place in the line at the bank I want to be involved in it  
21 And it is time for everybody in this room You know I'm telling  
22 you the truth If you don't, you are racist!

23 MR. PHILLIPS That is why I jumped right on Dr. Kirk's suggestion. I can find that  
24 information because we do document that

25 MR. CLAY: We also need to, once we get the information, we need to make  
26 some adjustments on it.

1 MR. PHILLIPS: May I mention this goes back to a concern that Ms. Hooks had last  
2 year about Dunn Field with dust on the road I would like to point  
3 out that the contractor that got that entire job is S&W. They are a  
4 road firm owned by a very respectful man, Mr. Floyd Veasley.

5 MR. CLAY Shawn, in the big picture, that man doesn't get one-tenth of one-  
6 half of one percent! We're talking about real dollars here, and the  
7 issue is on the table. We need to stand up to it If this is not the  
8 board to do it, if it is the other board should do it, whoever is  
9 awarding the contracts, we need to have some minority  
10 participation The day is over with for just calling our friends in to  
11 bring the fluorspar, put the dirt in and to shift it from here to there.  
12

13 Everybody is getting rich and say we've done something in the  
14 community That ain't working. These folks are out here walking  
15 around poor We ain't got no say-so. Telling the board we ain't got  
16 no input And we have got to sit here and listen to this stuff. I can  
17 speak for Kevin. I could be making \$110 an hour somewhere else  
18 I'm volunteering my time And if I am going to be here, I want to  
19 have an input I don't want just to be part of a board with nothing  
20 else to say other than yes sir I am through with that

21 MR. PHILLIPS Mr. Brayon

22 MR. BRAYON I would like to have a point of clarification as to where we are with  
23 the Technical Assistance Public Participation Grant, the TAPP  
24 Grant. I would propose, I won't put it in a motion until you can  
25 clarify this. Are we going to send the three people the criteria so  
26 that they can return their proposal according to the criteria, and that

**FINAL PAGE**

**ADMINISTRATIVE RECORD**

**FINAL PAGE**