## 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
Building 141-A, Basement Conference Room, Fort
McClellan, Alabama, on the 21st day of June, 1999,
commencing at approximately 6:30 p.m.

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1	MR. PETE CONROY: Good evening. I
2	would like to welcome everybody here. Shall we call
3	the roll? Ron Levy?
4	MR. RON LEVY: Here.
5	MR. CONROY: Ike Brown? James
6	Buford? Barry Cox?
7	DR. BARRY COX: Here.
8	MR. PETE CONROY: Don Cunningham?
9	MR. DONALD CUNNINGHAM: Here.
10	MR. PETE CONROY: Jerome Elser?
11	MR. JEROME ELSER: Here.
12	MR. PETE CONROY: Alan Faust? Mary
13	Harrington? Ron Hood?
14	MR. RONALD HOOD: Here.
15	MR. PETE CONROY: Mayor Kimbrough?
16	Margarette Longstreth? James Miller?
17	MR. JAMES MILLER: Here.
18	MR. PETE CONROY: Jimmy Parks?
19	Fern Thomassy?
20	MR. FERN THOMASSY: Here.
21	MR. PETE CONROY: Charles Turner?
22	No bylaws. Tom Turecek.
	<del>-</del>

MR. TOM TURECEK: Here.

have to approve -- do we want to wait for Charles for

MR. RON LEVY: Actually, I think

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that?

- 1 we've approved them, too, haven't we?
- 2 MS. JOAN McKINNEY: We did approve
- them. We just wanted to --3
- 4 MR. RON LEVY: We wanted to see
- 5 what they looked like, what we approved, I guess.
- 6 MS. JOAN McKINNEY: They wanted to
- find all the mistakes in them.
- 8 MR. FERN THOMASSY: There is only
- eight voting members, anyhow. 9
- 10 MR. PETE CONROY: Pardon?
- MR. FERN THOMASSY: I said there is 11
- only eight voting members. 12
- 13 MR. PETE CONROY: That's right,
- 14 yeah.
- 15 MR. FERN THOMASSY: So, we can't do
- 16 it.
- MR. PETE CONROY: You're right. 17
- 18 MS. JOAN McKINNEY: It will be on
- the agenda the next time. 19
- 20 MR. RON LEVY: Even with the
- 21 change, we still can't do it.
- 22 MR. PETE CONROY: How about if we
- 23 go around the room and introduce ourselves, starting

- 1 with Joan.
- MS. JOAN McKINNEY: Joan McKinney 2
- the RAB facilitator. 3
- 4 MR. FRANK COBB: Frank Cobb,
- 5 transition office.
- MS. MICHELLE MALONE: Michelle
- 7 Malone, assistant to Joan McKinney.
- 8 MS. JEANNE YACOUB: Jeanne Yacoub
- 9 with the IT group.
- 10 MR. STEVE MURRAINE: Steve Murraine
- (phonetic) with the IT Group. 11
- 12 MR. PETE CONROY: Does everybody
- 13 know what the IT Group is? Do you want to explain
- 14 what the IT Group is?
- 15 MS. JEANNE YACOUB: We're the
- contractor, the environmental contractor for Fort 16
- 17 McClellan.
- 18 MR. RON LEVY: Simply put, they're
- 19 our cleanup contractor.
- 20 MR. JAMES MILLER: What does IT
- 21 stand for?
- 22 MR. RON LEVY: International
- 23 Technology.

1	MR. ELLIS POPE: International
2	Technology. And I'm Ellis Pope with the Corps of
3	Engineers from Mobile. I'm the technical manager for
4	the cleanup contract.
5	MS. MIKI SCHNEIDER: And I'm Miki
6	Schneider new director of planning for the JPA.
7	MR. PETE CONROY: And we're real
8	happy to have Miki here tonight, representing the JPA.
9	And, Mickey, we hope to have someone here for all of
10	our meetings just so we can do a better job of keeping
11	in touch with what each other are doing. And I'll be
12	at your meeting first thing tomorrow morning. But can
13	you give us an update in terms of what's been
14	happening at the JPA, especially from the point of
15	view of personnel, there are a lot of new faces.
16	MS. MIKI SCHNEIDER: Sure, I'll be
17	glad to. This is the beginning of my second week
18	here. I came from Buford, South Carolina, where I was
19	director of assistant director of planning there.
20	I had worked there for five years.
21	We currently, as of today, are
22	fully staffed. We have our economic development
2.3	director in place. Stephen came to us from

1	Hattiesburg, Mississippi. We have our properties
2	person, LeAnn Michelle, and she's been a face around
3	the Fort, and I think many people out here know her,
4	and has been working out here for some time. Of
5	course, our director, Ken Whitley. And we have a
6	finance person in place.
7	So, the JPA is fully staffed and up
8	and running. We hope to have a presence out on the
9	Fort within the next month. We're still on Noble
10	Street. And that's been kind of a it's a problem
11	for us, because we end up running out here three and
12	four times a day, but we'd like to have more of a
13	presence on the Fort and hope to have that take place
14	soon.
15	But I thank you for inviting me and
16	I will do my best to attend your meetings.
17	MR. PETE CONROY: Teriffic. And we
18	have plenty of empty seats, why don't you sit at the
19	table here with us.
20	MS. MIKI SCHNEIDER: Okay. Thank
21	you.
22	MR. PETE CONROY: New business,

23 Ron.

1	MR. RON LEVY: Yeah, what I had
2	proposed actually, we didn't propose anything at
3	the last meeting, so as a requirement on our part, on
4	the part of the Army to provide to the community
5	documents related to the transfer, in this case, the
6	findings of suitability to lease and findings of
7	suitability to transfer, I had the staff put together
8	Lisa put together copies of documents that have
9	gone out for review. And in the case of the waste
10	water treatment plant, it's also out in the public, at
11	this point, for review. So, given that I have a
12	requirement to show this and maybe to generate some
13	discussion and some input into these documents, what
14	we did is we made copies and I put we've put those
15	in front of you. If y'all want to take a moment to
16	look through them and if we can generate any
17	discussion about them or if you just want to take them
18	back with you, you can address questions to me, you
19	can address questions to the rest of the BCT, Bart and
20	Chris, who also have a role in reviewing the
21	documents, providing comments, as well.
22	If you remember, Frank Cobb briefed
23	at the last RAB meeting property that was in the

1	process of being either leased, permitted, or
2	transferred. Well, these are these are a result of
3	those actions. We, the Army, have a requirement to do
4	findings of suitability to transfer or findings of
5	suitability to lease for property that is going
6	outside of the Federal Government's control. So, you
7	won't necessarily see a document as it relates to
8	fed-to-fed, as we have in the case of the Department
9	of Justice and National Guard enclaves, but in this
10	case, we are required to provide these documents and
11	also to have them reviewed.
12	Now, I don't know if there is any
13	special way you want to do this, but if you would like
14	to just take a moment and take a quick look through
15	them, and if there is anything that you've got in
16	terms of questions, I would love to take them from you
17	and see what we can't do to answer them.
18	Before you take a look, is there
19	any questions that I just generated now in my
20	discussion? Bart, Chris, you want to add anything to
21	this?
22	MR. CHRIS JOHNSON: I guess we can
23	give them a minute for folks to look over it.

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1	MR. RON LEVY: Sure.
2	MR. CHRIS JOHNSON: And go over it
3	in a minute if we want to.
4	MR. PETE CONROY: Is that how
5	everybody wants to proceed, just run through it or do
6	you want to do it more systematically?
7	MR. CHRIS JOHNSON: Need to run
8	through it.
9	MR. BART REEDY: Yeah, I think we
10	need some air time here.
11	MR. PETE CONROY: Start with you?
12	MR. BART REEDY: Oh, it doesn't
13	matter, you know, however you do it, I'm just giving
14	you heads up that we may have something we want to say
15	here. In fact, I think we do.
16	MR. PETE CONROY: Do you all want
17	to do a little reading first or do you want to hear
18	what they have to say? Why don't we just hear what
19	DR. BARRY COX: Then we know what
20	to read, right?

direct some of our attention. Mr. Reedy, the floor.

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MR. PETE CONROY: Might help to

MR. BART REEDY: We have -- when I

1	say "we," I'm speaking and Chris is sitting right
2	here I'm speaking for us. We've got a little bit
3	of an issue with the Army on some of these transfer
4	documents, and I think you all need to know that so
5	that it doesn't come out as a big surprise or eleventh
6	hour surprise. Now, jump in if I misspeak, all right?
7	MR. CHRIS JOHNSON: Okay.
8	MR. BART REEDY: Okie dokie
9	(phonetic). One of the things that we have been
10	trying to do at Region 4 in Atlanta is to approach the
11	base closure as a partnering kind of project where the
12	State and us, EPA, and the military, whatever base it
13	is, be it Army, Navy, whatever, is really a team-based
14	approach in that while we all work for different
15	agencies, there are hurdles within EPA, there are
16	hurdles within ADEM, that are programmatic
17	requirements as we see them. And in order to
18	facilitate the expeditious reuse and transfer, what we
19	have done is set up this partnering thing. And it's
20	worked pretty darn well in just a whole bunch of
21	places, quite truthfully, in helping the Army get from
22	having an empty building to you having a building that
23	you can rent to somebody.

1	And we see at EPA FOSTs and FOSLs a
2	little bit different than the Army sees FOSTs and
3	FOSLs. We interpret we interpret the legislation
4	to say that the regulatory community has in some cases
5	concurrence authority and in some cases the law can be
6	construed to say that we have just comment authority.
7	Again, that's us. And we're at odds with the Army.
8	And, please, don't misinterpret this and think that
9	Bart and Chris and Ron are not seeing eye to eye on
10	things, that's not what we're talking about here,
11	we're talking about a policy issue. We think we have
12	concurrence not concurrence authority, but
13	certainly comment authority. And in Region 4 we view
14	that as being a literal translation of the law that
15	the Army is to seek our advice and our input. And
16	while we're trying to do that, not all that
17	comfortable in some of the things that are coming out
18	in the FOSTs. And we're working the issues that are
19	out there, but we may end up attaching a letter to a
20	transfer document saying, we don't agree with your
21	finding. We do not think that it's ready to transfer,
22	for whatever reason. I'm telling you that to give you
23	a heads-up so it's no surprise. By way of example,

MR. CHRIS JOHNSON: FOSL.

1	one of the FOSTs here in front of y'all is parks and
2	recreation.

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4 MR. BART REEDY: That's a FOSL 5 there. One of the things that Chris and I are concerned about -- again, speak up if I misspeak or 7 over-speak or under-speak -- in this particular 8 document we have a concern that some of the property over at the golf course and some of the property 9 10 captured in this lease has not been investigated to an 11 extent where we can look you in the eye and say, to 12 our best judgment, this property is clean, this property is not property that is going to present the 13 14 community a short-term or a long-term problem or be a 15 short-term or long-term problem for the ecological health of the area. And we think -- at EPA we think 16 that the way to get past that hurdle is what is --17

what we term institutional controls. Institutional

land. When we view a parcel of land, if there is a

ecological problem -- there are a lot of ways to avoid

the problem and thereby lower the risk. One of those

controls being non-engineered acts on a parcel of

problem, it can be a human health or it can be an

1	could be isolating the community from the problem, via
2	fences, warning signs, deed restrictions, any number
3	of ways to go about that, all non-engineered kinds of
4	things. And we're not getting assurances from the
5	Army on these properties, some of these properties
5	right here, that indeed that's happening.
7	We've got in Region 4 we've got

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a plan that we've worked really well with a lot of folks, and it lays out very specifically what the service intends to do globally and very site specific, as well, two separate approaches to it. And we call that an institutional control plan. And it embraces everything from who is going to put the fence up, who is going to do what to clean this particular site up, who is going to be responsible after the green Army leaves, is the City of Anniston going to take it over. Those kinds of things are a little -- are of import, and they're laid out in the plans that I'm speaking to. And we're trying to work those plans right now. But I don't know that we're going to have the plans --I don't think the Army is going to get the plans ready in time to get this FOST out the door for you guys. That is my big concern. And you ought to know that,

1 so it does not come as a shock.

2	MR. CHRIS JOHNSON: And I think
3	and we met on this last week about this FOSL. And the
4	problem is it's incorporating a lot of clean property
5	that's ready to be, you know, even transferred, if
6	they would like it to be transferred. The problem is,
7	within the lease, there is also properties that's
8	currently, you know, category seven, it's unevaluated.
9	We think, you know, it's potentially there might be a
10	problem there. The problem is we haven't finished the
11	investigation and until we know the results of the
12	investigation, it's hard to know where the problems
13	are. So, when you even start trying to implement
14	institutional controls, you're going to have to be
15	real conservative up front with the institutional
16	controls, not knowing truly what the problems are.
17	So, to us, it seemed the the FOSL seemed kind of
18	premature at this point, because, you know, the
19	investigations aren't complete.
20	The second issue is a liability
21	issue and something that we certainly want to make
22	sure the language is appropriate, not only to protect
23	the City of Anniston but also the Army, because the

1	problem is when two people use the same property and
2	especially for similar use, it starts becoming
3	difficult, if there ever is a problem or if we find a
4	problem who is liable. And under CERCLA, under
5	strict, joint, and several, the city can be liable if
6	they're not careful on how they go about the language
7	is written in these transfer documents.
8	So, and that was that was
9	discussed. It was discussed with the JPA. It hasn't
10	really, I don't think, been discussed with the City of
11	Anniston Parks and Recreaction, but it's certainly
12	something we're concerned about. And so we're working
13	on that language, as well, with the liability issues
14	and making sure that's written appropriately.
15	MR. JAMES MILLER: What is the
16	Army's response to your concerns?
17	MR. BART REEDY: Do you want the
18	verbal or we have a problem. We've got a problem.
19	TRADOC has committed to start working it. We've been
20	we have been requesting we've been giving them
21	heads up and been requesting that we work this stuff
22	for a good, long time. And it just hasn't taken on
23	the import that we feel that it should. It's really

1	difficult to predict what the Army's position what
2	their final position is going to be. They gave us a
3	verbal, yeah, we'll work it. But that's so broad that
4	the devil is in the details. So, I can't give you a
5	good answer. I cannot give you a decent answer.
6	DR. BARRY COX: Bart, as a
7	clarification, did you say you could or could not
8	block the transfer of property?
9	MR. BART REEDY: On the lease,
10	Chris has the statutory authority to block it.
11	DR. BARRY COX: What about the
12	transfer?
13	MR. BART REEDY: Well, that's up in
14	the air. All of us are fussing about that.
15	MR. CHRIS JOHNSON: The transfer,
16	they have to have concurrence from the State. A lease
17	and I'm not you know, it's our understanding
18	that it's only able to attach comments for the lease.
19	They have to attach our concerns and comments to the
20	actual lease agreement.
21	DR. BARRY COX: Will this go as a
22	dirty FOSL or as a clean FOSL if it's transferred?
23	MR. CHRIS JOHNSON: It would be

1	dirty.
2	MR. RON LEVY: Well, no, it's not
3	going to be dirty, either. The problem is the data is
4	not in yet and we're transferring property. In this
5	case, the FOSL, we're leasing property where the data
6	is not in yet, so that we've not completed all of the
7	investigation. So, you can't say it's dirty, you
8	can't say it's clean, because we don't have the data
9	to support either.
10	MR. CHRIS JOHNSON: Well, you have
11	to assume it's dirty in order to be protected with
12	your institutional controls.
13	MR. RON LEVY: And I haven't said
14	anything because I wanted y'all
15	MR. BART REEDY: Go ahead.
16	MR. RON LEVY: There is definitely
17	a difference of opinion here, in terms of also, as
18	Bart pointed out, interpretation of what the law says.
19	In fact the Army's position is that on leases we ask

for comments and we try to address the comments.

However, it doesn't stop the process. It's -- on

transfers, the State does have some authority there.

But even in that case, we'll attempt to resolve the

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1	comments the best we can. And if we don't feel the
2	comments are resolved, we will, again, attach the
3	comments provided to the new to the property holder
4	or the new property holder and also attempt to
5	transfer it, as well, during that time period.
6	Bart and Chris are both right. We
7	do have some difference major differences, as it
8	relates to institutional controls, things that I'm
9	hoping that we can get through, though, there is a big
10	gap, between it. We are working it, Bart pointed that
11	out. Hopefully, I can convince folks that we need to
12	implement a responsibility, accountability piece,
13	because I think that's your biggest problem, to these
14	transfers, because I think what the biggest concern is
15	here is, on property that's transferred, who is going
16	to be there to take responsibility or be accountable
17	for cleaning up. And that's not just saying, okay,
18	big Army or big Department of Defense, it's who, who
19	specifically is going to be there to do that. I think
20	it gets rather specific.
21	Our differences on the lease,
22	because we have not completed because we have not
23	completed the investigations, we really cannot say one

1	way or the other whether they're clean or dirty. They
2	were identified as category seven. If you all
3	remember, we went through interpretations of what the
4	different categories are under CERFA. It means
5	they're unevaluated. Most of that is coming in and
6	will be in before the end of the fiscal year, all that
7	data. But we have not been able to present that to
8	the State or to the EPA because it's just not done,
9	yet. The thing that I would point out that the Army's
10	position has been is that these facilities are going
11	for like use. The golf course is going for a golf
12	course to the City of Anniston. The gymnasium is
13	going for a gymnasium. The tennis courts is a tennis
14	court. Youth activity center, same thing. Volleyball
15	courts, basketball, tennis courts, all that is going
16	for the same thing.
17	Chris pointed out, it's a bigger
18	issue than, you know, just the fact it's going for the
19	same thing. The liability issues, we want to make
20	sure the future property holder knows what he's
21	getting into. And I understand that, but this is a
22	lease. The Army's position, it's a lease. We still

23 hold accountability for the property and to continue

1	on with the cleanup. And we have actually done all
2	the sampling but we have not provided we haven't
3	completed the analysis and provided the baseline to
4	the State and EPA from that standpoint, that is
5	correct. But again, the Army's position is that it's
6	going for like use and because of that reason, there
7	should not be a risk or a limited risk. And the data,
8	although it's not complete, will be available for a
9	baseline purposes. So, that's kind of how the Army
10	views it.
11	MR. FERN THOMASSY: Can you put a
12	time line on that baseline availability?
13	MR. RON LEVY: Lisa, have we got
14	any time lines on when we think Ellis, when we
15	think we're going to have this data available? It's
16	something that we know is a need and we're trying to
17	get it to Chris and Bart as soon as we can, but I
18	don't
19	MS. JEANNE YACOUB: We have the
20	data, we're just we have two reports submitted that
21	we're waiting to hear their reviews so that once we
22	get an agreement on format and what they have in terms
23	of content, we'll start cranking out reports. But we

1	-
2	MR. RON LEVY: But some of the data
3	actually, we haven't even started like on the UST
4	stuff, but I don't think
5	MR. POPE: Right.
6	MR. RON LEVY: we've even
7	started that, which is something that
8	MS. JEANNE YACOUB: No, but most of
9	the properties for SIs we've got the data.
10	MR. RON LEVY: We just have not got
11	it to them. And he's right, he's not seen it, so he
12	can't really say it's clean, not clean. However
13	and our position has always been, these facilities are
14	going for like use. And what they've said as well is
15	that we have to be concerned because things like the
16	specifically, about the golf course, because we're
17	going to turn it over to the City of Anniston being
18	run as a golf course. The concern there is if we're
19	not able to hand it off, there is jobs involved, and
20	if you allow a golf course to stay idle, it becomes
21	useless after I mean, it's just it goes to seed
22	and because you've not kept up with it, it's going to

be problematic.

1	Now, that's not withstanding what
2	Chris and Bart are concerned about, it's just a view
3	on the part of the city and the Army to try to get
4	this property into reuse. And we've done it through a
5	lease process. And he'swhat he also mentioned,
6	well, there is other pieces in there that we know are
7	category one, we should be able to transfer just as
8	much. But we but our process, our process for
9	transferring property is extremely cumbersome and
10	long-term and that's transfers. So, our intent here
11	was to get it out on a lease, because it was going for
12	a like use early, so that we could continue on with
13	the investigations and the cleanup, and then at some
14	point when we can say, you know, we've completed that,
15	then we look at doing the actual transfer, because I'm
16	almost sure that the Army would not attempt to
17	transfer the property if it was not clean, unless we
18	could get the State to agree to transfer it. And in
19	that case, it would be a dirty FOST.
20	MR. FERN THOMASSY: Let me ask a
21	couple of questions. Number one, site investigations,
22	have any of the cuts in your funding then moved those
23	site investigations out so they can't be done and

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1	can't be contracted and can't be scheduled?
2	MR. RON LEVY: No. In fact, all of
3	the work for these sites
4	MR. FERN THOMASSY: They're gone?
5	MR. RON LEVY: The money is there
6	and they're either under contract or working this.
7	MR. FERN THOMASSY: Has the JPA
8	taken this list and established priorities or do you
9	know what they want done first? Is there an
10	agreement?
11	MR. RON LEVY: In working with the
12	JPA, we do have we do have a list of in priority of
13	property to go. This is driven not by, necessarily by
14	the JPA, this was a public benefit conveyance to the
15	City of Anniston. So, although the JPA concurred with
16	it, it's really not their really not their action.
17	And that's why Chris said, and does anybody in the
18	City of Anniston know about this and understand their
19	concerns, as well. And he wanted to talk to the City
20	of Anniston about it, and we provided Chris with a
21	point of contact on that.
22	MAYOR KIMBROUGH: They've talked to
7.2	the IDA they we get two members here

1	MR. PETE CONROY: Yeah, the answer
2	is, yes.
3	MR. CHRIS JOHNSON: That's the
4	we talked to Mr. Whitley and the lady on the end here.
5	But that's the fundamental when we reviewed the
6	FOSL, the first thing that come to mind was, you know,
7	we can't agree I mean, that's what we're here to do
8	is to provide the community assurance on the condition
9	of the property. And really the Army sends us the
10	document, asking ADEM and EPA, do you agree with the
11	condition of the property. And that's what and
12	that's why really what the document's doing, a
13	finding of suitability to lease. And our whole you
14	know, after we realized we didn't have the report in
15	to give us the information we need to determine the
16	environmental condition of the property, I wrote a
17	letter to Ron, basically stating that the document's
18	premature and we can't we can't concur with the
19	findings, because we don't know them. And that's what
20	brought us into this discussion that we're currently
21	that's ongoing now about how, you know then what
22	are we going to do.
23	Well, what we looked at is we're

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1	needing two things, one, we need assurance on some
2	liability that the Army will make sure that they'll
3	clean up and investigate the contamination that's
4	found based on the report that's coming at a later
5	date. And two, that the ICs are properly written and
6	in place to protect the people in case there are
7	problems out there that we don't know about. So,
8	that's the two fundamental issues that we're concerned
9	with.
10	MR. FERN THOMASSY: ICs?
11	MR. CHRIS JOHNSON: Institutional
12	controls. In other words, you know, letting the
13	people know whether it's a tenant who mows the grass,
14	whatever, don't dig here, don't drill wells here.
15	MR. PETE CONROY: And you want to
16	see that on paper?
17	MR. CHRIS JOHNSON: Absolutely.
18	MR. PETE CONROY: A plan?
19	MR. BART REEDY: You bet.
20	MR. PETE CONROY: For the record, I
21	want to welcome Mayor Ed Kimbrough and also Lisa
22	Kingsbury.
23	What about more specifically, what

1	parcels are you concerned with? And more
2	specifically, what are the concerns?
3	MR. CHRIS JOHNSON: We'd have to
4	pull the actual but I can for example on the
5	golf course, a good example would be the creek. We
6	don't know the condition of sediments and surface
7	water of the creek right now. So, that might be a
8	good place to keep children from wading, keep people
9	from going in there and getting their golf balls.
10	There is also two mixing pesticide mixing and
11	storage areas where there might have been some
12	potential for some spills. That's a good area where
13	we wouldn't want a construction worker out there
14	digging in the ground or putting in a well, things
15	like that. So, those are the kinds of restrictions
16	you would place on the property, basically. Most of
17	it is involved with restricting subsurface, you know,
18	digging and getting into the soil subsurface and
19	getting into the water. But also the golf course, the
20	surface water and sediment would also be another
21	restriction.
22	MR. BART REEDY: But this is
23	this is by way of example what we're talking about

1	when we talk about institutional controls is what he's
2	talking about, but it's not just for the golf course,
3	it's for, you know, various and sundry properties
4	around the
5	MR. CHRIS JOHNSON: Right. In
6	fact, they took there was two in there, Reily Lake
7	and I think Yahoo Lake that were actually pulled out
8	by the city, I think
9	MR. RON LEVY: Pulled out by the
10	Army.
11	MR. CHRIS JOHNSON: based on the
12	Army saying we've got some potential landfill issues
13	here. And, you know, so
14	MR. RON LEVY: Let me correct that.
15	The city didn't pull anything out. We told them that
16	
17	MR. CHRIS JOHNSON: Okay, the Army
18	told them.
19	MR. RON LEVY: we're not going
20	to move to do anything on those because of the issues
21	with them.
22	MR. CHRIS JOHNSON: But those again

are category seven sites that are unevaluated that,

1	you know, to me, right now, that we're not sure if
2	those are a problem, either. So, the way we have to
3	go about it is the golf course is category seven, so
4	is Reily Lake. The bottom line is: We don't know the
5	condition of the property from the environmental
6	standpoint.
7	MR. BART REEDY: Now, if the
8	recipient of the property is fully aware of all of the
9	data that's out there or the lack of data that's out
10	there and the recipient is willing to step up to the
11	plate and say, you bet, we'll continue the
12	investigation as Chris sees it and as Bart Reedy sees
13	it, as EPA and ADEM see it, and we're willing to
14	bounce for the cleanup if there is a cleanup needed,
15	we're we would have a lot bigger level of comfort
16	that all the cards are on the table. We don't have
17	that level of comfort, yet, at all.
18	MR. FERN THOMASSY: But before you
19	go to that, are you saying, both you and ADEM saying,
20	that the Army will not add institutional controls to
21	its documentation
22	MR. BART REEDY: Negative.
23	MR. FERN THOMASSY: nor will it

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1	take on the liability statement that it needs to,
2	based on its baseline, to protect whoever takes it
3	over until the investigations and any remediation that
4	might be needed is accomplished?
5	MR. BART REEDY: That's kind of
6	close, I think. It's not it's not that the Army
7	has systematically said, no, we're not going to do
8	this, it's just that we can't get it done. It's one
9	thing to hear a no. If we heard a no, we would
10	Chris and I would be in a lot better position to give
11	you some very fundamental plans on what we, our two
12	agencies, intend on doing. We could answer that
13	question a little more firmly for you. But we haven't
14	got a no. We get verbal yeses. And there are some
15	folks now, just within the past week, ten days, have
16	started going, wait a minute, these guys down there
17	are actually they actually mean what they're
18	saying, they do want institutional controls and they
19	want this stuff written down, so I guess we better pay
20	attention. So, there are things there are people
21	now actually working it and that's the first time
22	that's happened.

MR. PETE CONROY: What kind of

1	delay would it make to have these institutional
2	control documents in place?
3	MR. RON LEVY: Assuming that we
4	stopped everything, a couple of several it
5	depends on how quickly we could get through to some
6	sort of agreement. And I you know, we're just
7	starting that now. I've got to believe we're talking
8	a couple, several months.
9	MR. CHRIS JOHNSON: I think one
10	thing that needs to be mentioned, too, Ron, is that I
11	think everybody is assuming that the Army can't
12	continue operations and maintenance of these
13	facilities after they leave, and that's not
14	necessarily the case. All that's negotiable. The
15	Army can continue maintenance programs on these areas,
16	you know, if that's if that's what it takes. So, I
17	don't they haven't come out and said they will,
18	they haven't come out and said they won't. So, that
19	needs to be clear, as well.
20	MR. RON LEVY: I'm not sure what
21	you're saying, Chris.
22	MR. CHRIS JOHNSON: What I'm saying

is: Just like Rick Akins (phonetic) said last week,

1	that the Army has not said they will or said they
2	wouldn't maintain the golf course if they need to or
3	these
4	MR. BART REEDY: Cut the grass.
5	MR. CHRIS JOHNSON: Or cut the
6	grass or whatever.
7	MR. TOM TURECEK: What's the
8	function of this sixty person caretaker contingency
9	that I read about? Who owns that? Is that Department
10	of the Army's?
11	MR. RON LEVY: Uh-huh.
12	MR. TOM TURECEK: Maybe that is
13	that part of what they're supposed to do
14	MR. RON LEVY: No.
15	MR. TOM TURECEK: until the
16	transition is complete?
17	MR. RON LEVY: No, they're not
18	going to run the golf course, no.
19	MR. TOM TURECEK: Not run it but
20	MR. RON LEVY: Or cut the grass or
21	do anything a lot of them are property folks, some
22	of the environmental staff, some are just transition
23	folks that are involved in the turnover of the

1	property, and then there may be some a few
2	contractor people that's not part of the sixty
3	that if we have to, we'll work things like grass
4	cutting. But the golf course is a is a
5	it's not the same issue. I mean, the golf course is a
6	money-making proposition for folks and it's intended
7	to go to the City of Anniston.
8	MR. CHRIS JOHNSON: Well, I think
9	the issue, though, is that the Army is you know,
10	they are doing things like keeping the heating and
11	cooling systems on to maintain integrity of the
12	buildings. And to continue to cut a golf course to
13	maintain its integrity, you know, to us is the same
14	thing. So, it's and all that is negotiable.
15	But that's the issue that we wanted
16	to certainly let you guys know about that we're having
17	right now with the Army with the FOSLs. And this
18	isn't just FOSTs and FOSLs, this is we have these
19	same issues with fed-to-fed transfers
20	MR. BART REEDY: Same issues.
21	MR. CHRIS JOHNSON: Call it a
22	permit, call it an economic development conveyance,
23	whatever, because the issues don't change. It still

1	goes back to liability, whether DOJ is getting the
2	property or whether James Miller is getting the
3	property, my issues don't change.
4	MR. JAMES MILLER: But you guys
5	attaching a rider to all the transferring documents,
6	saying that it wasn't cleaned up to your satisfaction,
7	wouldn't that leave the Army liable if in fact
8	anything was found and the
9	MR. RON LEVY: Well, we are we
10	will, no matter what, there will always be under
11	CERCLA 120-H covenant that requires us by law to come
12	back in the event something in the future is
13	discovered. Now but it's more complicated than
14	just that. There are details associated with that
15	that have to be worked out that I think they want to
16	point out. Just saying that as opposed to how that's
17	actually accomplished are two different things.
18	MR. TOM TURECEK: If the City of
19	Anniston said, okay, we'll take it under those
20	conditions, then doesn't that introduce a risk on
21	their part, too?
22	MR. RON LEVY: I would think so,
23	yes.

1	MR. CHRIS JOHNSON: It certainly
2	does.
3	MR. TOM TURECEK: And that's one of
4	your major issues, right, is you don't want them to
5	unknowingly, unwittingly lease a piece of property
6	MR. CHRIS JOHNSON: Right.
7	MR. TOM TURECEK: without the
8	attachments?
9	DR. BARRY COX: But on the other
10	hand, also, your concern is I understand is that
11	it's not only the City of Anniston's liability, but
12	the risk of people that will be using the facility.
13	MR. CHRIS JOHNSON: Exactly, sure.
14	MAYOR KIMBROUGH: I thought you
15	when we started this thing, we brought up an issue,
16	Ron and this might be two separate issues about
17	the cleanup. And it was stated that when you cleaned
18	the property up to the whatever level you had to,
19	depending on the use of it, and then it was okayed, if
20	they wanted to change that say from a park area to a
21	residential area, which would dictate more cleanup, if
22	they had accepted that property after that, then the
23	Federal Government had no obligation, all they were

1	obligated	to do	was to	clean	it	up	to	the	level	in
2	which the	first	exchang	ge was.						

3 MR. BART REEDY: That is correct. 4 MR. CHRIS JOHNSON: That's right. 5 MR. BART REEDY: Everything you 6 just said is correct. The Army -- the services -- and 7 I -- my personal opinion is -- I believe this to be 8 correct -- they have got one too many golf courses in 9 Anniston, Alabama, and they want to get rid of the golf course. We've got data out there that has not 10 11 been evaluated, yet, and there are impacts, we suspect 12 some impacts from past activities that we need to -that we need to document. The Army -- and I believe 13 correctly so -- is not going to clean the golf course

14 15 or a parcel of property down here in, you know, in the 16 mechanized area, they're not going to clean that up to a residential standard. That's not going to happen. 17 18 And I don't think you and I would want to pay to have that done. Likewise, they're not going to -- they're 19 20 not going to sell or transfer, get rid of a parcel of

property that was cleaned up to a level to support 22 industrial use, transfer the property and then have James again come back and go, you know, I changed my 23

1	mind, I'm not going to service trucks down here, what
2	I'm going to do is set up an avie (phonetic) area, so,
3	you guys need to come back and clean this up to
4	absolute pristine. No, the Army is not going to do
5	that. And I don't think any of us would expect that.
6	So, that doesn't they're not doing that. That's
7	not what we're talking about.
8	MAYOR KIMBROUGH: I would expect
9	it, but I know some folks look at the money. But I
10	would expect it to be able to be clean to clean it
11	up to where it could be you wouldn't be limited on
12	its use. And I know we're looking at finances and
13	you're talking about that, but we're looking at it,
14	you know, from this community as how can we best use
15	this property.
16	MR. CHRIS JOHNSON: I'll tell you
17	
18	MAYOR KIMBROUGH: And if the
19	priorities change on the use of that and it was
20	established at one time that it was at level so and so
21	that it was going to be cleaned, and then the
22	priorities are, we don't know what's going to happen,
23	twenty, twenty-five years and how it might develop and

1	how all the properties might change and the use of it
2	might change.
3	MR. BART REEDY: Right.
4	MAYOR KIMBROUGH: And then I think
5	it's very unfair if it's costly to put it on the
6	burden of the person that purchases that property to
7	clean it to when the Federal Government has put
8	that there, to have the responsibility to spend that
9	money when we have an opportunity to get it cleaned,
10	now. And I know when we study I know about
11	feasibility studies and about the money and everything
12	like that, but I saw in the paper where we're sending
13	millions of dollars to Russia to help them clean up.
14	You know, so we're worried about Anniston, Alabama.
15	MR. BART REEDY: And there are a
16	lot of people that would absolutely agree with you
17	that it should be as clean when the Army leaves as it
18	was the day before they showed up. There is, however,
19	lacking in the statute that power to make that happen.
20	MR. CHRIS JOHNSON: I tell you,
21	though, the goal that we have certainly at our
22	department and I think amongst the BCT is that we're
23	going to try to go and get as much unrestricted use as

1	we can out here.
2	MR. RON LEVY: That's a true
3	statement, that we will do everything we can for
4	MAYOR KIMBROUGH: Where is the two
5	things that are going on now? And y'all might have
6	discussed this, Marion Institute, this area up in
7	here, and then the bypass is the big thing. And those
8	are probably the two priorities. Is this hung up in
9	what you're discussing now, exchange of this property?
10	MR. BART REEDY: I have yet to see
11	I don't know the parcel of property that Marion
12	Institute wants.
13	MR. CHRIS JOHNSON: I don't,
14	either.
15	MR. BART REEDY: I don't want to
16	Mayor, I don't know that one right now. I can't speak
17	to that.
18	MR. RON LEVY: We have not
19	MR. BART REEDY: Now, the bypass,
20	there is an Army of Army folks I guess it would be,
21	doing working the UXO for the bypass. But the same

kinds of issues that Chris and I are speaking to right

now are happening over there, instead of a chemical

22

MR. BART REEDY: I would -- I don't

1	contaminant, there is another contaminant that goes
2	boom.
3	MR. CHRIS JOHNSON: I think from a
4	timing aspect
5	MR. BART REEDY: Same stuff.
6	MR. CHRIS JOHNSON: the bypass
7	is not going to be a problem. You know, we're still
8	on schedule with ADOT's schedule.
9	MR. BART REEDY: Yes.
10	MS. MIKI SCHNEIDER: The bypass
11	does have some issues, though, outside this.
12	MR. CHRIS JOHNSON: From what
13	standpoint?
14	MS. MIKE SCHNEIDER: Not regarding
15	ADEM.
16	MR. FERN THOMASSY: Part of the
17	funding issues?
18	MS. MIKI SCHNEIDER: Yeah.
19	DR. BARRY COX: Is there a role
20	that you see from what you're saying that you would
21	like to or you think that the RAB should play in

this issue?

1	think I would ask right now, we're just giving you
2	a piece of information so that there is no surprise.
3	I don't think that you guys ought to do anything, yet,
4	from I'll give you EPA's perspective, and then
5	Chris can give you his perspective.
6	We have verbal a verbal
7	agreement that the Army will start working
8	institutional control, a plan. Who is doing what,
9	when is it going to happen, who is going to be
10	responsible for it? And we want a phone number. We
11	want a name and a phone number. The Federal
12	Government is just a little too broad as a contact
13	point for us. Our position, quite frankly, is this:
14	We're just going to wait for a minute and I've got
15	a draft of some language on my desk on my computer
16	right now, and I'm going to give that shoot that
17	up to TRADOC to give them something to start
18	scratching on. And if we can come up if they can
19	come up with a global plan with solid teeth in it,
20	agreeing to own the liability or agreeing that if they
21	can find somebody out there that will take it dirty,
22	we'll take it, they can get all that done globally,
23	you probably haven't got a problem. But we don't know

1	that, yet. We're just we've been asking and been
2	asking and it hasn't happened and now it's getting to
3	a point where it's becoming critical. But, I guess,
4	Barry, that don't do anything, yet. I just want you
5	to be aware of it so if the next meeting comes around
6	and there is a bunch of arm flapping going on, it
7	won't catch you by complete surprise. I suggest that
8	you give TRADOC a chance to fulfill their promise to
9	do what they said they were going to do.
10	MR. PETE CONROY: What's the next
11	step? On somebody's calendar, what's the next meeting
12	or
13	MR. BART REEDY: The next step is
14	to get the language from Bart to Chris, get one more
15	cut. Now, this is draft language, very draft
16	language.
17	MR. PETE CONROY: Of what?
18	MR. BART REEDY: Institutional
19	controls.
20	MR. PETE CONROY: Requirements.
21	MR. BART REEDY: A requirement,
22	yeah, that we see, get that to TRADOC. And that
23	should happen within the middle of next week.

- 2 copies of that or can we get copies of that?
- 3 MR. BART REEDY: I wish you would.
- 4 MR. FERN THOMASSY: Thank you. I
- 5 think we should.
- MR. BART REEDY: I think you
- 7 should, too.

- 8 MR. PETE CONROY: How do we arrange
- for that? 9
- 10 MR. BART REEDY: Ask me.
- 11 MR. PETE CONROY: We are formally
- asking you right now. 12
- 13 MR. BART REEDY: Then you'll get
- 14 them.
- 15 MR. PETE CONROY: Okay. Of course,
- 16 you'll --
- 17 MR. BART REEDY: Do you want them
- 18 to go to you or how do you see that working?
- 19 MR. PETE CONROY: I would be --
- 20 MR. BART REEDY: This is what RABs
- 21 do.
- 22 MR. RON LEVY: To tell you the
- 23 truth, there is no reason why we wouldn't provide them

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1	to you. I mean, if Bart provides them to me, we
2	certainly can get copies of them and hand them out.
3	Honestly, the Army is not going to withhold that
4	information to you. So, I mean, Bart can give it to
5	you or he can give it to us and we're going to see it,
6	too, because we are working it together. And we can
7	definitely put it before the RAB. So, just know that
8	
9	MR. PETE CONROY: I would suggest
10	that it be sent directly, you know, to Ron, and then
11	have Joan distribute them to all of us immediately.
12	DR. BARRY COX: Mail them out.
13	MR. PETE CONROY: Mail them out.
14	MR. RON LEVY: The thing about it
15	is that this is all going to be working in draft. And
16	just understand it's draft. We'll be working through
17	
18	MR. BART REEDY: And, please, hear
19	what Ron just said. This is draft, liberty who's
20	an attorney here? So, these are issues that we've
21	got, you know, his attorneys, our attorneys, and
22	TRADOC's attorneys are kind of fussing at it. We're
23	trying to guide them down the road of where they ought

- 1 to go.
- 2 MR. PETE CONROY: Well, some of us
- 3 have been sitting on this RAB here for a couple of
- 4 years kind of at times wondering why we come to these
- 5 meetings once a month.
- 6 MR. BART REEDY: This is why you
- 7 come to the meetings.
- 8 MR. PETE CONROY: It's apparent to
- 9 me, this is exactly the reason that we come to these
- 10 meetings.
- MR. BART REEDY: And you're going
- 12 -- you'll get another real good example of why you
- come to the meetings when we start getting the SIs
- 14 that we're talking about. Those ought to be starting
- to come in the door within the next --
- MR. CHRIS JOHNSON: Month or so.
- MR. BART REEDY: -- month and a
- half, two months.
- 19 MR. ELLIS POPE: Next month or so,
- 20 yeah.
- MR. BART REEDY: Yeah. We've got a
- 22 -- we have a format, a couple of prototypes out there
- 23 before Chris and I right now, that requires us -- that

language that we feel we can both agree on. But when

I get the first cut, if you want to see that,

22

23

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MR. FERN THOMASSY: That wasn't 20

are -- they know who they are.

MR. BART REEDY: -- those people

what I heard earlier. I heard you say --22 MR. BART REEDY: Then I misspoke.

23 Try me again.

18

19

1	MR. FERNH TOMASSY: Okay. I heard
2	you say earlier that just saying that the Department
3	of Defense you said Federal Government but that
4	the Department of Defense is going to do it wasn't
5	enough, you wanted to have a specific phone number.
6	MR. BART REEDY: No, no, that's two
7	you want to take a shot at it?
8	MR. CHRIS JOHNSON: That was for
9	as far as the negotiations on the ICs, those contacts
10	are known. It's who within the Army is going to be
11	responsible for, you know, implementation, monitoring,
12	enforcement. You know, it could those kind of
13	issues. That could be, you know, a police officer
14	here on post. Those points of contact. Or EOD for
15	example, they might be responsible. Those are the
16	kinds of things, as far as points of contact, that
17	we're unclear on. Has to do with more enforcing
18	MR. BART REEDY: Does that
19	MR. FERN THOMASSY: Yeah. I didn't
20	see the separation before.
21	MD DETE CONDOX: Trust out of
21	MR. PETE CONROY: Just out of
22	curiosity, is this new news to the JPA or were you all
23	aware of this conflict?

1	MS. MIKI SCHNEIDER: No. We had a
2	discussion my first day on the job.
3	MR. BART REEDY: Was that your
4	first day?
5	MS. MIKI SCHNEIDER: Yeah, it was.
6	Regarding this.
7	May I ask a question? I don't know
8	if it's appropriate.
9	MR. PETE CONROY: Yes.
10	MR. BART REEDY: Yes, it is.
11	MS. MIKI SCHNEIDER: Is this draft
12	that you're going to be passing back and forth
13	recommendations for general ICs or will these be FOSL
14	specific? Will these be tied to a FOSL?
15	MR. CHRIS JOHNSON: This one right
16	now is really speaking to this FOSL here.
17	MR. BART REEDY: Correct.
18	MR. CHRIS JOHNSON: But that's kind
19	of something else we're asking for is we're wanting a
20	master plan for ICs. And it is a little more general,
21	that basically says, here is how we're going to
22	implement, enforce, and do institutional controls.
23	Then you have a specific plan for a specific piece of

1	property, because ICs change depending on each piece
2	of property.
3	MS. MIKI SCHNEIDER: Right.

- 4 MR. CHRIS JOHNSON: So, this one
- 5 right here, because it's before us now, really will be
- 6 site specific.
- 7 MS. MIKI SCHNEIDER: Okay.
- 8 MR. CHRIS JOHNSON: Because we
- 9 haven't gotten the big plan, yet, you know.
- 10 MS. MIKI SCHNEIDER: Okay. That
- 11 answered my question.
- 12 MR. BART REEDY: This can be done.
- 13 This project that we're talking about right now --
- MR. CHRIS JOHNSON: It has to be
- done.
- MR. BART REEDY: -- it has to be
- done and it can be done without being an impediment.
- 18 But just sitting and waiting on it ain't going to make
- 19 it happen.
- 20 DR. BARRY COX: Bart, you mentioned
- 21 earlier the fed-to-fed transfer. Do you have any
- 22 concerns about the sampling and the data or the
- 23 procedure there?

1	MR. BART REEDY: The question, as I
2	heard what I heard is a two-part question. The
3	sampling and the data, no, there is no disagreement
4	amongst us on the sampling, the methodology, any of
5	the hard-core technical issues. No, we are in
6	agreement there.
7	On a fed-to-fed, by way of example,
8	we have a document in front of us on the DOJ property.
9	And Chris and I had a pretty similar question. Who
10	you want to transfer the property, you got some folks
11	that want it, we agree it should be transferred, needs
12	to be transferred. Who at DOJ is going to who at
13	DOJ is going to sign up and say, EPA, ADEM, we
14	acknowledge that there are some areas out here that
15	are uninvestigated and could be might or might not
16	we had reason to believe that some of these
17	properties were not clean. Not terribly dirty, but
18	just not clean.
19	We would like that information. We
20	would like that information. And it's EPA's position
21	that really the public deserves that information.
22	There's a difference of opinion between the Army and
23	us over just how far we can stick our nose in there on

1	and ask, you know, very specifically, is L. Z.
2	Going to be responsible for this? Who at DOJ is going
3	to be responsible?
4	MR. DONALD CUNNINGHAM: Who signed
5	for the CDTF? That's obviously dirty.
6	MR. BART REEDY: Say again.
7	MR. DONALD CUNNINGHAM: Who in DOJ
8	has already or is in the process of assuming that
9	responsibility for the CDTF, a known contaminated area
10	that ain't going to get cleaned up?
11	MR. BART REEDY: Well, the
11 12	MR. BART REEDY: Well, the building, itself, it's our understanding from what we
12	building, itself, it's our understanding from what we
12	building, itself, it's our understanding from what we have, the building, itself is other than various
12 13 14	building, itself, it's our understanding from what we have, the building, itself is other than various nerve agents, is actually pretty clean. That doesn't
12 13 14 15	building, itself, it's our understanding from what we have, the building, itself is other than various nerve agents, is actually pretty clean. That doesn't sound right.
12 13 14 15	building, itself, it's our understanding from what we have, the building, itself is other than various nerve agents, is actually pretty clean. That doesn't sound right.  MR. CHRIS JOHNSON: Actually, it's
12 13 14 15 16	building, itself, it's our understanding from what we have, the building, itself is other than various nerve agents, is actually pretty clean. That doesn't sound right.  MR. CHRIS JOHNSON: Actually, it's in other words, it's down to the three X level.

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MR. BART REEDY: Right.

a whole lot of money and cleaning it up for them to

MR. CHRIS JOHNSON: So, us spending

1	get it dirty again, obviously isn't
2	MR. DONALD CUNNINGHAM: I
3	understand that. What I'm saying is: It would appear
4	to me that the CDTF or the DOJ's perspective should be
5	a model for the rest, at least.
6	MR. RON LEVY: The CDTF, there is
7	on the fed-to-fed transfer for the DOJ, there is
8	really two separate issues going on here. One is
9	we're transferring property that's outside of the CDTF
10	buildings and other facilities, and then there is the
11	CDTF. And there is language in the right now we're
12	working a permit, first. I'll have to explain to you
13	what that is. But there is language in that that
14	says, you know, okay, we're responsible for
15	everything, but the CDTF, as it applies to the live
16	agent. And you take responsibility, because you're

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However, anything that results from
past Army practices really outside of the facility,
you know, in and around that area, we sign up for as

really doing what they're calling a hot transfer.

You're taking it with whatever agent's inside the

facility. And you will be responsible from here on

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for that.

1 continuing to be responsible for it.

2	Let me backtrack a little bit on
3	some of the stuff here. You've got fed-to-fed
4	transfers, you've got public benefit conveyances,
5	you're going to have economic development conveyances,
6	and you could even have a negotiated sale or a public
7	sale of property. Right now we're working fed-to-fed
8	transfers, in the case of Department of Justice and
9	health and human services we'll probably see for the
10	hospital, as well. We've got an Army retained
11	property that's going to be licensed to the National
12	Guard. We've got a PBC coming up for possibly
13	coming up, because it really has not been voted on
14	for Marion Military Institute, so there has really
15	been no action on there because it's really not been
16	voted for, other than they've applied for a PBC.
17	You've got utilities, electric, telecommunication,
18	gas, you've got the Army Reserve. They're taking a
19	facility that Mr. Cobb briefed on to you. That's
20	really staying Army, so, it's not really a disposal so
21	much as it's just transferring to another Army agency.
22	The things that we are doing
23	documents on that are critical that are going outside

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1	of the Army, going outside of the Federal Government
2	are the parks and recreation stuff, which we've been
3	talking about, the waste water treatment plant, which
4	is although we've had some issues, Bart and Chris,
5	it's really a CERFA category one piece of property.
6	And then there is a fire station, which is what you've
7	got there.
8	And to head off problems with the
9	transfers on some of these things, we're doing leases
10	or permits. And a permit is an Army it's
11	essentially a lease on the part of the Army to another
12	federal agency. Think of it in those terms. We're
13	also doing a lease on the park and recreation stuff.
14	This property is not leaving the hands of the
15	Department of Defense, yet. And in those leases,
16	they're going for essentially like uses. And those
17	are things that the Army wants you to keep in mind.

And, you know, not withstanding Bart and Chris'

comments and concerns, the point I want to make and

that's been made to me several times and I've been

told to tell folks is, just remember, the golf course

is going for a golf course. And the point I've been  $% \left\{ 1\right\} =\left\{ 1\right\}$ 

told is, if there was a human health issue, it should

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1	have been shut down a long time ago because it's being
2	open to the public right now, because they're out
3	there playing golf. Now, I know there is
4	MR. CHRIS JOHNSON: I don't
5	MR. RON LEVY: the other
6	liability issues that Chris is talking about it's
7	open to the public, Chris.
8	MR. CHRIS JOHNSON: I know, but I'm
9	going to have to disagree with that statement, that,
10	you know, it's always been a golf course and if there
11	were issues out there, we would have shut it down a
12	long time ago. In this line of work, a lot of times
13	we don't know issues until we start doing sampling
14	investigations. And we don't we, by no means, have
15	enough staff in our agency to go and sample every
16	piece of, you know, Alabama. You know, problems
17	evolve with time. So, in other words, there could be
18	issues at the golf course right now that we don't know
19	about.
20	MR. RON LEVY: I wouldn't disagree
21	with you, Chris. And I didn't say that that wasn't
22	the case. And again, I'm trying to repeat to you what

the position is on the part of the Army. Again, it's

1	a golf course. It's for use as a golf course. The
2	Army has also said, if that were the case, then all
3	golf courses should have been treated the same way
4	across the country.
5	MR. TOM TURECEK: Right. But I
6	think their point is that the Army doesn't have
7	enjoy a great reputation as a self-policing agency in
8	those areas. Is that a reasonable
9	MR. RON LEVY: I'm not sure what
10	that
11	MR. TOM TURECEK: The Army may or
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12	may not have shut it down, because they may or may not
13	have looked into it. But now that they're involved,
14	they're going to look into it.
15	MR. CHRIS JOHNSON: Absolutely.
16	MR. TOM TURECEK: I mean, is that
17	kind of what you're thinking?
18	MR. CHRIS JOHNSON: Sure.
19	MR. RON LEVY: We may or may not
20	shut it down. I'm not sure if we weren't a BRAC
21	installation and we didn't close it, it wouldn't have
22	gone as a category seven and therefore been defined
23	MR. BART REEDY: That's correct.

1	MR. RON LEVY: That's the point I'm
2	trying to make. And, you know, we do have a checkered
3	history in lots of things, I'm sure that's the case,
4	you know, we've seen it. Wouldn't deny that we've
5	tried to walk away from things. And if, you know, if
6	it's not within the requirements of the law, the Army
7	is going to do what it needs to do in accordance with
8	the law. And that's a point that's been made to me
9	several times. And I tell that to Bart and Chris. I
10	mean, that's you know, we don't want to spend more
11	money than we have to, obviously, because it's taken
12	away from other things. And that's just the way
13	things are. And we're going to have disagreements in
14	terms of what's clean, what's not, and I'm just
15	repeating to you issues, concerns and things that I've
16	you know, I'm I need to get out, as well.
17	We do feel that the property on
18	this lease again, this is a lease now, because we
19	haven't done any transfers, finding of suitability to
20	lease, should be transferred, should be able to be
21	transferred because it's going for a like use. And
22	that's the point I need to make. And that's the
23	position of my headquarters and the Army as it relates

1	to this property. And again, not withstanding Bart
2	and Chris' concerns, that's just the position.
3	MR. PETE CONROY: And we have just
4	exceeded our hour, and sometimes we like to wrap these
5	things up after about an hour.
6	DR. BARRY COX: Let me ask
7	MR. PETE CONROY: Sure. I just
8	wanted to ask if this is a time to start winding up
9	this discussion, we can start winding up, now.
10	DR. BARRY COX: Back to the
11	fed-to-fed. I asked this before with the lease. Do
12	you see any RAB issues involved in the fed-to-fed?
13	MR. CHRIS JOHNSON: Absolutely.
14	DR. BARRY COX: Within the
15	fed-to-fed transfer?
16	MR. CHRIS JOHNSON: Yes. This
17	really.
18	DR. BARRY COX: Anything we should
19	
20	MR. CHRIS JOHNSON: This really
21	we're looking we've been talking about these ICs
22	for a long time, institutional controls, because we
23	know, we know it's going to be part of the remedy

1 process for unexploded ordnance. That's a given.

- We're not going to be able to clean all the ordnance
- 3 out of these mountains.
- 4 MR. PETE CONROY: It's never even
- 5 been an issue.
- 6 MR. CHRIS JOHNSON: It's not even
- 7 possible.
- MR. PETE CONROY: Yeah.
- 9 MR. CHRIS JOHNSON: But with that
- 10 remedy, whether if it's just a surface clearance or
- anything, there is going to be institutional controls
- 12 involved to protect human health and the environment.
- 13 So, this -- basically, this FOSL right here is brought
- 14 to light up front in this thing that the ICs are
- 15 needed and they have -- and that we need them, we need
- 16 them now and will need them in the future. So really,
- for any -- the fed-to-fed transfer that I'm thinking
- of, the big one is going to be to the U. S. Fish and
- 19 Wildlife Service, and we're going to be in the same
- 20 situation there with our agencies making sure that the
- 21 proper ICs are in place and that the liability issues
- are in place and that the Army is going to help ensure
- that those ICs stay in place from here on.

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1	MR. BART REEDY: If Fish and
2	Wildlife wants to own it the way it is, then okay.
3	MR. CHRIS JOHNSON: If they want to
4	help with the ICs, okay.
5	MR. BART REEDY: Fine.
6	MR. CHRIS JOHNSON: But we just
7	need to know who is going to do it and how.
8	MR. FERN THOMASSY: Is it the
9	Army's position that because it's a like use and
10	because there has been no identified problem without
11	an investigation but by use through the past decades,
12	that specific institutional controls are not needed as
13	part of the FOSL for the golf course?
14	MR. RON LEVY: There are controls,
15	what they believe are controls within the FOSL. And
16	you'll have to go through it and read it. When I say
17	"controls," it really talks of who is responsible for
18	future cleanup.
19	MR. FERN THOMASSY: I was speaking
20	more of the institutional controls that Bart and Chris
21	are talking about that go ahead and limit activity and
22	limit certain uses based on potential until the actual
23	investigations have been accomplished. Is that what

1	the Army is having trouble with and, at this point,
2	not wanting to do?
3	MR. BART REEDY: I don't think
4	we're far enough down the road even to get a yes or a
5	no out of that, Fern. What I heard if that
6	answer was to this, this is what I heard you ask:
7	Aren't there and can't you guys build some
8	institutional controls that would act as a stop gap
9	for the golf course, just for the golf course, itself,
10	that would get us past this loop to get the golf
11	course back out playing golf.
12	MR. FERN THOMASSY: Right, the
13	short-term problem resolved. I didn't hear an answer.
14	MR. BART REEDY: Well, you didn't
15	get one, yet. I think that that's doable. I believe
16	that to be a doable thing. And I'm speaking for my
17	counter part here, yes, that can happen. Now, it's
18	going to take some work and probably it might take a
19	little it may take a little redrafting of, you
20	know, the specific parcels in here, that may have to
21	take place. But that is that is a doable solution.
22	MR. RON LEVY: We're trying to work
23	language now that hopefully goes to the heart of I

It will be the same thing with the DOJ, although it's called a permit when you deal with

there will be a transfer.

1	another federal agency. And then down the road it
2	will be the actual fed-to-fed transfer. You're also
3	seeing that with what else are we doing that with?
4	We're going to probably end up doing the same thing
5	with Marion Military Institute, too, lease and then
6	down the road.

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Different issues and they're all -and they're pretty -- they're complicated. And they're hard to explain. I don't know that I'm able to do -- the Army is committed to do site-specific institutional controls. We're doing that. What Bart and Chris want to see is an umbrella, something that assigns accountability and responsibility, who specifically that is. And we've also committed to do that so that we have the necessary framework for future ICs. I think that's really what we're all trying to say. But, you know, I still need y'all to separate out, there is a transfer and then there is a lease and a permit, because they are not the same types of actions, they're different. And the Army kind of used a lease, you know, especially as it's going from a like-to-like facility, it's not so important as opposed to the transfer where, you know,

- 1 you definitely want to tie down who is going to do
- what. They're saying, we also want to see it in the
- 3 lease, as well.
- 4 MR. CHRIS JOHNSON: Yeah. I don't
- 5 see -- and that's probably the fundamental issue is we
- 6 don't agree with that. We're looking at it from a --
- 7 not only from a liability standpoint and a risk
- 8 standpoint, because we've seen cases before. In fact
- 9 I've worked sites where, you know, we've got, two,
- 10 three parties that have used the same property and
- they're all pointing fingers at each other on who is
- 12 liable. And that's what we're trying to get away from
- 13 here, because who does it place the burden on? Well,
- it mainly places the burden on me and him to go find
- 15 somebody and then we get -- and then the lawyers start
- battling and nothing gets cleaned up. So, if we up
- 17 front establish responsibility and liability, it keeps
- delays from occurring in the future.
- MR. BART REEDY: By way of example,
- 20 there is a lady that sits right next to me is working
- 21 the old Myrtle Beach Airport, or Myrtle Beach Air
- 22 Force Base, and when you look at it -- have you seen
- 23 it? Sorry. Have you seen it? It looks --

1	MR. PETE CONROY: Years and years
2	ago.
3	MR. BART REEDY: Yeah. It looks
4	pristine. Well, it ain't. It's far from it, as a
5	matter of fact. They leased a parcel of property oh
6	two or three years ago, and it's changed hands a
7	couple of times, the lease, you know, has changed
8	hands and sublet and this, that, and the other, and
9	the Air Force is long gone, long gone. And the
10	developer went to build something and I'm sorry, I
11	don't remember exactly what it was, now but there
12	was a small state requirement that they yank a sample
13	for something I don't remember exactly what it was
14	yank a sample, lo and behold, they got TCE, they
15	got TCE, abundant TCE. So, EPA went back to the Air
16	Force and said, guys, we've got TCE at a parcel over
17	here that you guys transferred. It has never been
18	used by anybody else, but it's dirty and it's dirty
19	with the thing that you used when you were here and
20	you need to clean it up. Air Force is going, no, no,
21	bye, we ain't doing it. So, there's a big as you
22	can imagine, a big ruckus over that. Who is cleaning
23	this mess up, because that is that's some

MR. FERN THOMASSY: They didn't

extraordinarily expensive property right there.That's beach-front property.

- have a baseline then is what you're saying to go back on, which apparently we at least have the sampling accomplished for all of that on the golf course and many of these others already, so the work has been
- 8 done. It's a matter of going through that --
- 9 MR. BART REEDY: Fern, let me --10 it's not quite that clear. Pretty darn close, but not 11 quite that clear. When we do a baseline, we don't go out -- what Chris is talking about in the baseline, we 12 13 don't go out and sample everything in the whole still, 14 there is just simply not enough money to do that. We take a prudent number of samples and try our best, you 15 know, mine, Chris', all these folks here, best we can 16 do to sample where we think it is probably -- if it's 17 dirty, that's where it's going to be dirty. 18
- 19 MR. FERN THOMASSY: Right.
- MR. BART REEDY: But it's no
- 21 guarantee that we got everything.
- 22 MR. FERN THOMASSY: I understand.
- 23 MR. BART REEDY: And that's what

1	happened up at Myrtle Beach. They went out and
2	sampled and missed it. And then, you know, lo and
3	behold, just by bad luck or good luck, it's dirty.
4	MR. FERN THOMASSY: But I heard
5	another issue I believe in what you said and that's in
6	between this; that is, the issue of protection, while
7	the lease is in place. The need for ICs in order to
8	protect the people who are using and working that
9	property by limiting their activities. And I thought
10	that was a very significant part of the institutional
11	controls you wanted in order to get this done in the
12	short-term, along with some identification of
13	liability; is that correct?
14	MR. BART REEDY: Absolutely.
15	MR. CHRIS JOHNSON: That's correct.
16	MR. FERN THOMASSY: And I didn't
17	hear that mentioned, Ron. I don't know where the Army
18	stands on that.
19	MR. RON LEVY: I think if you start
20	to and I as you start to go through these lease
21	documents, these FOSLs, there is language, there is
22	some language in there. These aren't the actual
23	transfer documents, themselves, they're just

1	they're the environmental piece to it. What you don't
2	get to see or that we don't see is what's actually in
3	the lease, itself, which has fairly strong language.
4	This is an attachment to the lease. It's supposed to
5	identify the environmental piece to it, kind of the
6	condition of the property. There are covenants and
7	other things in there that you'll see or notices in
8	there that you'll see. But as far as seeing something
9	like it says, okay, you're leasing this as a golf
10	course, we don't want to have any digging any holes
11	on there. I believe there is language in the leases
12	that kind of talks about what they can and cannot do.
13	DR. BARRY COX: So, you can't
14	change the pins anymore?
15	MR. RON LEVY: Huh?
16	DR. BARRY COX: You won't be able
17	to change the pins on the golf course then.
18	MR. CHRIS JOHNSON: That could be
19	good.
20	MR. RON LEVY: I don't know that
21	you'll see real specific language like oh, you can't
22	go swimming in the creek or you won't or, you know,
23	you can't go wading in the creek.

1	MR. BART REEDY: And that's one of
2	the things that we want to make really clear to y'all,
3	that what Ron just said is accurate, there is language
4	in there that could be construed to say don't do this,
5	don't do that, don't do the other, the it could be
6	construed to say that, well, and it could also be
7	construed not to say that. And what we're after and
8	what we feel our responsibility is is to get very
9	clear language, very, very clear language so that
10	there is no surprises to anybody.
11	MR. PETE CONROY: Any final
12	questions?
13	MR. RON LEVY: I would like y'all
14	to take these things back with you, take a hard look
15	through it, and we can continue some more of this
16	discussion next meeting, because this is definitely a
17	good topic.
18	MR. RON HOOD: I would like to see
19	what you've got before I comment on this, because some
20	of this stuff in here is pretty clear to me. It
21	pretty much says that you're not going to do
22	subsurface digging, drilling, or other disturbance of
23	the surface without prior written approval of the

- 1 Government, etcetera, etcetera.
- 2 MR. BART REEDY: That's true. Who
- 3 is the Government?
- 4 MR. RONALD HOOD: Yeah, I can see
- 5 your question there.
- 6 MR. BART REEDY: Who is the
- 7 Government?
- 8 MR. RONALD HOOD: I would assume
- 9 it's referring back to the Army.
- MR. BART REEDY: Well --
- 11 MR. PETE CONROY: Tie it down.
- 12 MR. BART REEDY: There is a whole
- bunch of folks in Myrtle Beach wondering the same
- 14 thing.
- MR. BART REEDY: I would like to
- see what you've got to say.
- MR. PETE CONROY: We had another
- item on the agenda, community relations.
- 19 MS. JOAN McKINNEY: Thank you,
- 20 Pete. I did want to take time to introduce you again
- 21 to Michelle Malone. Michelle is going to be doing a
- lot of support for the RAB that will free me up to do
- some other things for the Director of Environment.

1	I'll still be around, but pretty much Michelle will be
2	handling all of this admin portion. We also need to
3	ask you if you have any suggestions for the community
4	meeting in August? Any place you would like to go?
5	Michelle and I are working
6	MR. FERN THOMASSY: How about
7	Myrtle Beach?
8	MR. JAMES MILLER: How about a golf
9	course, yeah?
10	MR. RONALD HOOD: Yeah, at your
11	expense.
12	MS. JOAN McKINNEY: We're hoping to
13	see if we can find a church over on the west side that
14	would accommodate us and take us over there for a
15	meeting. We talked to Represenative Barbara Boyd
16	about her church, which is a little too small for our
17	group, because we really need now that we are
18	getting from my point of view and I think from
19	yours, that we're getting into some of these issues,
20	we need to get into a community where we might have
21	some interest, where we can get some people to
22	audience comments. And any thoughts on anything?
23	MR. RON LEVY: I'm all for setting

MS. JOAN McKINNEY: And the main reason that I really send that to you is that I'm beginning to get some of the surveys back. You know, one of the things that we have to do was to do a community survey and I got one particular response that asked us to hold these meetings, you know, we need to get the churches more involved. So, we're

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- going to probably respond to that particular statement
- and that particular survey response, which is good.
- MR. PETE CONROY: Michelle, how do
- 4 we find you?
- 5 MS. MICHELLE MALONE: I'm here
- 6 every day from 8:00 to 12:00.
- 7 MR. PETE CONROY: What's your
- 8 number?
- 9 MS. MICHELLE MALONE: 848-7398.
- MR. PETE CONROY: Thanks.
- 11 Our next meeting is scheduled for
- July 19th; is that correct?
- MS. JOAN McKINNEY: I'm sorry?
- 14 MR. PETE CONROY: July 19th is our
- 15 next meeting.
- MS. JOAN McKINNEY: Yes.
- 17 MR. PETE CONROY: And that will be
- 18 here again?
- MS. JOAN McKINNEY: Yes.
- MR. PETE CONROY: Okay.
- 21 MR. RON LEVY: I want to point out
- 22 something to y'all now -- it's a possibility that the
- 23 August -- the August meeting is out in the community,

1	right?
2	MS. JOAN McKINNEY: Yes. It's the
3	17th of August, I think.
4	MR. RON LEVY: You know, that's a
5	good time, because my office is looking at a move into
6	building 215, which for those of you familiar, that's
7	the DEH building on post is where the transition force
8	is going into. And we're working to have a conference
9	area in that building, as well. Hopefully, it will be
10	big enough to accommodate us all in here. It
11	certainly won't be as big as this room.
12	MR. PETE CONROY: When do you move?
13	MR. RON LEVY: Well, got a window
14	between the 15th of August and the end of the month.
15	So, this building is going to be pretty much empty by
16	end of August, middle of end of September.
17	MR. PETE CONROY: It's happening.
18	MR. FERN THOMASSY: That's a
19	fed-to-fed transfer.
20	MR. RON LEVY: Well, this is one of
21	the buildings that was defined for Marion Military
22	Institute, so, definitely
23	MR. FERN THOMASSY: Public

1	conveyance.
2	MR. PETE CONROY: Any comments from
3	anyone else?
4	MAYOR KIMBROUGH: Has any progress
5	been made on the two landfills that you discovered?
6	MR. RON LEVY: Still haven't gotten
7	the reports back on that, so we can't report anything
8	to you, yet.
9	(WHEREUPON, there was a brief recess.)
10	MR. PETE CONROY: We're back and
11	running.
12	MR. FERN THOMASSY: Yeah, I just
13	brought up the question, you know, were those site
14	investigations that were done on the two additional
15	landfills found out by Reily Lake? I believe Ron had
16	said, yes, and they're waiting for the results to come
17	back.
18	MR. RON LEVY: Yeah, I haven't seen
19	anything yet. Don't even know what the analytical
20	don't even have a hint, because IT hasn't whispered
21	into my ear.
22	MS. JEANNE YACOUB: Again, the SI

report, they're in the Q, and we just have to get a

78 1 settlement on the first template. 2 MR. RON LEVY: Yeah. MS. JEANNE YACOUB: And then we'll 3 4 have plenty of reports for you to look at. 5 MR. RON LEVY: I don't even have 6 any rumors to pass. Sorry. 7 MR. BART REEDY: There is one other 8 piece of this information, there's a whole -- a great deal of work that is getting ready to come in the 9 10 door. How many SIs are we talking about? MR. MURRAINE: Fifty-eight. 11 MR. BART REEDY: Fifty-eight. 12 13 MR. RON LEVY: Separate reports. 14 MR. BART REEDY: Fifty-eight 15 separate reports. 16 MR. MURRAINE: Plus the new ones. 17 MR. BART REEDY: And those are 18 going to be coming in pretty much -- how many folks do 19 you have working? MR. MURRAINE: They'll be coming in 20

MS. JEANNE YACOUB: You'll be

weekly, probably.

getting several at a time.

21

22

1	MR. RON LEVY: The document is
2	what, about (inaudible) inches thick?
3	MR. BART REEDY: And I want
4	while it is kind of you know, it is kind of
5	humorous, I mean, that's what Chris and I do is work
6	for you guys. And we do have to earn our nickels.
7	There is no way we're going to be able to keep up with
8	that. We're it. So, we will get to them as fast as
9	we can get to them. But there is going to in all
10	probability going to be a backlog of work that is
11	that has that has to go through us. And we can't
12	keep up with everything that's we're guessing
13	coming in the door real quick. Not on not with all
14	the FOSTs, all the FOSLs and all the SIs coming in the
15	door all at one time, it's just not doable. So, we're
16	working with Ron and
17	MR. CHRIS JOHNSON: And that's why
18	it was mentioned as key and we told the JPA,
19	they've got to prioritize what they want first. We'll
20	put those to those priorities, and that's how we're
21	going to work it.
22	MS. MIKI SCHNEIDER: And we have
23	provided them with a list of our top priorities, as

1	far as buildings that the JPA is interested in.
2	MR. RON LEVY: The master lease,
3	which is another issue. Just to be fair to Bart and
4	Chris, the fifty-eight documents are coming in, but
5	what they've got now, we've already overwhelmed them.
6	We've been feeding them with a fire hose now for the
7	last two months, and it's getting worse.
8	MR. FERN THOMASSY: Can somebody
9	provide us with that priority list? I think the board
10	ought to know what the JPA's priority list is.
11	MR. RON LEVY: I can yeah, yeah,
12	during the next meeting, in fact, let's give them what
13	we got from the master lease and also I can provide
14	you with a copy of the Army's parcel disposal status
15	list, as well so you can see it. And the Army has
16	defined it from priority there, as well, because not
17	everything the JPA has got in priority, there's other
18	things and utilities that are have nothing to do
19	with the JPA that we're trying to get rid of, as well.
20	MR. PETE CONROY: We do have a
21	quorum now when we really didn't when we voted earlier
22	on the minutes. Can we do that one more time? All in
23	favor of the minutes? All opposed? This time they

1	really did pass.
2	MR. CHRIS JOHNSON: It's official.
3	MR. PETE CONROY: I would guess
4	that although I like to keep these meetings to an
5	hour, there isn't any way we're going to do it next
6	month. And why don't we just go ahead and plan on a
7	two hour meeting on the 19th? And are you all going
8	to be in a position where you can brief us on these
9	SIs that you are reviewing?
10	MR. CHRIS JOHNSON: I don't think
11	next month would be good.
12	MR. BART REEDY: No.
13	MR. PETE CONROY: Not ready?
14	MR. BART REEDY: No.
15	MR. CHRIS JOHNSON: Maybe the month
16	after. We can certainly give you an update on the
17	issues we talked about today.
18	MR. RON LEVY: What I had planned
19	on doing is go back into the FOSTs and FOSLs and
20	continue this discussion. There is some information
21	some folks want. They'll get a chance to take this
22	back with them and look at it, maybe come back with

some additional questions. You know, maybe we can get

1	through	in	an	hour.	I	don't	know.

- 2 MR. PETE CONROY: I was thinking
- 3 with the SIs, you would be taking, you know, one at a
- 4 time and you would be able to report to us on those
- 5 that you've looked at at that time.
- 6 MR. CHRIS JOHNSON: We've got two
- 7 right now and one is going to -- you know, it's format
- 8 and problems, but I don't -- we're going to get
- 9 comments to them in about a week on those.
- 10 MR. PETE CONROY: You won't be
- 11 ready.
- MR. CHRIS JOHNSON: Yeah.
- 13 MR. FERN THOMASSY: Could IT give
- us a list of the SIs and where they are coming from?
- MR. RON LEVY: Yes, we can do that.
- MR. FERN THOMASSY: So we'll know
- 17 what that fifty-eight is.
- MR. PETE CONROY: Great.
- 19 MR. FERN THOMASSY: That will at
- least prepare us by title and location.
- 21 MR. RON LEVY: One other thing,
- 22 Pete, before you close us out here. Miki, one of the
- things we agreed, that the RAB agreed to is that the

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1	JPA member would be an ex officio member. So, as
2	such, what we would like to do is get you at the table
3	in the future, so we'll try to put a spot out for you.
4	MS. MIKI SCHNEIDER: Thank you.
5	MR. CHRIS JOHNSON: Be ready for
6	questions.
7	MR. PETE CONROY: Any other
8	comments? Move to adjourn.
9	MR. TOM TURECEK: So moved.
10	MR. FERN THOMASSY: Second.
11	MR. PETE CONROY: See you next
12	month.
13	(WHEREUPON, the meeting was concluded.)
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1	CERTIFICATE
2	STATE OF ALABAMA)
3	CALHOUN COUNTY )
4	
5	I, SAMANTHA E. NOBLE, a Court
6	Reporter and Notary Public in and for The State of
7	Alabama at Large, duly commissioned and qualified,
8	HEREBY CERTIFY that this proceeding was taken before
9	me, then was by me reduced to shorthand, afterwards
10	transcribed upon a computer, and that the foregoing is
11	a true and correct transcript of the proceeding to the
12	best of my ability.
13	I FURTHER CERTIFY this proceeding
14	was taken at the time and place and was concluded
15	without adjournment.
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