

Minutes
Fort McClellan Restoration Advisory Board
Fort McClellan, AL
April 16, 2001

CO-CHAIR: Ron Levy (acting co-chair); Dr. Barry Cox

MEMBERS PRESENT: Mr. Scott Beckett; Mr. James Buford; Mr. Monty McClendenin; Mr. Donald Cunningham; Mr. Jerome Elser; Ms. Donna Fathke; Mr. Curtis Franklin; Dr. Mary Harrington; Mr. Jerry Hopper; Mayor Ed Kimbrough; Mr. Fern Thomassy;

BCT MEMBERS PRESENT: Mr. Doyle Brittain; Mr. Ron Levy; Mr. Phillip Stroud; Mr. Shannon Golden

- I. **Call To Order:** Dr. Cox called the roll and those present are listed above. The audience was asked to introduce themselves. The minutes from the March meeting were approved
- II. **Old Business:** None
- III. **New Business:** Ms. Karen Pinson, Environmental Office, gave a slide presentation to explain the Land Use Control Assurance Plan (LUCAP) and the Land Use Control Implementation Plan (LUCIP). Members had a copy of the LUCIP for EBS CERFA parcel 186(6) and she explained what is being done to implement this requirement. She explained the purpose of LUCs is to restrict the use or limit access to property to reduce or prevent risk to human health and the environment (HHE) and stated that federal law allows land use controls to be used as components of remedies, but not as a substitute for an active response measure. Land use controls may have to be imposed on certain properties that are transferred and the investigation process will be used to identify these properties. Ms. Pinson then discussed the LUCAP and reiterated the EPA Region 4 policy which requires detailed, written land use control assurance plans designed to ensure the effectiveness of any land use controls for as long as the land use control continues to be needed. JPA, EPA, ADEM and the Army agreed to place land use controls on sites that did not meet residential reuse requirements and the LUCAP is to implement procedures to ensure the long-term effectiveness and raise visibility within the community and among the future owners of the property. Mr. Levy stated that the LUCAP and the implementation of land use controls allow the property to be transferred back to the community, for development, with restrictions that are protective of HHE. Ms. Pinson explained that interim land use controls are established prior to completion of the investigation and remedy plan, while the Army still owns the property. Final land use controls are based upon remedy selection and are specified in the decision document. They are required to be based upon reasonably anticipated future land use assumption, where the interim land use control is not required to be based upon future land use. Over time, final land use controls can be modified, reduced, or removed if the status of contamination decreases. Ms. Pinson then continued her presentation with a discussion of Comprehensive Environmental Response Facilitation Act (CERFA) parcel 186(6) which includes Training Area T-38, explaining that it has contamination and a LUCIP is in place to document the interim LUCs in place. She described the various physical controls to prevent entering the sites. Responding to Mayor Kimbrough's query of how this plays with the zoning laws and how is this going to be monitored after everyone is gone. Mr. Joe Doyle stated that when the Army is ready to transfer, if as part of the final remedy, there is a restriction on the land, the City of Anniston will be asked for a zoning or ordinance with regards to that piece of property. He said at this point, the Army would not go the zoning route with regard to any of the interim LUCIPs. He pointed out that currently it is under the Army's control, so the Army will manage and take care of it. However, he

said that the question of monitoring is open-ended since there are several different positions on it and until the final remedy is done, the Army is unsure. He then stated that the bottom line is that with the implementation of a LUCIP as a final remedy on a piece of property, the Army can't walk away from it. Someone has to pick up the responsibility. At this time, Appendix A includes only the sites that require interim land use controls that the Army will manage. These sites include twelve landfill areas or fill areas; ordnance and explosive (OE) ranges, an area identified as T-24 A, and T-38. Concluding, she explained as the BRAC clean-up team goes through the investigations, the Army possibly has some sites that will require some final land use controls and they will be added as necessary. Mr. Phillip Stroud, ADEM, reported on the status of reports reviewed by ADEM and stated that the Eastern Bypass is in full gear and they are seeing the reviews of the draft and final work plans for Alpha, Bravo and Charlie. Mr. Doyle Brittain, EPA, passed out a summary of the documents being worked on and discussed his progress in catching up on the backlog and expressed projects for the next month. Ms. Miki Schneider, JPA stated their new Executive Director, Mr. Dan Cleckler, hoped to attend next month's RAB meeting. She reported that the JPA lawsuit has been settled and property can now be moved. M-2 was sold last week and The Anniston Star will be building there. The JPA is hoping to finalize the sales of Buckner Circle and the Capehart Housing soon. Privatization plans were freed also upon the settling of the lawsuit. Responding to several comments about progress on the Eastern Bypass, Mr. Bill Shanks briefed on the OE area EE/CAs. He stated that the EE/CA for the Eastern Bypass (EBP) has been completed. A transfer action of the tract 1 portion (southern end) of the EBP is pending to ALDOT, so construction can begin. A FOST for this portion has been completed and it is currently at TRADOC for signature. It then goes to Mobile District Corps of Engineers, after which the property can be transferred. Right of Entry for the tract 1 portion has been provided to ALDOT so they can proceed. Tract two is a high priority area for the JPA due to the access need to get to other parcels where they are transferring property. He stated the EE/CA for the M-1.01 parcel, which is on either side of the tract 2 portion of the EBP, will not undergo a full process due to previous work that has been completed. He estimated the EE/CA should be ready by the middle of May. . The Alpha EE/CA which includes M-5, M-6, and M-8 real property transfers has been started. EE/CA work by the UXO contractor is expected to be completed by the end of June. The Bravo EE/CA is expected to be completed by the end of August. Mr. Levy then reiterated for the RAB what an EE/CA is and the process involved to move towards preparation of work plans and actual removal process. Final clearance dates can't be determined for Alpha, Bravo and Charlie areas until the EE/CAs for each are completed. However, he said that ALDOT has been informed that final clearance on tract 3 of the EBP is projected to be completed in May 2002. A brief discussion ensued concerning cleanup and privatization. Mayor Kimbrough voiced concern that he would like more information presented and a future discussion about the privatization issue. Dr. Cox suggested a meeting be scheduled, when Ms Schneider deems appropriate, to bring in some experts and devote the entire session to this topic. The timber removal contract was discussed and the RAB was informed of the need and intent of the removal. They were also reminded that forty percent of the timber proceeds goes back to the local community. In this case the return to the community is approximately two hundred and twenty thousand dollars. Ms. McKinney discussed the vacancy on the RAB and recommended additional applications be solicited to augment the files and offer more diversity. The RAB members agreed. The vacancy will be filled at a later meeting.

IV. Audience Comments: Ms. Champion brought issues to the board that were determined outside the mission of the RAB.

V. Adjournment. Dr. Cox received a motion to adjourn; it was seconded and Approved unanimously. The meeting was adjourned.