

RESTORATION ADVISORY BOARD

FORT McCLELLAN, ALABAMA

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Taken before SAMANTHA E. NOBLE, a Court
Reporter and Commissioner for Alabama at Large, at the
Anniston City Meeting Center, Anniston, Alabama, on
the 17th day of June, 1997, commencing at
approximately 6:30 p.m.

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1 MR. LEVY: If we could have
2 everybody, please, come up and take their seats and
3 the RAB members come up and take their seats.

4 MR. TURNER: Good evening. My name
5 is Charles Turner, and I'm the community co-chair of
6 the RAB. For those of you here this afternoon,
7 particularly our visitors, you might think that I'm
8 the only volunteer in Calhoun County, since I'm also
9 on the reuse authority. But I'm pleased to say that's
10 not the case.

11 We're going to conduct a regular
12 RAB meeting tonight. And we usually just start with a
13 call to order and role call.

14 Mr. Levy?

15 MR. LEVY: Here.

16 MR. TURNER: Mr. Anderson?

17 MR. ANDERSON: Here.

18 MR. TURNER: Mr. Brown?

19 Mr. Conroy?

20 MR. CONROY: Here.

21 MR. TURNER: Dr. Cox?

22 Mr. Cunningham?

23 MR. CUNNINGHAM: Here.

1 MR. TURNER: Mr. Elser?

2 MR. ELSER: Here.

3 MR. TURNER: Ms. Harrington?

4 MS. MARY HARRINGTON: I'm here.

5 MR. TURNER: Mr. Hood?

6 MR. HOOD: I'm here.

7 MR. TURNER: Mayor Kimbrough?

8 MAYOR KIMBROUGH: Here.

9 MR. TURNER: Ms. Longstreth?

10 Mr. Miller? Mr. Moore and Mr. Parks are out of town.

11 Mr. Thomassy?

12 MR. THOMASSY: Here.

13 MR. TURNER: Has everybody had a
14 chance to look over the minutes? Any additions,
15 corrections, or deletions? Is there a motion to
16 approve?

17 MR. CUNNINGHAM: So motion.

18 MR. ANDERSON: Second the motion.

19 MR. TURNER: All in favor.

20 It is our pleasure to have our
21 guests from the Defense Environmental Response Task
22 Force here tonight. This is the Fort McClellan
23 Restoration Advisory Board.

1 Before we go much further, let me
2 reintroduce two people that you met this afternoon,
3 Mr. Bart Reedy and Mr. Chris Johnson. Bart is from
4 EPA in Atlanta and Chris is with Alabama Department of
5 Environmental Management.

6 We have with us the DERTF and we
7 would like to introduce Ms. Pat Rivers, who heads
8 DoD's Environmental Clean Up Program. Ms. Rivers?

9 MS. PAT RIVERS: Thank you, Mr.
10 Turner. The first thing I would like to say is a
11 thanks from the Defense Environmental Response Task
12 Force for your willingness to change your schedule and
13 to hold your meeting on a different night than usual.
14 We appreciate the fact that you've changed your
15 schedule so that we could come and observe your RAB
16 meeting.

17 One of the things that I'm looking
18 forward to is the fact that we've heard from two parts
19 of the three part partnership. We've heard from the
20 Local Redevelopment Authority today in our task force
21 meeting and from the BRAC Clean Up Team. So, this
22 evening, the third part of that triangle is completed
23 by being able to attend your RAB meeting.

We are here to listen. What we hope to do by attending RAB meetings is we hold our task force meetings at different closing bases and in the communities of those closing bases is hear how things are working. Are the policies that have been established for the cleanup program and for facilitating reuse of these closing military bases, how they are fairing in actual practice. So, I'm looking forward very much to hearing how things are going and observing your meeting.

11 I would like to introduce or allow
12 the individual task force members to introduce
13 themselves to the rest of the group. And I'm going to
14 start on my right. Which means Hal, if I could ask
15 you to start.

16 MR. HAL RAY: My name is Hal Ray,
17 I'm the Assistant Attorney General of The State of
18 Texas, Chief of our Natural Resources Division. And
19 I'm here as the alternate for Attorney General Dan
20 Morales, Attorney General, State of Texas, who serves
21 on the DERTF, representing the National Association of
22 Attorneys General.

23 It's good to be here with you. We

1 enjoyed our meeting and enjoyed our visit to Anniston.

2 MR. JAMES WOOLFORD: My name is Jim
3 Woolford. I'm director of the Federal Facilities
4 Restoration and Reuse Office. In Washington, D.C., I
5 work for the Environmental Protection Agency. I am
6 here as a designated alternate to Mr. Ken Fields, who
7 is head of our Solid Waste Emergency Response Office.

8 Likewise, I'd like to thank you for
9 having us here. We're having a very good visit here.
10 Hope to learn more about what's happening. Thank you.

11 MR. RICHARD C. ARMSTRONG: My name
12 is Richard C. Armstrong. I'm Deputy Director of the
13 U. S. Army Military Program in Washington, D.C. I'm
14 here as an alternate for my boss, General Phillip
15 Anderson. I'm very happy to be here, too. Thank you
16 very much.

17 MS. PAT RIVERS: Don?

18 MR. DON GRAY: Don Gray, I'm from
19 the Environmental and Energy Study Institute in
20 Washington, D.C. I'm the Environmental and
21 Public-Interest representative on the Task Force,
22 appointed by the Speaker of the U. S. House of
23 Representatives.

1 Pleased to be here and hear what
2 your concerns are.

3 MS. ANN HURLEY: I'm Ann Hurley.
4 I'm in the Environmental Division, Counselor for State
5 and Local Environmental Affairs, The United States
6 Department of Justice.

7 I would like to thank the RAB very
8 much for allowing us to attend their meeting tonight.

9 MR. STAN PHILLIPPE: I'm Stan
10 Phillippe. I'm with the California Environmental
11 Protection Agency. And I serve as the delegate in
12 place of our Agency Secretary, Jim Struck (phonetic),
13 who has actually just left our agency. And I have the
14 National Governors Association seat on the DERTF.
15 Thank you.

16 MR. BRIAN POLLY: My name is Brian
17 Polly. I'm from the General Services Administration.
18 My responsibility is property disposal of all federal
19 properties and working with DoD as a result of
20 delegation that we have provided to them. We also
21 work in partnership, as far as disposal of BRAC
22 properties.

23 And I'm very happy to be here. We

1 have found, as a group, that going throughout the
2 United States over the last couple of years, we have
3 been able to learn an awful lot, as far as the issues
4 and the concerns that you all express in meetings like
5 tonight. So, we really look forward to hearing from
6 you. Thank you.

7 MS. PAT RIVERS: Once again, thank
8 you for the opportunity to be here.

9 MR. TURNER: Thank you.

10 MR. LEVY: We're going to start off
11 tonight with a presentation from the guest speaker.
12 Why don't we just set the stage.

13 We all are aware of issues that
14 have been going on with the eastern bypass. The
15 community has presented it as a priority in their
16 clean-up priorities. You need to know that myself --
17 the BRAC clean up team; myself, Bart Reedy, Chris
18 Johnson, have been involved in some meetings with
19 Alabama Department of Transportation and their
20 contractors, and have been involved in discussing some
21 of the cleanup issues.

22 Tonight, we've got Peter Green.
23 He's from Barge, Wagner, Sumner and Cannnon,

1 contractors, looking at the eastern bypass and doing
2 the environmental impact statement for that.

3 Peter, you ready to talk?

4 MR. PETER GREEN: Good evening,
5 everyone, Mr. Turner, members of the board, we
6 appreciate the opportunity to be here to give you a
7 briefing on the eastern bypass. What I'd like to do
8 tonight is just give you an idea of the purpose and
9 need for the project, kind of where we've been on the
10 project, and the current status of the project.

11 The eastern bypass has been talked
12 about twenty years, locally. And we've been involved
13 with it since 1992, and developing the corridor study.
14 That's a rather long time. But there are some things
15 that have changed the scope throughout the development
16 of that corridor study. And I'll touch on those
17 briefly.

18 The primary purpose for the eastern
19 bypass was to provide another north/south route for
20 Anniston that would help relieve traffic on Quintard
21 Avenue. For those who have traveled up and down
22 Quintard Avenue, you know traffic will be quite heavy
23 at times, especially during peak travel, in the

1 morning and the afternoon. The project, the intent
2 and purpose is to improve circulation and access for
3 both local users and people traveling through the
4 area.

5 A secondary benefit of the eastern
6 bypass -- and this came about after the announced
7 closure of the base, was that it would provide four
8 lane access and access to the reuse areas from
9 Interstate 20, south of Anniston. So, the primary
10 purpose again was to relieve traffic on Quintard
11 Avenue. But it is also become a key element in the
12 reuse plan for the Fort.

13 The history of the project, of
14 course, has been talked about for quite some time,
15 locally. But we were hired by Alabama Department of
16 Transportation in '91 to develop a corridor study for
17 the bypass.

18 The corridor study includes two
19 separate elements, one being the widening of Golden
20 Springs Road from the interstate to Choccolocco Road
21 and that would be widening the --

22 MR. TURNER: Lisa, would you close
23 that door, please. I'm a lawyer and those ambulances

1 are music to my ears. I'm sorry, Peter.

2 MR. PETER GREEN: That's all right.

3 As I was saying, the corridor study
4 includes two elements. The first one -- well, two
5 separate elements. That is the key item. The first
6 one being the widening of Golden Springs Road from
7 Interstate 20 to Choccolocco Road. In other words,
8 widening of the road from its existing two-lane
9 configuration to a five-lane configuration.

10 The second element of the project
11 is construction or development of an alignment for the
12 eastern bypass. And that would be a five -- four-lane
13 median divided facility, approximately, five miles in
14 length, starting at Choccolocco Road, intersecting
15 with Golden Springs Road to U.S. 431, north of
16 Anniston.

17 The preparation of the corridor
18 study involves selecting and evaluating alignments
19 through the area and also conducting environmental
20 studies in support of those. And we have looked at
21 several alignments throughout the development of the
22 project.

23 But prior to that, we have

1 collected and reviewed a lot of data so that we can
2 have a starting point for the development of alternate
3 alignments. And some of that data includes
4 environmental data, threatening endangered species,
5 and known recorded historical sites and sensitive
6 areas, wetlands. We have looked at dud (phonetic)
7 impact areas and UXO areas on the Fort. That is
8 mainly information that was available to us at that
9 time.

10 Probably, one of the primary things
11 we did was get a digital mapping for the area,
12 topography is probably one of the major controlling
13 factors in where we can and can't put the alignment.

14 Other things we looked at were
15 public parks and residential areas, local land use
16 plans. So, we assembled all this information, and
17 then using the design criteria for the road, developed
18 and approved by the highway department, we were able
19 to develop some alternate alignments.

20 I'll show you a diagram of one of
21 our early alignments, alternate alignments. We
22 developed quite a few routes through the Fort. And
23 this is four that were the -- we considered the

1 primary. Originally, we had many more than this, but
2 as we studied them more and developed them more, some
3 fell out.

4 Now, these were developed, starting
5 from Choccolocco Road down south of the Fort up
6 through the Fort. And at that point, our alignment
7 kind of splits. This alignment here, here was
8 probably the best route through the topography that
9 our engineers and computers could generate. And this
10 route was developed as a route that would minimize
11 impact on the training areas.

12 At that time that we started the
13 study and before we were deep into the study, the base
14 was active, not scheduled for closure. And we had
15 constraints that we were working under: Reduce impact
16 to training areas, reduce the amount of land that
17 would be severed from the base. So that -- we were
18 working with those.

19 Now, we had two primary trunks
20 going through Fort McClellan. Each one of those had
21 the option of going through Lagarde Park, which from
22 an engineering standpoint is a straight line into the
23 existing U. S. 431 alignment. And each trunk had the

1 option of going around Lagarde Park.

2 Now, under the constraints that we
3 were agreed upon with the people at Fort McClellan,
4 our alignment going around Lagarde Park was to stay
5 south of Summerall Gate Road. That avoided, you might
6 say, a direct taking of the park, but required some
7 modification to the entrance, thus still having some
8 impact on the park.

9 At that point, we were -- we
10 prepared environmental studies, which included a
11 section 4-F analysis. Section 4-F is the section 4-F
12 of the Department of Transportation Act, which
13 protects public parks from use by public -- by federal
14 funds for building roads. And that section 4-F states
15 that the secretary of transportation would not approve
16 using a park unless there was no feasible or proven
17 alternative available.

18 At that point, you know, it was
19 announced that the Fort would be closed. And that
20 kind of made us step back for a little bit, primarily
21 because it offered new opportunities to develop a road
22 that would completely avoid the park. And that's what
23 we set out to do, initially.

1 And also, during our consultation
2 with the reuse authority, we were told that, you know,
3 some possible access to the bypass would be desired.
4 Our planning originally for the bypass was that it
5 would be a controlled access facility, more or less
6 like an interstate, fence along each side through the
7 Fort. And a lot of that was to maintain some
8 protection, security, for the traveling public and the
9 ongoing operations.

10 The alignment that we were able to
11 develop is starting down at Choccolocco Road, proceeds
12 northward around through the Lake Louise area and
13 enters Fort McClellan property at a point west of
14 Davis Hill. And as you know, it's pretty rugged
15 terrain down here. So, we tried to take advantage of
16 the terrain as much as possible, considering the fact
17 that there are other environmental issues, streams,
18 wetlands, habitat, UXO areas, recreational areas at
19 Lake Louise and Yahoo Lake. So, we developed this
20 route coming through the Fort, which is essentially
21 pretty close to what we had before. As I said, that
22 was the best route, taking advantage of the topography
23 and considering all the other factors.

1 We were able to come around Lagarde
2 Park a little bit further north. And part of this
3 plan would be that we would come around Lagarde Park
4 and cross over Alabama State Route 21. There's a
5 bridge and there is a railroad with also a bridge over
6 it. And tie into 431 at this point.

7 The plan would include relocating a
8 section of Summerall Gate Road to connect with Alabama
9 Route 21, as it does, now. And we've also identified
10 two possible interchange locations.

11 Now, you know, this route offers
12 the best possible alignment through Fort McClellan to,
13 you know, minimize environmental impacts, construction
14 costs, involvement with sensitive areas, and UXO
15 areas, and it provides an efficient route for
16 transportation circulation.

17 To give you an idea of the -- some
18 of the involvement with the UXO areas and the planned
19 reuse areas on the Fort, you see, we traveled through
20 the edge of a possible explosive ordnance impact area.
21 This area around Yahoo Lake is the proposed Yahoo
22 retreat. This shaded area here is the proposed
23 retirement golf community center. And this shaded

1 triangle area is the proposed commercial center.

2 MR. LEVY: Let me just point out
3 that -- for the people in the audience and for the
4 RAB, what they've done is took the draft reuse plan
5 that the community has come up to, at this point, and
6 there are some changes to it.

7 MR. PETER GREEN: That is correct.

8 MR. RON LEVY: And laid it over
9 their proposed alignment. So, what you see there, it
10 includes the work that we did in our archive search
11 report, identifying areas where potential UXO might
12 be.

13 MR. PETER GREEN: Yes. To restate
14 that, we had our map of the area that -- and our
15 working maps that we've just overlaid them with
16 information that was provided to us recently
17 concerning the reuse areas and the explosive ordnance
18 impact areas.

19 Where we're at right now, we are
20 finalizing the environmental documentation for the --
21 for our environmental study and the corridor study.
22 Most of the work that we're trying to wrap up is areas
23 off of Fort property. We're at a point where we're

1 ready to proceed with corridor approval, which would
2 lead to design and construction. We anticipate a
3 public hearing on our environmental documents late
4 summer, with environmental approval around the end of
5 the year.

6 One thing that we could see is
7 right-of-way acquisition sometime in early 1999 and
8 possibly construction sometime mid 2000. And, of
9 course, we've been coordinating with Mr. Levy's office
10 on issues related to property transfer and, you know,
11 our request to the reuse authority.

12 In summary, you know, we've studied
13 this alignment -- well, we've studied multiple
14 alignments since 1992. The project has been affected
15 by several changes, probably most significant would be
16 the closure of the Fort.

17 We believe that we have the best
18 alignment, considering all the factors that we've had
19 to deal with in choosing a route. And finally that,
20 you know, the project is ready to move beyond the
21 corridor studies phase, at this point. So, we're
22 getting close to the end of the long study period and
23 would like to wrap this thing up and move forward.

1 MR. RON LEVY: Let me just start
2 out in terms of opening up some questions for you by
3 asking you, what type of cuts are we talking about, as
4 you look at that alignment, and the topography out
5 there?

6 MR. PETER GREEN: Coming across
7 some of the hills we're having some pretty deep cuts.
8 Probably, evidenced on the map is where the
9 right-of-way expands throughout some of this area,
10 where we have to actually have additional right-of-way
11 to cut into the hills.

12 Coming through, what we've tried to
13 do is balance that cut and fill and stay on certain
14 elevations that would minimize the amount of cut and
15 fill. But we have a few points where it's pretty
16 significant. It's going to be a large earth moving
17 job.

18 MR. RON LEVY: When you say
19 "significant," what, fifty, hundred foot cuts?

20 MR. PETER GREEN: I would say more
21 in the order of fifty would probably be might say an
22 average in the real hilly terrain areas. Yes, we can
23 -- there is a couple of significant cuts in there,

1 yes.

2 MR. RON LEVY: As it goes through
3 the area you've defined for UXO, have you got any feel
4 for, you know, what type of earth movement we're
5 talking about in that area?

6 MR. PETER GREEN: That area, we're
7 pretty much following the sod of the hill. And at
8 that point it's more of just notching into -- notching
9 into a slope, involving some cut and some fill.

10 MR. TURNER: Has any -- I'm sure
11 some thought has been given to this. But how much
12 thought has been given to the cost to the government
13 of running it through the UXO field as opposed to
14 running it around it, do you know?

15 MR. PETER GREEN: We have -- you
16 know, we have looked at that in informal discussions
17 with these guys -- excuse me -- with the base closure
18 team.

19 MR. TURNER: These guys is fine.

20 MR. PETER GREEN: Trying to be a
21 little informal here. But we feel we're old friends.
22 We've had several meetings.

23 We haven't done a fully detailed

1 analysis of that, yet. That takes quite a bit of
2 effort. But we were able to look at an alignment.
3 Looking at primarily out of this area, moving it over
4 a little bit, and we were able to determine that, you
5 know, it would be tougher to maintain our design
6 criteria, primarily horizontal slopes, in that area.

7 We have several things to consider
8 that you just really can't move this one section. You
9 have to start back here, start that turn. So, it's --
10 it would bring us right next to Yahoo Lake. We would
11 have to cross and culvert this stream through here and
12 then come over to this hill, almost at the same
13 elevation we would be at on this hill on this side,
14 and come up and start almost immediately start our
15 curve down to tie into this section right here.

16 MR. TURNER: Does it run down Iron
17 Mountain Road?

18 MR. PETER GREEN: Yes. Iron
19 Mountain Road comes here. Right now, we're on top of
20 part of Iron Mountain Road. But it would affect -- it
21 would affect more of Iron Mountain Road as it stands.

22 MR. CHARLES TURNER: Well, but
23 there would be less to clear, I mean, on the existing

1 road bed, right?

2 MR. PETER GREEN: We're not sure of
3 that. We had, you might say, our defined area of the
4 dud original -- what they called dud impact area now
5 is possible explosive impact area, has changed. You
6 know, it started out here's a DUD impact area. Then
7 it grew a little bit. Then now it grew to this.

8 So, we don't know actually if they
9 get out there, if we move it three hundred feet, we
10 had -- or if we move it just outside that yellow area,
11 if it's actually going to be free and clear of any
12 UXO.

13 MR. CHARLES TURNER: That expansion
14 that you discussed, I suspect was part of the archive
15 search report?

16 MR. PETER GREEN: Yes, that's taken
17 from your latest search. And we didn't have access to
18 that material, you know, in our earlier studies. But
19 as you can see, we're primarily on the edge of that,
20 we're on the -- depending on how some of the firing
21 was done and what direction -- they're on a down-slope
22 of these hills. You can see one of the firing ranges
23 was in that direction.

1 If we came over, would be on a
2 slope on this side, which probably caught a little bit
3 more. But it's kind of hard to say.

4 MR. MARK ANDERSON: That's probably
5 the worse -- obviously, the worst place to be, would
6 be to be on the down -- working on the downhill side
7 of a slope where they -- where you've shot indirect
8 fire in so that you're having to deal with the
9 munitions burrowing in at an angle, you know, at
10 probably at fairly detailed depth. Let me --
11 actually, not for you but for Ron, maybe you can --
12 what is a fifty foot cut? What are you talking about?

13 MR. RON LEVY: Well, the amount of
14 soil, because as I understand it, the amount of soil
15 that they're going to move.

16 MR. CHARLES TURNER: You go through
17 a hill rather than over it, right?

18 MR. PETER GREEN: Well, we've --
19 not going through any hills. We try to hug the hills
20 and follow them. There is a couple of high points
21 that we will have to -- will have to cut. But for the
22 most part, what we'll try to do here is to keep our
23 cost down is to, you might say, notch it in the side

1 of a hill. And that's where we get a lot of our cuts.

2 MR. FERN THOMASSY: Speaking of
3 costs, in an attempt to try to get a handle on some
4 time frames, are you able to talk today about what the
5 estimates are for design and then construction and can
6 we get a feel for where that money is? Is it
7 available? When is it available? Where is it? For
8 both the construct -- the designing and the
9 construction, because that sort of drives our
10 attentions and our priorities and the things we would
11 look for the Army to do to make this available to --
12 going to put it in.

13 MR. PETER GREEN: I have some
14 fellows from the Department of Transportation that may
15 be better able to speak to it, the funding.

16 MR. RON LEVY: William, if you want
17 to stand up and (inaudible) who you are.

18 MR. WILLIAM ADAMS: I'm William
19 Adams with the Department of Transportation. I'm the
20 location engineer out of Montgomery.

21 This project was initially
22 authorized under ISTEA, which was the Intermobile
23 Service Transportation Efficiency Act of 1991, I

1 think. And Congress appropriated, I think it was
2 fourteen million dollars to do the study, design, and
3 whatever right-of-way purchase or construction that
4 money would go forward toward.

5 We, at this point, are almost to
6 the point with the design that we can authorize the
7 right-of-way purchase on the southern end of this
8 project. And I think that's about two million dollars
9 there.

10 This project will be built as it's
11 set up right now actually in three phases. It would
12 go from I-20 to north of Greenbrier, from north of
13 Greenbrier to north of Choccolocco Road and then from
14 north of Choccolocco Road to 431.

15 And when I say the first section,
16 that would be from I-20 to north Greenbrier. There
17 has been some discussions as to possibly combining
18 those two projects together and purchasing all the
19 right-of-way at one time. That decision hadn't been
20 made, yet.

21 As far as the funding for the
22 design of this portion, Congress is right now looking
23 at reauthorizing ISTEA, essentially, they need to have

1 it written and reauthorized by October or some method
2 of continuing the ISTEA that we're under, now, or the
3 funding for all of our projects will end.

4 So, right now, the department is in
5 sort of a wait and see type of atmosphere as to what
6 kinds of funds Congress will appropriate for this
7 project. And essentially, that's where we're counting
8 on the money to come from for the construction of this
9 project.

10 MR. CHARLES TURNER: Have y'all
11 submitted that whole fourteen million?

12 MR. WILLIAM ADAMS: No. I think we
13 still -- even after we authorized the two million for
14 the right-of-way purchase. Now, I think there is
15 still like eleven million in there. Now, whether
16 that's to be used for that construction of that
17 portion, I would -- can't tell you tonight.

18 MR. CHARLES TURNER: Does that
19 include the local match? Is it eleven million total
20 or is it eleven million of federal money, plus the
21 twenty-five percent local match?

22 MR. WILLIAM ADAMS: It's
23 eighty/twenty, so -- and I think that's all federal

1 money. No. Okay. That includes our match.

2 MR. CHARLES TURNER: Thank you.

3 MAYOR KIMBROUGH: Has eleven
4 million dollars, has that been obligated towards the
5 construction to Choccolocco Road?

6 MR. WILLIAM ADAMS: Not, at this
7 time, no, sir.

8 MAYOR KIMBROUGH: How much is the
9 cost of the road construction to Choccolocco? Have
10 you got an estimate on that?

11 MR. WILLIAM ADAMS: To Choccolocco
12 is about thirteen million.

13 MAYOR KIMBROUGH: And then it's
14 estimated eighty-eight million from there to --

15 MR. WILLIAM ADAMS: No, that's --
16 it's about fifty from there through the Fort.

17 MAYOR KIMBROUGH: Thank you.

18 MR. FERN THOMASSY: That fifty
19 million includes the additional design from
20 Choccolocco to 431?

21 MR. WILLIAM ADAMS: Yes.

22 MR. DONALD CUNNINGHAM: Is there --
23 did I understand you first to say that the eleven

1 million is still subject to Congressional action --

2 MR. WILLIAM ADAMS: No, sir.

3 MR. DONALD CUNNINGHAM: That is
4 locked in?

5 MR. WILLIAM ADAMS: That money is
6 locked in and can only be spent --

7 MR. DONALD CUNNINGHAM: Pursuing
8 the fifty million, then, normally, general using in
9 your experience, is there a historical precedence
10 that, under the circumstances we're dealing with here,
11 that that -- we could be assured some degree of
12 assurance, that that money will be forthcoming to go
13 complete this project? Are we going to wind up with a
14 third of a project with a dead end street?

15 MR. WILLIAM ADAMS: I would be
16 scared to tell you that in the times that Congress is
17 in now with budget cuts and trying to cut back and
18 there has been talk that Congress wants to do away
19 with these types of special funds altogether, so,
20 until that's written, I would hate to tell you, you
21 know -- that's something that nobody here can answer.

22 MR. CHARLES TURNER: So, until we
23 get all the money, there is always some risk?

1 MR. WILLIAM ADAMS: Until it's
2 built, there is always some risk. I mean, you know --

3 MR. CHARLES TURNER: Does anybody
4 else on the RAB have any questions for these
5 gentlemen?

6 MR. PETE CONROY: One quick
7 question. As it relates to the yellow UXO area, is it
8 presumed that had heavy arms, light, what's that --
9 remind me what that archive --

10 MR. WILLIAM ADAMS: Small arms and
11 mortar fire is what we've been told.

12 MR. PETE CONROY: Mostly small
13 stuff.

14 MR. WILLIAM ADAMS: (Nods head in
15 the affirmative.) And the figure that has been thrown
16 around is it could be anywhere from ten thousand to
17 fifty thousand an acre. I mean, nobody knows what it
18 costs to clean it up, so, we therefore have a hard
19 time determining whether it's more economical to move
20 our road than it is to clean it up where it is, now.

21 We -- like I say, in our
22 preliminary estimates, looking at moving it as the
23 base closure team has suggested trying to get out of

1 that area, we're looking at probably two million
2 dollars in a drainage structure, alone, based on the
3 skew that we would cross that creek coming out of
4 Yahoo Lake. So, I mean, at even fifty thousand an
5 acre, the amount of acreage we're talking about
6 cleaning up, won't equal two million dollars.

7 MR. RON LEVY: We don't really know
8 the cost. Let me just add something to this. First
9 off, that area, Pete, as you asked, was identified in
10 the archive search report as being an area used for
11 mortar, rockets, and I believe --

12 MR. CHARLES TURNER: Yes, there
13 were small arms, too.

14 MR. RON LEVY: Yes, and small arms,
15 artillery, don't know. I don't think that was part of
16 that area in there.

17 So, in terms of, you know, what
18 level and what depth, those are all things that are
19 going to be looked at by Huntsville and the Corps, as
20 they start to identify the OE removal costs associated
21 with the area. And in fact, we do have them working
22 that now. They've been funded to do that.

23 MR. MARK ANDERSON: Before the --

1 MR. FERN THOMASSY: Excuse me for
2 pursuing it further, but with the money we've talked
3 about, that fifty million, some portion of that then
4 is what you expect could possibly come out of 1997
5 ISTEA reauthorization or reappropriation?

6 MR. WILLIAM ADAMS: A large portion
7 of that we hope will come out of 1997 ISTEA, yes, sir.

8 MR. FERN THOMASSY: And what
9 portion, fifty percent, maybe all of it?

10 MR. CHARLES TURNER: We're hoping
11 that eighty percent of that fifty million, right --

12 MR. FERN THOMASSY: The eighty
13 comes and then the state matches --

14 MR. WILLIAM ADAMS: Yes, sir.

15 MR. FERN THOMASSY: -- with the
16 twenty?

17 MR. WILLIAM ADAMS: Yes, sir.

18 MR. FERN THOMASSY: So then that --
19 it was stated earlier that there's a possibility to
20 start construction as early as the year 2000. That's
21 a real possibility, then?

22 MR. WILLIAM ADAMS: Yes, sir.

23 MR. FERN THOMASSY: If we get the

1 money --

2 MR. WILLIAM ADAMS: Given the
3 funding, yes, sir, that's a possibility.

4 MR. CHARLES TURNER: Is there any
5 way to speed that up? The base closes in '99 and it
6 sounds like it's going to be a big project, so we're
7 going to have a while to wait for it to get to us,
8 aren't we?

9 MR. WILLIAM ADAMS: There is
10 always, you know, a possibility of speeding that up.
11 That would be -- that would be a normal schedule.

12 MR. CHARLES TURNER: What would it
13 take to get it sped up, more money?

14 MR. WILLIAM ADAMS: Money and man
15 power, same thing everybody needs.

16 MR. CHARLES TURNER: Yes, sir?

17 MAYOR KIMBROUGH: May I ask a
18 question in that? Of the twenty percent matching, was
19 that incorporated in the governor's bond issue or has
20 the state assured us that that money will be available
21 if the -- if we get the other portion?

22 MR. WILLIAM ADAMS: I think the
23 state has given its assurances that it will have its

1 match, if in ISTEa the appropriations are made.

2 MR. CHARLES TURNER: I believe
3 Mr. Butts (phonetic) did that, the director of the
4 highway department, did that in a letter to Senator
5 Ghee.

6 MR. WILLIAM ADAMS: Right.

7 MR. CHARLES TURNER: Said that the
8 state would meet any match that it was required.

9 MR. MARK ANDERSON: I have a
10 question that goes back to the acreage thing just a
11 second ago. How many acres is that? How wide a swath
12 do you cut and how many total acres are we talking
13 about having to clear just to be able to put that road
14 in?

15 MR. WILLIAM ADAMS: I don't know
16 that we have an exact figure. An average, a swath
17 through there would probably be five hundred feet.

18 MR. PETER GREEN: Our minimum
19 right-of-way width is three hundred feet.

20 MR. WILLIAM ADAMS: Say seventy
21 acres.

22 MR. MARK ANDERSON: Seventy acres?

23 MR. TERRY ROBINSON: Approximately,

1 seventy acres.

2 MR. CHARLES TURNER: I'm sorry.

3 Did you say -- Do you have a per acre estimate of what
4 it costs to build the road?

5 MR. WILLIAM ADAMS: A per acre?

6 MR. CHARLES TURNER: Yes, sir.

7 MR. WILLIAM ADAMS: About ten
8 million dollars per mile.

9 MR. CHARLES TURNER: And how many
10 linear acres to the mile?

11 MR. WILLIAM ADAMS: You can't
12 equate the two.

13 MR. CHARLES TURNER: You can tell
14 (inaudible).

15 MR. RON LEVY: It's about what,
16 four point five miles coming out of the Fort?

17 MR. WILLIAM ADAMS: It's about four
18 and a half miles through the Fort, right.

19 MR. RON LEVY: What portion of that
20 is just going through the area, the (inaudible), the
21 UXO?

22 MR. WILLIAM ADAMS: That right
23 there is just a little over a mile.

1 MR. CHARLES TURNER: So, seventy
2 acres equals four point three miles?

3 MR. WILLIAM ADAMS: No. Seventy
4 acres equals about a mile, a little over a mile.

5 MR. CHARLES TURNER: Okay.

6 MR. MARK ANDERSON: That's what we
7 were saying, seventy acres is what's in the UXO area
8 --

9 MR. WILLIAM ADAMS: Right.

10 MR. MARK ANDERSON: -- as we
11 understand it right now from that archive search.

12 MR. WILLIAM ADAMS: Right.

13 MR. CHARLES TURNER: Any other
14 questions from the RAB members?

15 Gentlemen, before we turn you
16 loose, we're going to turn you over to the folks that
17 are here with us. Does anybody have any questions for
18 Mr. Green or Mr. Adams?

19 Gentlemen, thank you so much for
20 giving us your time.

21 MR. WILLIAM ADAMS: Thank you.

22 MR. PETER GREEN: Thank you.

23 MR. CHARLES TURNER: Thank you for

1 your presentation, Mr. Green, and thank you for your
2 information, Mr. Adams.

3 MR. RON LEVY: I think I might want
4 to put somebody on the spot here. Tom Murrell
5 (phonetic) from St. Louis Corps. Tom, do you think
6 you could talk a little bit about that area that it
7 goes through, in terms of what you found out in the
8 archive search report?

9 MR. TOM MURRELL: Let me see if I
10 can do this without pulling the mike over. You got
11 two general areas. You've got the triangle shape
12 here, which is a sixty millimeter mortar range. The
13 outer fringe of that will be surface danger zone and
14 not really an impact area, more if you're standing
15 there and a round goes off than if you're a hundred
16 yards away, you would get hit. So, for instance out
17 here, you may be on the fringe of the area
18 (inaudible).

19 The other range that goes across
20 the map is a tank table, ranges one, two, and three,
21 which may be small arm, machine gun range.

22 MR. RON LEVY: Was it main gun?

23 MR. TOM MURRELL: May not be main

1 gun, because it does go across another range during
2 use.

3 MR. RON LEVY: If it was main gun,
4 what kind of a round would that be?

5 MR. TOM MURRELL: Anything from
6 thirty-seven millimeter to seventy-five millimeter.
7 But the fact that it goes over old range fifteen up in
8 here really narrows down the possibility of main gun,
9 because it wouldn't have gone around or across Iron
10 Mountain Road.

11 MR. RON LEVY: Can you speculate on
12 depth of any of that ordnance?

13 MR. TOM MURRELL: Clay down here
14 four or five feet, maybe, for sixty. And that's just
15 a very from a hip type guess.

16 MR. RON LEVY: Well, actually, that
17 -- it applies to fused ordnance versus other types
18 that are not fused?

19 MR. TOM MURRELL: Right. Small
20 arms. Sixty millimeter mortars, a lob round. It goes
21 higher than it usually goes further. So, when it
22 comes down, if it doesn't fire off, it's got a good
23 chance of going into the ground.

1 MR. RON LEVY: And that again is
2 four to five feet, you said?

3 MR. TOM MURRELL: It could probably
4 go further. It could be shallower, depends on the
5 soil conditions, how hard is the ground, basically,
6 for a twenty pound projectile.

7 And the other ranges up here
8 farther to the north, which aren't shown, were all
9 rifle fire.

10 MR. CHARLES TURNER: So, it looks
11 like the biggest risk is right there by -- right in
12 there?

13 MR. TOM MURRELL: (Pointing.)

14 MR. CHARLES TURNER: And that's
15 definitely fused ordnance?

16 MR. TOM MURRELL: Right. We walked
17 up during the ASR process up closer in and found tail
18 booms off sixty millimeter mortars. And you don't
19 find tail booms separated unless there is a high
20 explosive.

21 MR. CHARLES TURNER: And your
22 feeling is that in clay soil, those could penetrate up
23 to say five feet?

1 MR. TOM MURRELL: Maybe not clay.
2 Softer soil. Clay is fairly hard when it impacts.

3 MR. CHARLES TURNER: And I don't
4 know if you're -- you know anything about this. But
5 current detection technology knowledge make
6 discovering that in that kind of soil possible?

7 MR. TOM MURRELL: I wouldn't go on
8 to answer that. It's magnetic. You've got magnetic
9 soil down here so it's going to be a process to go
10 through it.

11 MR. FERN THOMASSY: But if you're
12 going to build on it and if you're going to allow it
13 to have human access for certain purposes, I think you
14 said something like four foot depth limit below any
15 level down to which you would excavate or dig or
16 perform an operation. There is no technology today
17 that can give you a hundred percent certainty that
18 that area is detected and cleared without sifting it.

19 MR. TOM MURRELL: Right.

20 MR. FERN THOMASSY: So, is there
21 anything else we can expect right now except doing
22 that sifting through all those areas where we have to
23 do that type of work?

1 MR. TOM MURRELL: That would be
2 more Huntsville's calling, answer for that, because
3 they're the technical people.

4 MR. FERN THOMASSY: Everything
5 we've heard indicates that, even though we've not
6 gotten down to that real hard fact. Thank you.

7 MR. CHARLES TURNER: We appreciate
8 your willingness to come up and talk to us. Thank
9 you.

10 Anybody got anything they want to
11 talk about on the presentation? Y'all want to move
12 on, take a break?

13 MR. RON LEVY: Keep on.

14 MR. CHARLES TURNER: Let's have a
15 report of the committees. Charter and membership.
16 Did we get the applications out?

17 MR. RON LEVY: Six hundred and
18 thirty-two applications went out. I think Mary
19 pointed out that there are several folks that she's
20 aware of that received those applications,
21 applications and letters -- to (inaudible) out.

22 MR. CHARLES TURNER: Did we
23 establish a date for getting them back?

1 MR. RON LEVY: Call on Lisa. Can
2 you talk about the date, Lisa?

3 MS. LISA KINGSBURY: Sorry, I
4 wasn't paying attention.

5 MR. RON LEVY: What was the date in
6 the letter that we expected to receive them back?

7 MS. LISA KINGSBURY: They'll be in
8 July 14 is the cutoff date. We mailed them out June
9 the 12th.

10 MR. CHARLES TURNER: And our
11 meeting in July is when -- it is the 21st. How do
12 y'all won't to handle that? Just have a date on the
13 mailing and just have copies of the applications that
14 we get for each member on that date for our July
15 meeting? Y'all want to make that kind of a primary
16 focus of the July meeting?

17 MAYOR KIMBROUGH: It depends on the
18 return rate.

19 MR. CHARLES TURNER: Yes. If we
20 only get one, we might be able to deal with it pretty
21 quickly.

22 MAYOR KIMBROUGH: We might could
23 handle that.

1 MR. CHARLES TURNER: Mark?

2 MR. MARK ANDERSON: I can't
3 remember. Did we say we were going to have the full
4 RAB (inaudible) them. I thought we were just going to
5 screen them.

6 MR. RON LEVY: We're just going to
7 screen them and (inaudible) --

8 MR. CHARLES TURNER: How about if
9 charter and membership meets a half an hour before the
10 July meeting and comes in with a recommendation? I
11 mean, we've been light some members for several
12 months. I think we've got the application -- we've
13 got everything we need to make the replacements.
14 Let's go ahead and do it.

15 MS. MARY HARRINGTON: So, we are
16 going to meet thirty minutes early?

17 MR. CHARLES TURNER: Yes, why don't
18 me meet -- we'll get a vote out with the agenda and
19 charter and membership and anybody that wants to come
20 in and sit in, feel free.

21 MAYOR KIMBROUGH: What was the
22 date?

23 MS. MARY HARRINGTON: The 21st.

1 MR. CHARLES TURNER: The 21st at
2 6:00 in the RAB room at Fort McClellan. Bart, you
3 have a quizzical look on your face.

4 MR. REEDY: No. I'm just
5 listening.

6 MR. RON LEVY: My office will get
7 that out and we'll put it in the letter to the RAB.

8 MR. CHARLES TURNER: Community
9 relations, Fern, Mark, y'all got anything on that?

10 MR. FERN THOMASSY: Yes, one thing
11 I would add. It's tentative feeler (phonetic)
12 presentation. In my discussions with the chamber of
13 commerce, I think there is an interest from the
14 military affairs to hear what the RAB is doing. And
15 once I can work that out, I'll bring it to the RAB and
16 then we'll consider giving them a presentation to see
17 if they can solidify that interest.

18 But everybody knows -- and I'd say
19 for the DERTF -- that one of our primary
20 responsibilities is liaison between the community and
21 the process of getting Fort McClellan ready for
22 utilization, getting it cleaned up for the community,
23 itself.

1 And we're beginning now to
2 interphase with other elements. And one of our prime
3 purposes as a board and with that community relations
4 committee is to brief the community on what's going on
5 and what our views of what's going on are.

6 MR. RON LEVY: You talking about
7 using the briefing -- are you talking about using the
8 briefing that Mark and -- (inaudible) --

9 MR. FERN THOMASSY: Yes.

10 MR. CHARLES TURNER: Mark, you got
11 anything else?

12 MR. MARK ANDERSON: No. We had a
13 brief conversation with the Army Environmental Policy
14 Institute. I gave some information to Lisa but it's
15 -- it was too late, because the mail out had already
16 gone. They just -- they got it to me but I didn't get
17 it in time.

18 MR. CHARLES TURNER: Okay. Any
19 other business to take up by the committees?

20 Let's move on to old business.
21 Risk assessment training rescheduled for July 29th
22 through the 31st of 1997. Ron?

23 MR. RON LEVY: Yes. As we

1 mentioned in previous RAB meetings that we have slots
2 available for RAB members. We've got five. And we
3 really need to go back and identify what RAB members
4 wanted to do that, wanted to do that training.

5 We're talking about dedicated time.
6 So, it would be time away from work. So, if you don't
7 think you can do it, don't volunteer. Let's leave it
8 open for folks that really believe they can get to it.

9 Can I see a show of hands of folks
10 who were interested in obtaining one of those slots?

11 (Raised hands: Mark Anderson, Donald
12 Cunningham.)

13 MR. RON LEVY: Anybody over here?

14 MR. CHARLES TURNER: I can't commit
15 three full days to it. I can do my best. But I can
16 guarantee you I can't do three days.

17 If you still have an open slot
18 after everybody else has a shot at it, I would be
19 interested.

20 MR. PETE CONROY: Ron, I'm in that
21 same category.

22 MS. MARY HARRINGTON: I can the
23 30th, but not the 29th.

1 MR. BART REEDY: Charles, you might
2 get some feedback from Chris. Can you speak to how
3 firm those dates are?

4 MR. CHRIS JOHNSON: The dates are
5 firm. They have been set. I would make a
6 recommendation to the RAB that possibly someone sit in
7 for the human health component and someone else sit in
8 for the ecological component of the training and break
9 it out that way.

10 But it certainly is a great
11 opportunity for everyone to understand how we actually
12 quantify risk at sites and how we actually come up
13 with the cleanup levels here at Fort McClellan,
14 because we're going to use case studies here at Fort
15 McClellan. But that would be my suggestion, if we
16 can't commit to the three days.

17 MR. PETE CONROY: Would that be two
18 equal components?

19 MR. CHRIS JOHNSON: Pretty much,
20 yes. The human health would probably be a little bit
21 lengthier than the ecological components.

22 MS. MARY HARRINGTON: Is that first
23 or last?

1 MR. CHRIS JOHNSON: I'll have to
2 look at the agenda. I believe the human health will
3 come first and the ecological will be the last day.

4 MR. CHARLES TURNER: Why don't we
5 leave it like this, that after they get the agenda
6 out, if you find your interest has gone up or that
7 there is certain things that you can attend, get in
8 touch with either Ron or Lisa and let them know and
9 let's just try and work it out like that. If that's
10 acceptable to the --

11 MR. RON LEVY: That's reasonable.
12 Since we are setting the -- let's do it that way.

13 MR. CHARLES TURNER: Any other old
14 business to take up?

15 Under new business, we've got Bart
16 and Chris going to tell us about the UXO forum. And
17 I've got some things to tell y'all about what Chris
18 and Bart did at the UXO forum.

19 MR. RON LEVY: Let me just say
20 something to that before you start, at least for the
21 members of the audience.

22 In Nashville, there was a UXO forum
23 that went on. Several different types of topics, as

1 they related to UXO, were discussed. What was good
2 about it was that we've had membership from the Local
3 Reuse Authority. We've had Fort McClellan
4 environmental folks who were there. We had members of
5 the RAB who were there and the BRAC clean-up team.
6 So, it was well attended. Lots of interest.

7 And our intent in that was to
8 discuss some of what went on at that forum.

9 MR. CHRIS JOHNSON: If I could go
10 first, Bart, I'll be real brief. It was an excellent
11 forum. There was about six hundred people there from
12 across the nation, really representing sites not only
13 in the United States but also in several other
14 territories and countries in the world.

15 A couple of points that I got, Ms.
16 Goodman spoke to the range rule, stated that it would
17 probably be out early next year for the ranges
18 (inaudible) at closing and, of course, (inaudible)
19 sites and active bases, but with closed ranges.

20 She hopes the rule will provide a
21 better focus on identification and cleanup. She felt
22 the two key issues right now with the range rule are
23 the risk rule model -- the 3M3 model being developed

1 currently by AC is heading that up. And the other is,
2 of course, land use, is the other key issue of the
3 range rule.

4 Munitions rule, as we know, it's
5 been finalized and it will take effect in August this
6 year.

7 Another point Ms. Goodman made was
8 she wants to make industry a partner to DOD for UXO
9 remediation. They're currently gathering industry to
10 talk about how DoD can provide incentive to get them
11 involved more in the process.

12 I learned a lot about the -- we all
13 kind of went to different forums. The way it was set
14 up, I was kind of leaning more towards the range rule
15 and the risk rule. Some folks went through
16 remediation technologies. We learned quite a bit more
17 about the risk based model and how it's currently set
18 up.

19 The draft final, I believe, is due
20 June '97. And the final they're looking at in
21 September of '97 to have that risk model ready.

22 One other interesting panel was one
23 on the federal land managers. And there were several

1 agencies involved such as Bureau of Land Management,
2 U.S. Fish and Wildlife Service, and the National Park
3 Service.

4 And they had some pretty good
5 presentations on going through the issues that we're
6 going to be facing here, had some real good case
7 studies. And there was a lot of information gathered
8 from what they had done at their sites throughout the
9 nation.

10 And I believe Mr. Conroy can speak
11 to that even more. So, I will turn it over to Bart.

12 MR. REEDY: Like Chris said, it was
13 -- the forum was basically composed of break-out
14 sessions. Some of them we, you know, Chris and I
15 would go to a few of them and some of them we would go
16 to different ones.

17 To reiterate one point that Chris
18 brought out, several of the presenters from various
19 bases talked about technology and the need to upgrade
20 technology and that -- and some of the problems they
21 had had and some of the successes that they had had
22 with it.

23 Ms. Goodman talked about at the

1 beginning of the kick off of the forum, specifically,
2 technology. And DoD is now waiting on private
3 industry to come up with their own funds to come up
4 with new technology. There is not on the horizon, the
5 way I heard it, on the horizon, there is not a pot of
6 money coming down to explore new black boxes, as it
7 were. That's not happening.

8 That leaves us with really just the
9 technology that's out there is basically the
10 technology that was used during World War II. That's
11 not exactly true. There is some emag (phonetic) kinds
12 of things that are new. But all of it is still
13 electromagnetic based.

14 The advances have been made in
15 manipulating the data, finding as it were, being able
16 to sort out between false positives and, you know,
17 real positives.

18 MR. RON LEVY: Better screening.

19 MR. BART REEDY: Say?

20 MR. RON LEVY: Better screening.

21 MR. BART REEDY: Better screening,
22 I suppose. That's where the advances have been made
23 in the past few years, the past ten years, with the --

1 you know, really with the onset of a lot of the heavy
2 computers. That's where the advances have been made.

3 Depending on who we talked to --
4 and they were pretty much all over the board -- you
5 could get somewhere between -- somewhere in the
6 neighborhood you can rely on about fifty percent
7 detection and a pretty good percentage of the
8 detections could not be -- you could not discern
9 whether it was a piece of shrapnel or a live round or,
10 you know, a dud or whatever. That's where I got --
11 that's where -- what I come away -- came away from the
12 thing realizing, technology really hasn't advanced
13 that much.

14 You can turn the machine up so it
15 will see deeper. That means that the area -- you
16 start seeing more things until you get more clutter.
17 And in the project we're talking about here, you have
18 to deal with every piece of clay. You can't just
19 ignore it.

20 So, you know, what we'll do about
21 that, we -- that's still up in the air. The other
22 thing -- point that really caught my attention was the
23 issue of deed restrictions. If land is not cleared,

1 then there has to be a deed restriction put on it.
2 And in region four, we've been dealing with deed
3 restrictions, not on UXO but on chemical
4 contamination. And several of the states are having a
5 lot of heartburn with that. Not real sure how to
6 handle that to insure that deed -- the restriction on
7 the deed stays on the deed.

8 We've seen cases where property was
9 sold and then split up and the deed restriction would
10 fall off. We heard of a case in California where that
11 concept was carried a step further. The properties
12 was sold, split up. The deed restrictions fell off of
13 it, then the property was reunited, brought back up
14 and reunited and a subdivision put on it. And in that
15 instance, there was an injury -- I believe, if memory
16 serves me correctly, there was a death in that
17 situation there.

18 So, the concern that we had in
19 Atlanta and I think that also, you know, that we have
20 in Alabama is: How do we insure that deed
21 restrictions stay on the property? And there really
22 is not an answer for that, that I'm aware of. And
23 compounding that is: It would take, I guess, a change

1 in the law; is that right, in how to get a deed
2 restriction to last longer in Alabama than what did
3 you say, fifty years?

4 MR. CHARLES TURNER: (Nods head in
5 the affirmative.)

6 MR. REEDY: So, you know, those are
7 real problems we're going to have to deal with.

8 MR. CHARLES TURNER: I hope we
9 won't need any deed restrictions in fifty years.

10 MR. BART REEDY: You know, there is
11 that whole mess covered up in UXO, Charles. I don't
12 know what to do with it.

13 MR. CHARLES TURNER: I hope we'll
14 figure out something.

15 I got a lot out of the trip to
16 Nashville, not as much from the curriculum as from
17 being able to spend time with Bart and Chris and Ron
18 and other folks interested in the cleanup of Fort
19 McClellan. We all knew each other up there and spent
20 time out of the seminar together, and I got a lot out
21 of it. And I feel like we all know each other better
22 now and know what's on each others mind. And so, I
23 felt like the trip was very beneficial to that extent.

1 Anything on the UXO forum?

2 MR. RON LEVY: Not me. You can ask
3 Pete. Do you want to talk --

4 MR. CHARLES TURNER: About the UXO
5 forum or do you want to go right into the wildlife
6 refuge?

7 MR. PETE CONROY: Either way.

8 MR. CHARLES TURNER: Why don't we
9 get into the wildlife -- Pete is part of an
10 environmental --

11 MR. BART REEDY: One issue of UXO.
12 Tomorrow, for anybody that might be more interested,
13 there is a DERTF conference. Somebody? I don't have
14 it in front of me the agenda.

15 MR. MARK ANDERSON: 9:15.

16 MR. BART REEDY: 9:15 tomorrow.
17 UXO is on the table tomorrow. So, that would be a
18 real good place to hear more about it.

19 MR. MARK ANDERSON: Charles, just
20 kind of as an addendum. Since I didn't get to go to
21 Nashville, I went to Huntsville to talk to the UXO
22 people in detail about it, this presentation they give
23 tomorrow. It looks like they're using the same slides

1 and that they've made some strides in terms of some of
2 the decision making, using computerized neuro-netting.
3 They can give them a little bit better confidence in
4 what they're finding. So, the outlook isn't as bleak
5 as it could be, but better detectors give us better
6 decisions.

7 MR. RON LEVY: Let me just point
8 out that Mark, in his other capacity, is the military
9 liaison to Congressman Riley, who's been involved in
10 some of the UXO issues. So, that's where that's
11 coming from.

12 MR. RON LEVY: Ms. Rivers, we got
13 verbose and cut you off. Did you have something you
14 wanted to say?

15 MR. PAT RIVERS: I just wanted to
16 say that at tomorrow's DERTF meeting, beginning at
17 9:15, there is going to be a panel presentation by
18 three DoD representatives and an EPA representative,
19 to include discussion of the munitions and range rules
20 and then some question/answer opportunities for the
21 task force members, with the panel presenters.

22 MAYOR KIMBROUGH: What percentage
23 have we identified as possible UXO area at that

1 property?

2 MR. RON LEVY: Well, from the
3 archive search report, there is actually three
4 different pieces that we're talking about. Artillery,
5 there is seven to ten thousand acres on main post.
6 And then these two areas that were -- that are showing
7 up on his charts there, another thousand acres, I
8 think.

9 MAYOR KIMBROUGH: So, for us to
10 reuse that, that is going to be a tremendous expense.
11 The technology, you're saying that the technology is
12 not there to clear some of the properties as it is,
13 so, most of that eleven thousand acres, will there be
14 restrictions on it?

15 MR. RON LEVY: Actually don't know
16 at this point. And I would tell you that we got a
17 report due out from Huntsville as it relates to that.
18 And we're interested in hearing from Huntsville on the
19 clearance of that area. So, I would hate to speculate
20 on what it will take.

21 MAYOR KIMBROUGH: Well, what
22 concerns me is that this property is -- I won't say
23 been contaminated or whatever, from what you're saying

1 from this conference, the government is not taking any
2 responsibility for development of technology, that
3 they're depending on private industry to do that.

4 So, the probability -- the
5 probability of that technology advancing is slim to
6 none or going to be very slow?

7 MR. BART REEDY: I don't think I
8 would go that far, Mayor Kimbrough. I believe what is
9 the -- I believe that Ms. Goodman is relying on the --
10 actually on the various companies to come up with
11 technology and prove the technology. There have been
12 two different tests, I think, where there is actually
13 a field cleared and it was seeded with duds and things
14 like that. And the various vendors, contractors would
15 come in and show how they could find this particular
16 piece of metal, how they could sort out nails from
17 live rounds, nails from fragments and this, that, and
18 the other. There's been -- what, three sessions of
19 it, Chris?

20 MR. CHRIS JOHNSON: I believe so,
21 but I'm not sure.

22 MR. BART REEDY: There has been
23 three sessions, so the goal is that the various

1 contractors would invent these machines, refine their
2 different technologies, demonstrate them here, and
3 then somebody would hire them to clean the UXO. And
4 that's where the money would -- that's where their
5 money would be made back up. But as far as DoD
6 throwing a pile of money at new technologies, my spin
7 on it is that's not in the cards right now.

8 MAYOR KIMBROUGH: How big is this
9 industry that develops --

10 MR. CHARLES TURNER: Let's move on
11 down the agenda. We've got folks going all day and I
12 think we need to move on.

13 MR. CHRIS JOHNSON: Just quickly,
14 Mayor Kimbrough, there were about thirty, I believe --
15 there were several contractors, technologies there
16 offered. So, I think -- it wasn't necessarily
17 technology wasn't being fine tuned, it was more that a
18 lot of the contractors were hesitant in bringing their
19 -- getting their actual technology in the field and
20 having some sort of assurance from the Army or even
21 DoD, that if the technology failed in the field, that
22 there wouldn't be any repercussions to them. So, that
23 was kind of the feeling we got from a lot of the

1 contractors.

2 So, it's kind of like with one
3 handler, if it works, then we're just going to keep
4 using it. I think that's one main reason the EMs and
5 the technology is still being used because a lot of
6 people are just -- are afraid to get out there and try
7 some of these new technologies. And they're not
8 getting in the field, to me, as often as they should
9 be.

10 MR. RON LEVY: I want to say
11 something. What Bart said was true but what I also
12 heard was that there was a desire for industry to look
13 at doing development on their own. But there is seed
14 money, there is money out there that is looking at, as
15 I understand it, a new technologies and doing some --
16 doing some technology demonstrations.

17 So, it's not completely been put,
18 you know, back with industry to fix it. I know DoD is
19 working and there is a program out there and it's not
20 completely a, well, let's just see what happens type
21 thing.

22 MR. MARK ANDERSON: The only thing
23 is, it's all mine detection technologies, if I

1 understood it right, is what the seed money is for,
2 not necessarily -- which the detectors are important.
3 But it's not necessarily specific for this. And as
4 mines are, you know, becoming more and more plastic
5 and other components, maybe that technology may drift
6 away from something that meets our specific need.

7 MR. CHARLES TURNER: Before we get
8 to these twenty questions, why don't we take a comfort
9 break, say, ten minutes and get back at it after that.
10 (WHEREUPON, there was a brief recess.)

11 MR. CHARLES TURNER: We're going to
12 try and sandwich in just a tad bit of business before
13 we move on. And that is, the LRA entered into a
14 contract with Jacksonville State University on
15 environmental issues last year. And part of that is
16 report and feasibility study on the issue of a
17 wildlife refuge being sited at Fort McClellan. Pete
18 Conroy, who is a member of the RAB, is performing the
19 work for Jacksonville State. And I've asked him to
20 give us just a very brief update on where that stands
21 and what it looks like. Pete?

22 MR. PETE CONROY: Yes, sir. Thank
23 you, Charles. As Charles mentioned, I am looking at

1 the feasibility of various uses as it relates to the
2 mountain area there near Fort McClellan.

3 We're talking about twelve thousand
4 acres. So, in terms of acreage, it is a sizable piece
5 of land. It is mountainous, it's very rugged, rocky.
6 And what's exciting about this land is that it has
7 speckled pine trees. In fact, recently, it's been
8 named as the state pine -- the tree of The State of
9 Alabama. It's the official tree of Alabama, the long
10 wood pine tree. And we've got the oldest and best
11 mountain long leaf pine, really in the World. So,
12 it's something that the U. S. Fish & Wildlife Service,
13 Park Service they get excited about that. And they
14 want to protect it.

15 We looked at various scenarios as
16 it relates to the use of this mountain area. And
17 National Park Service, we had some discussion with
18 them, we had some discussions with U. S. Forest
19 Service. But the most successful conversations have
20 been with U. S. Fish & Wildlife Service, Department of
21 the Interior. And they are interested in
22 participating in a partnership with the Local Reuse
23 Authority, as well as the Alabama Department of

1 Conservation, Game and Fish Division.

2 And the idea is that we would have
3 hunting allowed, as well as other recreational uses.
4 And what may be the best thing about a refuge concept
5 is that it attracts visitors. If you follow national
6 wildlife refuge -- I just learned is enjoying an
7 average of three quarters of a million visitors a year
8 in the Wheeler Wildlife Refuge in the north part of
9 the state. They're enjoying about six hundred
10 thousand visitors a year. And think about if this
11 were to be a wildlife refuge, it would be the closest
12 wildlife refuge, I think, to Atlanta. And so all
13 those folks, three million folks looking for a place
14 to recreate might just see a wildlife refuge over this
15 way and want to come and play in our forest and see
16 our mountains.

17 But in any case for the RAB I've
18 put together a fact sheet and it discusses some of the
19 issues as it relates to UXO, the problems with finding
20 UXO, and cleaning UXO on these steep slopes that have
21 naturally occurring ferrous material, anyway. And I
22 will continue to look at the feasibility of this
23 wildlife refuge and report to Charles and to this

1 group later on.

2 Also, the LRA has asked me to do a
3 complete feasibility study. And I hope to have
4 something along those lines in about a month.

5 MR. CHARLES TURNER: Great.

6 Thanks, Pete.

7 MR. PETE CONROY: And I'll pass
8 this around right now. One other really quick thing,
9 I have another handout for the RAB and it relates to
10 Department of Defense's environmental training grants
11 program. And you know, there is sixteen participating
12 schools. JSU is one of those schools. And we have an
13 environmental program. So, operation up there at JSU
14 right know -- well, here's an article, recent article,
15 and it features the environmental program. I want the
16 RAB to see it. It's also good that it features Paul
17 James who is in our audience tonight. And I want to
18 pass that along with the other.

19 MR. CHARLES TURNER: Thanks, Pete.
20 The next item on the agenda is discussions with DERTF.
21 And we've prepared some questions that we'd like to
22 ask the DERTF.

23 Ms. Rivers, I understand that y'all

1 had some (inaudible) that this was coming, so I hope
2 this isn't an awkward moment for you. But I think
3 what we'll do is just ask you. Does everybody have a
4 copy of it? If there is anyone in particular you want
5 to speak to, just chime in when the time is
6 appropriate.

7 I'll start off. Based on your
8 experience with other military closure activities and
9 with other RABs that they have been through the base
10 closure process, what do you think our RAB should be
11 focused on over the next six months to a year?

12 MS. PAT RIVERS: Mr. Turner, I'll
13 go ahead and give you my view and then invite any of
14 the other task force members that would like to
15 comment on these questions to also jump in and speak
16 up as they see appropriate. More and more of our
17 audience is in this direction, so I apologize to the
18 people that are seeing my back.

19 But it seems to me that the -- as I
20 said in my introductory remarks, sharing information
21 among the RAB, the LRA, and the BRAC cleanup team, and
22 communicating interests and concerns is really the
23 opportunity for the greatest positive outcome at a

1 base closure location.

2 And so, what I've seen this evening
3 is a direct effort to share information about the
4 planning and redevelopment opportunities, about what
5 environmental concerns exist and what work is underway
6 that the BRAC cleanup team is focused on, and then
7 sharing issues and concerns that the citizens feel as
8 represented by the members of the RAB.

9 So, it seems like you all are on
10 track with the kinds of things that we've advocated as
11 goals for those different parties.

12 MR. DON GRAY: Well, as I said
13 during the meeting today, I think you folks face one
14 of the toughest situations of any of the bases that we
15 have seen, because you have all the disadvantages of
16 industrial type waste, but you don't have the
17 advantages that a lot of other facilities had, where
18 they have industrial facilities that can be really
19 taken over and used by civilian industrial purposes.
20 And it would require a lessor level of clean up than
21 you have to have for the kinds of uses that are most
22 likely at this facility.

23 I think the other problem you have

1 is that because of that difficult situation, you're
2 having to start facing decisions about cleanup before
3 you know exactly what the future use is going to be.
4 So, to me, I think what's going to be really important
5 in the near term is for the RAB to work very closely
6 with the reuse authority to try to get some decisions
7 made about the reuse, because that's going to affect
8 the level of cleanup and the type of cleanup and so on
9 that you're going to have to have.

10 That's sort of a -- until you get
11 that determined, it's going to be, I think, a constant
12 problem in determining what needs to be done in terms
13 of cleanup.

14 MR. CHARLES TURNER: Thank you.
15 Sam, that was Mr. Gray. I'm sorry. If y'all notice,
16 Sam gave me a dirty look. Sam is our stenographer.
17 She asked that I ask y'all to identify yourselves when
18 you start talking, so that she can make sure that that
19 finds its way into the record.

20 And I believe you're Mr. Gray,
21 aren't you?

22 MR. DON GRAY: Yes. Thank you.

23 MR. CHARLES TURNER: Thank you.

1 Somebody want to ask the next question?

2 MR. FERN THOMASSY: All right.

3 MR. CHARLES TURNER: Go ahead.

4 MR. FERN THOMASSY: Does the DERTF
5 recognize the unique situation Fort McClellan is in in
6 that Fort McClellan is still training and you can't
7 start the disposal and a lot of the detailed invasive
8 investigative and cleanup actions until closure and
9 the troops and the activities move off in probably
10 '99?

11 MS. PAT RIVERS: Yes.

12 MR. FERN THOMASSY: Is that a
13 problem that you face and how is it handled at other
14 bases that have similar problems?

15 MS. PAT RIVERS: Stan?

16 MR. STAN PHILLIPPE: Stan
17 Phillippe. The analogy I would make is that there are
18 a lot of investigations that are going on at open
19 bases. And certainly, the mission is still ongoing
20 while the investigations are going on at far more open
21 bases than there are at closing bases. So, you might
22 take note of what kinds of attempts have been made at
23 open bases to have the mission and the cleanup

1 investigations go at the same time. It can be done.

2 MS. PAT RIVERS: I will say that
3 part of what we heard from the LRA today is an
4 interest in considering possible future uses for these
5 facilities, even though the mission won't leave until
6 1999. That could actually, as soon as those functions
7 move out, a new operation or a new function could move
8 right in behind them.

9 One of the things that the task
10 force has observed is places where you can do what
11 I've heard called a warm transfer. As soon as one
12 group moves out, a reuse opportunity can move in right
13 behind them. Frequently are the best ways to transfer
14 property and utilities so that you have the least
15 degradation because of lack of use.

16 So, at some bases where the mission
17 may have picked up and left and there is not a reuse
18 opportunity following right behind, there are other
19 kinds of problems that the community has had to deal
20 with.

21 My sense also is that as a group,
22 you're looking at the entire property. And so, some
23 portions of the property may be able to begin reuse,

1 even though the chemical school mission, for example,
2 won't move until 1999.

3 But it does pose an additional set
4 of restrictions and problems, in terms of the
5 opportunities you all face.

6 MR. CHARLES TURNER: Thank you.

7 MR. DON GRAY: There have been
8 places where some of the properties were leased that
9 could be done fairly quickly for particular uses where
10 it's non-contaminated area and it doesn't represent a
11 threat of further contamination.

12 MR. CHARLES TURNER: Don, would you
13 ask the next question, please? That's number three.

14 MR. DONALD CUNNINGHAM: Who?

15 MR. CHARLES TURNER: You.

16 MR. DONALD CUNNINGHAM: Okay. What
17 will happen to the historic structures and the
18 archeological sites on Fort McClellan property after
19 it's turned over to the community and will these
20 structures and the sites be protected or can they be
21 destroyed for the purposes of let's say a shopping
22 mall?

23 MS. PAT RIVERS: I know that Don

1 Gray will want to comment on this. Obviously, from my
2 perspective, my personal concern is insuring that
3 sufficient cleanup has happened so that human health
4 is protected and the environment is protected from
5 contamination.

6 I know that there are specific
7 legal requirements to identify and document historic
8 properties and cultural resources that are of unique
9 value. But that gets more into the question of
10 restrictions on potential development or reuse and
11 more into the reuse side of the equation, not the
12 cleanup side of the equation.

13 I do know that Don is a member of
14 the task force is particularly concerned that if you
15 look at the universe of BRAC properties that DoD is
16 turning over, they represent some very unique
17 historic, cultural, and natural ecosystem communities
18 that may not exist anywhere else in the United States.

19 And so, I'll give you that segway,
20 Don, to lead into that.

21 MR. DON GRAY: Don Gray. Pat saw
22 me talking to you, Don. I'm sure she's convinced I
23 gave you this question to ask, because it's something

1 --

2 MS. PAT RIVERS: No. I knew I'd
3 give you the answer.

4 MR. DONALD CUNNINGHAM: I've got
5 another one for you, John, just go ahead with that
6 one.

7 MR. DON GRAY: Because it's
8 something that I've been very interested in. And my
9 feeling is that these bases often contain unique
10 natural and cultural resources that probably would not
11 exist today, had they not been on a military facility
12 for the last fifty to a hundred years, they would be
13 shopping centers and housing developments and so on.

14 And I am concerned about what
15 happens to those resources when the base closes and
16 the reuse process begins. We just heard a great
17 example. Your long leaf pine acreage is a unique,
18 natural resource. And whatever the reuse is, you
19 know, it seems that that resource needs to be
20 protected.

21 Unfortunately, there are certain
22 legal requirements that have to be met under the
23 Endangered Species Act, NEPA, and the Historic

1 Preservation Act. But there may be unique -- there
2 may be -- there may be habitat, the species that are
3 not yet endangered. But once a habitat is gone, then
4 the species will become endangered.

5 There may be historic -- there are
6 some beautiful buildings on this Fort we saw. I
7 understand a lot of those places are eligible for
8 listing on the register of historical places, but
9 they've not been registered, yet, so they're not
10 protected just because they're eligible, if they're
11 not on the list.

12 And so, it is something that I'm
13 very concerned about as a member of the task force.
14 And I'm glad to hear that there is people on the RAB
15 who are concerned about the same problem. And I think
16 that's something you need to work very closely with
17 the reuse authority on as you go forward with your
18 plans, because once those resources are gone, they're
19 gone forever.

20 MS. PAT RIVERS: Can I turn around
21 and ask, do you know if the LRA has specifics
22 provisions for historic resources, for example, for
23 the historic buildings?

1 MR. DONALD CUNNINGHAM: I think
2 that -- in keeping with what Don has said, some of the
3 housing on main post, I understand, is already on the
4 national register.

5 MR. CHARLES TURNER: I think there
6 are three different historic districts. I think that
7 the -- as far as architectural resources, that that's
8 taken care of. And I assume we've got some
9 archeological sites, as well.

10 As Mr. Gray said, you got an
11 opportunity to hear where there hasn't been any real
12 use of the property, other than military for the last
13 hundred years, and so we've got things there that we
14 wouldn't find anywhere else. And I think -- and, Rob,
15 correct me if I'm wrong -- but don't we have things in
16 place to protect those resources, other than the UXO?

17 MR. ROB RICHARDSON: I'm sure
18 you're right.

19 MR. CHARLES TURNER: What did you
20 do, punch out at 5:00?

21 MR. RON LEVY: I would give you
22 just a little perspective from Fort McClellan's
23 environmental office. We've been talking with Rob and

1 Charles. We have provided them with all the data we
2 had as it related to the historical structures, the
3 districts.

4 We've seen some of the reuse plan.
5 And from my understanding on the reuse plan, those
6 facilities are captured not to be destroyed but to be
7 reutilized in the very best way possible. Trying to
8 keep the integrity of the structures. I'm aware of
9 that.

10 I know when we complete the
11 programmatic agreement, that will be signed by the
12 advisory counsel and Ms. Chapel (phonetic). There
13 will be things in there that relate to deed
14 restrictions or restrictions associated with those
15 structures. That's not to say that the reuse
16 authority can't go back and renegotiate with the state
17 historic preservation office to modify those
18 structures. But there are things in place for that to
19 happen.

20 MR. CHARLES TURNER: Thank you.
21 Mayor Kimbrough, I understood you wanted to ask number
22 five.

23 MAYOR KIMBROUGH: I have a concern

1 in that my community's water source is a well and one
2 of the landfills has been identified as leakage, which
3 is close to our water. And if that wipes our water
4 source out, of course, that's going to be a great
5 financial burden on the community.

6 The question first is: Is there
7 any assurance that there will be any monitoring of the
8 wells to detect any leakage or ground water leakage?

9 And two, if there does a
10 catastrophe happen and it does get into our water
11 source, are there any type of funds that are
12 appropriated to assist us to overcome that?

13 MS. PAT RIVERS: I'll answer the
14 second half of your question first. If contamination
15 from a landfill that DoD caused results in
16 contamination that has to be mitigated, then it will
17 continue to be our responsibility.

18 In terms of, we are accountable for
19 insuring that the landfills that are there are not
20 posing a threat to human health or the environment.
21 And that means a permanent fix in terms -- in the
22 terms of the super fund requirements, we have to
23 insure that people are protected over the long term.

1 But in terms of your first
2 question, is there monitoring being done, I think that
3 the BRAC cleanup team members are your best source for
4 an answer. I would be -- I would certainly be
5 surprised to hear that the state and EPA were not
6 insisting with Ron, working together, to insure that
7 the -- any contamination from the landfill is being
8 adequately characterized, that a long range plan for
9 mitigating that impact is not part of the overall
10 cleanup plan.

11 MAYOR KIMBROUGH: It is. My
12 question is: When the Fort closes, what happens after
13 that? Does the government -- since we won't have
14 personnel out there, would there still be monitoring
15 taking place? Is there a responsibility there?

16 MR. CHARLES TURNER: You can't
17 enforce monitoring requirements through deed
18 restrictions.

19 MS. PAT RIVERS: The cleanup is our
20 responsibility until it's sufficiently cleaned up to
21 continue to provide protection for public health and
22 the environment. If it's a situation where we need
23 long-term monitoring, then we would still be

1 responsible for doing that monitoring.

2 We might do it by contract. We
3 might do it by contract with an agency, you know,
4 asking the state or another organization. But it's
5 always our responsibility to insure that our remedies
6 are sufficient.

7 And I would suspect what we've
8 observed is that the final decision that sufficient
9 cleanup has happened at that base or that the -- that
10 the remedy that has been installed is operating
11 properly and successful is one of the requirements
12 before the property is actually deed transferred as a
13 general course of action.

14 MR. CHARLES TURNER: Yes, ma'am.

15 MR. DON GRAY: Can I add one thing
16 to that?

17 MR. CHARLES TURNER: I'm sorry. Go
18 ahead, Mr. Gray.

19 MR. DON GRAY: DoD has just issued
20 a draft policy on who pays for cleanup after cleanup
21 and the circumstances under which, even after closure
22 and transfer of the property, the department would
23 come back and clean up. One of those is if there is a

1 remedy failure.

2 So, if it's a capping of a landfill
3 where the hazardous materials are left in place, then
4 it has to be monitored. And if there is failure, then
5 they have to come back and clean it up.

6 MS. PAT RIVERS: Right.

7 MR. DON GRAY: Now, if it's a
8 change, say the property is transferred with deed
9 restrictions and then the local community decided to
10 change the use from say industrial to residential use
11 and the only reason for doing additional cleanup is
12 because you changed the use, under that policy, the
13 local community is -- the new owners would be
14 responsible for doing the additional cleanup. But if
15 it's as a result of previously undiscovered
16 contamination or failure of the remedy they put in,
17 they will continue to be legally obligated to come
18 back and clean it up.

19 MR. CHARLES TURNER: Yes, sir. I'm
20 going to figure out which questions you didn't just
21 answer. I think that certainly takes care of number
22 six.

23 MR. RON LEVY: As far as that one

1 question dealing with the BRAC cleanup team, it is an
2 issue that we are -- we have been talking about and
3 are addressing. And we know the concerns of Mayor
4 Kimbrough and the Weaver community. So, it's
5 something that we definitely intend to get to.

6 In terms of the remedy, nothing of
7 that sort has actually been decided. We're still
8 looking at data as it relates to the landfill. And
9 we've got some more ongoing work at that landfill.
10 So, we still have a decision to be made, in terms of
11 what the remedy is going to be at the landfill.

12 MR. CHARLES TURNER: Mr. Gray's
13 answer touched on this to an extent, and I'll ask
14 anybody to add anything on number six: If the
15 community decides to change the reuse of a particular
16 piece of property, will the Army come back and clean
17 it up to better standards later?

18 MR. HAL RAY: No.

19 MS. PAT RIVERS: No.

20 MR. HAL RAY: It's very important
21 that the community understand that. That's why,
22 earlier in the day, when there was a presentation --
23 Hal Ray -- earlier today when there was a presentation

1 about what you envision the future land use to be, I
2 was interested to hear that you were presuming some
3 sort of a residential use, which presumes a very high
4 level of cleanup and also a very high commitment on
5 behalf of the Department of Defense, in terms of
6 resources to reach that level.

7 But it's clear from the Department
8 of Defense's policy, as Mr. Gray said, that the
9 federal government will not come back in, if for some
10 reason the community selects a future land use as part
11 of the redevelopment plan and then comes back and
12 changes that and wants to have a land use that would
13 require additional expenditure of funds. That would
14 only happen, though, or should only happen in a
15 situation where you wanted to clean contamination up
16 to a level that would be say a commercial use or a
17 light industrial use, something less than the level
18 that would be required for a residential use, which is
19 the highest level.

20 And that -- at least at this point,
21 that doesn't sound like what y'all are talking about.
22 But the community needs to understand that if you go
23 with -- if you go with industrial -- and the idea is

1 sometimes this can be pitched to the communities in
2 terms of look, this is the quickest way to get the
3 cleanup accomplished, you know, for whatever reason
4 you should go with an industrial cleanup.

5 You just need to understand if
6 that's what you sign off on and the government goes
7 along and then you change later on down the line and
8 say, well, we decided we weren't going to be able to
9 get this industry, we really want to have some sort of
10 residential development, the federal government is not
11 going to pay for that increase.

12 MR. CHARLES TURNER: That gets back
13 to your discussion with Rob this afternoon about the
14 tail wagging the dog. Rob asked the question or
15 pointed out that sometimes it seemed like DoD
16 environmental policy steered reuse. And to an extent,
17 that's true.

18 For instance, in our reuse plan,
19 we've identified the mountain areas as something like
20 a wildlife refuge because it's full of UXO. And we've
21 been told repeatedly that there's no technology to
22 clean up the UXO. And so, you've got to have a
23 non-intrusive use, now.

1 Could we have a tiered reuse where
2 we say, well, until you get it clean, we would like to
3 see it as a wildlife refuge, but after that, we want
4 to see townhouses?

5 MR. HAL RAY: I don't think so.
6 But I'd let Pat maybe or someone from the government
7 respond to that.

8 MS. PAT RIVERS: I've never heard
9 of something like that proposed and so, I don't know
10 if it's something that's possible or not.

11 I will tell you that the basis for
12 development of DoD's draft future land use policy that
13 both Don and Hal are referring to is the prospect that
14 five or ten years after property transfer, that if a
15 remedy is still protective, that a community should
16 not believe that they could come back to the
17 Department of Defense and say, our use of this area is
18 changing and we don't want to consider additional
19 cleanup as part of the cost of that potential change,
20 we want you to pick up the bill, even though under the
21 existing plan the remedy is still fully protective.

22 There is no -- right now, there is
23 -- the purpose behind the policy statement is to

1 describe clearly to the communities that our goal is
2 to choose a remedy with the community's input,
3 considering reuse, that provides protection, and not
4 consider the possibility of doing one cleanup now that
5 everyone thinks is complete and then at some future
6 point doing another cleanup.

7 MR. CHARLES TURNER: With the UXO,
8 we aren't talking about doing any cleanup for awhile,
9 I don't think, or the bulk of the -- in the mountain
10 -- really mountainous area outside of the eastern
11 bypass corridor, we aren't even talking about an
12 immediate cleanup.

13 What we're told is that it's too
14 expensive to even talk about and the technology is
15 deficient to the point where it can't be cleaned up.

16 MR. DON GRAY: There is one other
17 part of this policy, too, that we should mention, Pat.
18 You do have another condition under which DoD
19 obligates itself to come back is if the technology and
20 the standards change.

21 MS. PAT RIVERS: If the standards
22 change.

23 MR. DON GRAY: Well, here we don't

1 have a technology for unexploded ordnance --

2 MS. PAT RIVERS: Again, we're
3 getting a little bit out of my area of expertise, in
4 terms of unexploded ordnance.

5 MR. JIM WOOLFORD: Pat, if I may.
6 Jim Woolford, I'm with U. S. EPA. Actually, the
7 discussion about the future land use policy that we've
8 just been hearing is actually quite relevant, given
9 the range rule that is currently being developed by
10 the Department of Defense.

11 And the range rule describes -- and
12 I think it's fairly well consistent with what you've
13 heard -- it describes or will describe when it's
14 proposed in the next few months what conditions DOD
15 will come back and perform additional use. But the
16 range rule will apply, because this is a closed range
17 on the transferring base, the range rule will apply
18 and sort of set the regulations for how this will be
19 handled by the federal government and Department of
20 Defense.

21 So, one thing you asked early on,
22 what should you focus on over the next six to twelve
23 months, I would advise the RAB to take a very hard

1 look at the proposed range rule when it comes out. I
2 don't know the time frame for that. My guess is about
3 two to three months from now, take a real hard look at
4 that, because in that they -- you know, there is an
5 answer provided to your question.

6 MR. CHARLES TURNER: Thank you.

7 MR. DON GRAY: I might suggest,
8 Pat, that's we make available to the RAB copies of
9 your proposed policy so they have it to refer to.

10 MS. PAT RIVERS: I'll be happy to
11 do that.

12 MR. MARK ANDERSON: It's available
13 on the internet.

14 MR. RON LEVY: I can print it off
15 and provide it to the RAB.

16 MS. PAT RIVERS: It's been very
17 broadly disseminated. And again, it's focused on --
18 the policy has been promulgated based on traditional
19 contamination issues. Jim is very right in pointing
20 out that the range rule is specifically dealing with
21 UXO and there may be provisions in the range rule that
22 do address your concern of the question of
23 availability of technology which don't apply to

1 traditional contamination issues like (inaudible).

2 MR. CHARLES TURNER: Who wants to
3 ask number seven? Go ahead, Pete.

4 MR. PETE CONROY: This blends in
5 well with what we've just been discussing. The
6 question is: If there is a decision on the part of
7 the community that the Choccolocco Mountain area be
8 used for recreational purposes, should we be concerned
9 about the impact of a four foot clearance depth on the
10 biological communities in these areas? And
11 considering the fact that we have thirty-five,
12 forty-five degree slopes rocky soils, where erosion
13 can't be controlled, if you do a half -- six inch
14 depth, how do we look forward to cleaning these areas?

15 MS. PAT RIVERS: I think, from what
16 I've heard today, you all have already answered your
17 question, in terms of concerns expressed by EPA and
18 the state on the BRAC cleanup team and also your study
19 sponsored by Jacksonville State.

20 You've just described a scenario
21 where a four foot clearance would destroy the
22 ecosystem. So, I'm not certain what the purpose of
23 asking me that question is.

1 MR. PETE CONROY: It may have been
2 rhetorical.

3 MR. DON GRAY: One other problem,
4 too, about unexploded ordnance, at least, as I
5 understand it, goes back to some presentations made
6 all the way back to the '91 task force on this
7 problem. And that is, unexploded ordnance that goes
8 into the ground has annoying habits like old tires of
9 coming back to the surface.

10 So, you may clear three feet today
11 and you might come back ten years from now and find
12 something that was down below that level has worked up
13 and back into that zone over a period of time.

14 MR. PETE CONROY: Let me ask a more
15 practical question and that is: How are recreational
16 use areas being cleared right now where UXO is
17 concerned?

18 MS. PAT RIVERS: The examples that
19 I'm familiar with are situations where certain areas,
20 walkways or paths, nature trails, are cleared and then
21 other areas are left undisturbed. And my
22 understanding also is, in many range areas, there are
23 highly concentrated areas of concern, the impact

1 areas, versus other parts that are buffer zones, which
2 are less likely to be as heavily contaminated.

3 So, it's a consideration of the
4 likelihood of high concentrations of UXO and whether
5 or not paths or trails or certain areas of use can be
6 cleared and the balance of the area left as a more
7 natural reserve.

8 MR. PETE CONROY: For example, I
9 understand the Dolly (phonetic) Sods Wilderness Area
10 in West Virginia is being cleared on the trails to a
11 one foot depth and the campgrounds are being cleared
12 to a four foot depth. But other than that, it's
13 indicational signage that's protecting the public.
14 And that's considered okay?

15 MS. PAT RIVERS: I attended the
16 same presentation you did in Nashville and I was
17 interested to hear the same thing, right.

18 MR. RON LEVY: Let me ask a follow
19 on to that.

20 MR. JIM WOOLFORD: If I may add to
21 that. Jim Woolford, EPA. If I could speak for -- I
22 think it is the Department of Agriculture, which is
23 responsible for that, they are not entirely satisfied

1 with that arrangement, so -- and we're involved in
2 interagency discussions on that. So, that is still an
3 issue that I think the Department of Agriculture, at
4 least, still believes is an open issue to be
5 addressed.

6 MR. PETE CONROY: Real quickly,
7 what are the problem areas?

8 MR. JIM WOOLFORD: Adding in
9 additional campgrounds for example and what you do
10 with adding in additional campgrounds. Which is still
11 the use, but there has been no provisions made for
12 what happens over the long term, ten years, twenty
13 years, thirty years down the line.

14 The width of the clearance on the
15 trails, itself, how far -- how wide do you go, because
16 people go off the trails. So, they've raised concerns
17 about that, as well, in our discussions that I've
18 heard.

19 MS. PAT RIVERS: And I think some
20 of those issues are also being discussed in the
21 development of the range rule.

22 MR. JIM WOOLFORD: Yes, that is
23 where I have heard.

1 MR. DON GRAY: One other possible
2 problem you might want to consider is future
3 liability, once you take possession of the property,
4 if for whatever reason -- because somebody is not
5 where they're supposed to be or for some previously
6 undetected, uncleared projectile works its way back up
7 to the surface or whatever, if somebody is injured,
8 the question is: Who is going to be liable on third
9 party liability?

10 MR. RON LEVY: That's my question.
11 How does the indemnification requirements work into
12 that? We're not really talking about CERCLA 120-H,
13 we're talking about UXO issue, which is really RCRA.
14 Is this the same thing, in terms of whether the Army
15 or DoD indemnifies --

16 MS. PAT RIVERS: I don't know.

17 MR. CHARLES TURNER: I bet Barry
18 Steinberg would know.

19 MR. BARRY STEINBERG: Section 330
20 of the FY '93 Act ought to cover it. And that would
21 cover personal injury, as well.

22 MR. RON LEVY: I've got another
23 question, as it relates to that, too. Typically, how

1 is land handled? Is it -- in UXO situations, do they
2 tend to be the federal government tends to retain the
3 land and then some sort of work MOU or something else
4 put in place to allow for -- a wildlife refuge or
5 whatever other reuse would be suited for the land?

6 MS. PAT RIVERS: Again, I
7 apologize. I don't know. I'm not the UXO expert in
8 DoD.

9 MR. CHARLES TURNER: By looking at
10 the agenda and my watch, it looks like a lot of people
11 in this room probably had a thirteen and a half hour
12 day, at least.

13 MS. PAT RIVERS: So far.

14 MR. CHARLES TURNER: So, in the
15 interest of decency and southern hospitality, I'm
16 going to suggest that we conclude here directly. And
17 if there are any questions that members of the RAB
18 particularly want to ask, pick them out and ask them,
19 now.

20 MR. DONALD CUNNINGHAM: Mr. Gray,
21 we had talked earlier at the break here. And my
22 question to the DERTF is this: As indicated by the
23 state engineers, Congressional funding is absolutely

1 essential to the completion of the plan that opens up
2 Fort McClellan for reuse. If that plan is not
3 executed to its fruition and completion, then the
4 plans that we're putting in place for reuse are
5 affected dramatically by that.

6 My question to you is: What does
7 the DERTF do in relation to that, realizing what we're
8 dealing with here, in terms of Congressional support?

9 MR. DON GRAY: Well, the DERTF was
10 created by the Congress and instructed to report
11 annually to the Congress. And I think virtually in
12 everyone of our annual reports to the Congress, we
13 have under full funding for funding the cleanups of
14 the closing bases so that there is not only an
15 adequate level of funding, but the funding is also
16 available when it is needed, in terms of timing.

17 Obviously, we can't direct the
18 Congress to do that. We have recommended it. And I
19 think what you have to be on your toes about all the
20 time is to make sure that the members of Congress hear
21 from the people in the impacted communities about
22 those needs and how important it is to the community
23 that that funding level be kept up and that that money

1 be made available. Because I worked for the Congress
2 for thirty years and I know that they're very
3 sensitive to hearing from their constituents about
4 their needs. And so they care a lot more, I guess,
5 about what they hear from you folks than they do about
6 what they hear from me.

7 But it is very important, though,
8 that the money not only be there but that it be there
9 when it's needed. And obviously, a problem for DoD to
10 sort of commit itself to things in future years, not
11 knowing whether the Congress is going to appropriate a
12 sufficient amount of money or not. And we don't want
13 to see it reach the point where you say, we don't have
14 enough money to do everything, so, we've got to start
15 picking and choosing, now.

16 And the question: How do they go
17 about picking and choosing it and who is going to have
18 the most clout.

19 MAYOR KIMBROUGH: What's the track
20 record, as far as what has been requested and what's
21 been appropriated? Is there any --

22 MS. PAT RIVERS: On the whole,
23 we've received very good Congressional support for the

1 BRAC program. And in many cases, the environmental
2 portion of the BRAC program has received increases in
3 funding levels from the construction part of the BRAC
4 program, as well. So, so far we've received very good
5 Congressional support. But as Don said, hear from
6 constituents keep that vital.

7 MR. DON GRAY: It's also, I think,
8 true that more and more of the bases now are moving
9 out of the stage of studies and into the actual
10 cleanup. And it takes more dollars to move dirt than
11 it does to do studies, and so the demands are going to
12 increase at a time when the whole emphasis within the
13 Congress is on balancing the budget and cutting back
14 all kinds of ways. So, it's going to be tough. And
15 that's the reason I say, I think you have to be on
16 your guard all the time and make sure that your
17 members hear from you about --

18 MR. FERN THOMASSY: I'd like to
19 throw one thing out, just to get your reaction to it.
20 Because based on the things that I have recently heard
21 on the UXO situation, it puts the reuse group -- the
22 LRA into the position of looking at that property that
23 is currently contaminated with UXO into two

1 categories, either don't touch it and don't take it
2 back from the military, make them keep it, or hold it
3 to the tightest restriction and the tightest cleanup
4 requirement, which would be residential, regardless of
5 what we're going to use it for and what we look at it
6 to be right now. One of those two options seems to be
7 about the only things that you can prudently do at
8 this point in time.

9 That's a conclusion I came to after
10 listening to this discussion. I'd like to hear your
11 comments on that. Drill it, if it needs some filling
12 or take those holes out of it.

13 MS. PAT RIVERS: I think one of the
14 concerns -- again, one of the earlier questions was
15 the question of how you do clearance for ordnance in a
16 sensitive ecosystem with loose soils that are very
17 erodable. And so I appreciate the fact that what you
18 are describing is a situation of does the community
19 then want to own that problem. There are other
20 closing bases where there are ordnance areas and the
21 military departments are considering retaining that
22 property, rather than the community accepting that
23 property. So, that is being considered by some other

1 communities as a possible option.

2 Again, what we're trying to do is
3 share the best information we have about what we know
4 about the sites and what opportunities might exist so
5 that you have the best range of options to help make
6 those decisions.

7 MR. CHARLES TURNER: Y'all ready to
8 cut it off?

9 MR. DON GRAY: I was just going to
10 raise a question. Under the Federal Property Act, if
11 the community or the state or somebody doesn't claim
12 it, doesn't it have to be made available to other
13 people who might want to buy the property?

14 MS. PAT RIVERS: My understanding
15 is that we are not required to transfer all of this
16 property, that we do have to close the base. And so,
17 I am not aware of a requirement to transfer a hundred
18 percent of this property.

19 MR. DON GRAY: Don't you have to
20 access it to surplus -- or else give a reason for not
21 accessing? And you can certainly assert that you
22 can't access it and surplus it, because you need to
23 retain it because of the unexploded ordnance on it.

1 But is that what the department would do?

2 MS. PAT RIVERS: My assumption is
3 that the argument that's being made for properties
4 that are being considered to be retained that are
5 unable to be cleaned up satisfactorily to be released.

6 MR. CHARLES TURNER: Yes, sir?

7 MR. STAN PHILLIPPE: Just one add
8 on. Stan Phillippe. Your point about identifying the
9 final use as residential as an option may not work for
10 you, because just identifying the use as residential
11 and then hoping to drive the cleanup to a level
12 compatible with residential use doesn't mean that it's
13 going to happen, because if the technology is there --
14 is not there to do that, that remedy doesn't have to
15 be selected.

16 MR. CHARLES TURNER: Makes sense.

17 MAYOR KIMBROUGH: I'd like to ask
18 one more question. I promise it will be my last one.

19 We're depending on Congress, as far
20 as appropriating the funds for the cleanup, to get
21 requests from basically from the post, and then that
22 is taken into consideration. If Congress appropriates
23 fifty percent of the requested funds, then who will

1 determine the direction these funds will be channeled,
2 as far as cleanup?

3 MS. PAT RIVERS: Congress has not
4 taken that action to date in the BRAC program. In the
5 cleanup program, when we have received cuts based on
6 Congressional direction, we look for statements by
7 Congress of how they want us to allocate those cuts.
8 If there are none, we look to our legal obligations
9 and agreements, consent orders, other kinds of
10 arrangements that have been made and we also -- to the
11 extent that we can, we develop a plan for allocating
12 those cuts and then consider the feedback that we get
13 from communities and regulators and try and respond to
14 that.

15 So, we have not faced that
16 situation in BRAC. And I hope that we do not do so.

17 MR. CHARLES TURNER: Thank you so
18 much for coming tonight. It's been a real pleasure to
19 have you in Calhoun County. We're looking forward to
20 seeing you again tomorrow and the day after. I
21 appreciate your patience and endurance.

22 MS. PAT RIVERS: Thank you for
23 yours.

1 (WHEREUPON, the proceeding was concluded at 9:00 p.m.)
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C E R T I F I C A T E

STATE OF ALABAMA)
CALHOUN COUNTY)

I, SAMANTHA E. NOBLE, a Court
Reporter and Notary Public in and for The State of
Alabama at Large, duly commissioned and qualified,
HEREBY CERTIFY that this proceeding was taken before

me, then was by me reduced to shorthand, afterwards
transcribed upon a computer, and that the foregoing is
a true and correct transcript of the proceeding to the
best of my ability.

I FURTHER CERTIFY this proceeding
was taken at the time and place and was concluded
without adjournment.

IN WITNESS WHEREOF, I have hereunto

1 set my hand and affixed my seal at Anniston, Alabama,
2 on this the 20th day of June, 1997.

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SAMANTHA E. NOBLE

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Notary Public in and for

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Alabama at Large

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MY COMMISSION EXPIRES: 11-14-97.

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