

RESTORATION ADVISORY BOARD

FORT McCLELLAN, ALABAMA

* * * * *

Taken before SAMANTHA E. NOBLE, a Court
Reporter and Commissioner for Alabama at Large, at
Building 215, Fort McClellan, Alabama, on the 17th day
of July, 2000, commencing at approximately 6:30 p.m.

R E P O R T E R ' S I N D E X

CAPTION SHEET	1
REPORTER'S INDEX	2
RESTORATION ADVISORY BOARD	3-101
CERTIFICATE	102-103

1 DR. BARRY COX: Could we go ahead
2 and get started, please.

3 MR. RON LEVY: Hey, want to get
4 your attention.

5 DR. BARRY COX: Thank you. Okay,
6 thank you all for coming out for the July meeting.
7 Let me start off, starting here and going around all
8 the non-members, if you would, please, introduce
9 yourself.

10 MAJOR MORRISON: My name is
11 Major Jim Morrison. I'm the XO of the garrison here.

12 MR. BILL GARLAND: Bill Garland
13 with the U.S. Fish & Wildlife Service.

14 ORVAL MATTESON: Orville Matteson,
15 resident of Jacksonville, citizen.

16 MS. DONNA FATHKE: Citizen at
17 large.

18 MS. SHIRLEY WILLIAMS: I'm
19 Shirley Williams, and I'm with CAP, Community Against
20 Pollution in Anniston.

21 MR. ROBERT WILCOX: I'm
22 Robert Wilcox from the Center of Expertise in
23 Huntsville.

1 MR. BOB DAFFRON: I'm Bob Daffron
2 with the Alabama National Guard Training Center here
3 at Fort McClellan.

4 MR. PAUL JAMES: I'm Paul James
5 from the environmental office here at Fort McClellan.

6 MR. DAVID SKRIDULIS: I'm
7 David Skridulis, I'm with the Corps of Engineers in
8 Huntsville.

9 MS. KAREN PINSON: I'm Karen Pinson
10 with the environmental office here at Fort McClellan.

11 MS. BILL SHANKS: Bill Shanks with
12 the environmental office here at Fort McClellan.

13 MS. LISA KINGSBURY: Lisa
14 Kingsbury, environmental office here at
15 Fort McClellan.

16 DR. BARRY COX: Appreciate y'all
17 coming back.

18 MR. JAMES HALL: I'm James Hall
19 with Community Against Pollution Anniston.

20 MR. DAVID BAKER: I'm David Baker
21 and I'm president of Community Against Pollution in
22 Anniston.

23 DR. BARRY COX: Anybody else? We

1 appreciate y'all coming out. Let's go on to roll call
2 now. Mr. Hood? Mr. Branchfield's not here.
3 Mr. Brown? Mr. Buford? Mr. Conroy? Not here.
4 Mr. Cunningham? Mr. Elser?

5 MR. JERRY ELSE: Here.

6 DR. BARRY COX: Ms. Fathke?

7 MS. DONNA FATHKE: Here.

8 DR. BARRY COX: Dr. Harrington?

9 DR. HARRINGTON: Here.

10 DR. BARRY COX: Mayor Kimbrough?

11 MAYOR KIMBROUGH: Here.

12 DR. BARRY COX: Ms. Longstreth?

13 MS. LONGSTRETH: Here.

14 DR. BARRY COX: Mr. Thomassy?

15 Mr. Turecek? Mr. Weston? Mr. Levy's here. Mr. Reedy.

16 And Mr. Stroud?

17 MR. PHILLIP STROUD: Yes, sir.

18 DR. BARRY COX: Good to see you.

19 We're going to dispense, for the
20 time being, with the approval of the minutes. Let's
21 see, I don't believe we have a quorum yet, do we?

22 DR. HARRINGTON: No.

23 DR. BARRY COX: Let's go on into

1 the old business. August RAB meeting in the
2 community.

3 MR. RON LEVY: Yeah. Ron, have we
4 got an update on that?

5 MR. RON MASSEY: Yeah, we're locked
6 in at the Golden Springs Community Center for that
7 date. If that's all right with the RAB, we can hold
8 with that. If they don't like that, we can find some
9 place else.

10 MS. MIKI SCHNEIDER: What's the
11 date?

12 MR. RON MASSEY: The 21st. It's
13 the third Monday.

14 MR. PHILLIP STROUD: Where is that?

15 MR. RON MASSEY: Over 10th Street
16 Mountain. Follow it all the way down through the stop
17 light and about a mile and a half on your left, you go
18 -- turn off --

19 DR. MARY HARRINGTON: Don't tell
20 him like that. The easiest way to go is over
21 Greenbrier.

22 MR. RON LEVY: I tell you what
23 we'll do, is, Ron, is when we send out the next

1 meeting minutes, we can send a strip map out so
2 everybody knows how to get there.

3 MR. RON MASSEY: Sure.

4 DR. MARY HARRINGTON: If you go to
5 Greenbrier, you see Winn-Dixie and St. Marks Church,
6 you turn left. Half a block at the tennis court you
7 turn right.

8 MR. PHILLIP STROUD: Tennis courts
9 turn let.

10 MAYOR KIMBROUGH: Yes, you'll see
11 it.

12 DR. MARY HARRINGTON: I walk there.
13 That's the easiest way.

14 MAYOR KIMBROUGH: How do you come
15 in?

16 MR. PHILLIP STROUD: I'll come by
17 -- I know where she's talking about, turning there.

18 MAYOR KIMBROUGH: You can get off
19 the Golden Springs exit and it goes right to it, if
20 you come in at I-20, you can get off that Golden
21 Springs exit and then you go back over.

22 MS. MIKI SCHNEIDER: That first
23 turn past the parking lot is all I know.

1 DR. BARRY COX: So, is everyone
2 present in favor of the meeting at Golden Springs?
3 Does that meet with everybody's approval? Seems to
4 be.

5 MR. RON LEVY: Okay. (Inaudible).

6 DR. BARRY COX: I didn't ask for --
7 I said everybody present. I recognize we don't have a
8 quorum.

9 Application of new members, is Ron
10 going to --

11 MR. RON LEVY: Yes, just let me
12 talk a little bit about that. We still got
13 applications coming in. I know the JPA is going to
14 submit some, right, Miki? There is other members on
15 the RAB that are interested in submitting applications
16 of people. We've done a solicitation out there, as
17 well. We've got a pool file now, so what we would
18 like to do is look at the month of September, is
19 actually shoot for presenting the applicants and then
20 start to take a vote then.

21 That will give us enough time to
22 get some more applicants in. And, please, because I
23 know Dr. Harrington, you didn't have a chance to maybe

1 submit some applicants, as well.

2 DR. MARY HARRINGTON: Right.

3 MR. RON LEVY: You and Margarette,
4 if you've got somebody you're interested in, because
5 what we told the RAB the last time was that if you've
6 got some interest then, please, submit your
7 applicants, and then we can get a good, good pool to
8 look at for the month of September. Give us a little
9 more time to put it in.

10 And I'll remind everybody, we're
11 looking at two positions. We lost James Miller and
12 Charles Turner, who essentially didn't reply back to
13 us on our letters that went out. And really, based on
14 the bylaws for the RAB, we needed to take them out for
15 lack of participation. So, that's where we're at with
16 that, Ron. Anything else that we need to --

17 MR. RON MASSEY: No. If any of the
18 RAB members here did not receive an application in the
19 mail, I need to know so I can get you an application
20 and plus, check your mailing address. I sent you all
21 one. And any time you can get those in, that would be
22 great.

23 MR. RON LEVY: What we want to try

1 to do, as well, in the future here, is on the website
2 that we've got, is put a blank application so that you
3 can --

4 MR. RON MASSEY: Knoxville has
5 that.

6 DR. MARY HARRINGTON: Because I got
7 your reminder about the meeting, but I didn't get a
8 mail-out this time.

9 MR. RON LEVY: You didn't?

10 MR. RON MASSEY: Okay, well, we'll
11 check it.

12 DR. MARY HARRINGTON: But I got
13 your reminder about the meeting on the web.

14 MR. RON LEVY: It was the e-mail?

15 DR. MARY HARRINGTON: Uh-huh.

16 MR. RON LEVY: It was actually Ron
17 that sent it out. Good.

18 Let's see, what else do we need to
19 say about that? I guess really that's it. We can
20 move into new business.

21 DR. BARRY COX: Any other old
22 business?

23 MR. RON LEVY: I want to do

1 something before we get into this.

2 DR. BARRY COX: Okay.

3 MR. RON LEVY: For the folks that
4 are here that have come to listen in on this meeting,
5 just to give you a little bit of an understanding of
6 what a restoration advisory board does.
7 Fort McClellan, which is under closure and undergoing
8 cleanup so that it can safely transfer property back
9 to the community, has established a restoration
10 advisory board. In fact, we had a board or we had a
11 requirement prior to closure just for cleanup
12 activities. And it's a means to meet CERCLA
13 requirements to involve the community, community at
14 large, not just the local reuse authority. And we've
15 done this through the restoration advisory board.

16 The role of the restoration
17 advisory board is to advise the Army on cleanup issues
18 and to have input into the restoration activities that
19 are going on and to get a chance to see what it is
20 we're proposing and doing and then come back to us and
21 tell us what your thoughts are on the cleanup. And
22 that's really what we're doing here.

23 And there is a lot of things going

1 on at Fort McClellan. This is a huge program right
2 now, money-wise. So that it's a very slow process,
3 too, because there's a lot of stakeholders involved.
4 It involves EPA, ADEM. ADEM is sitting at the table
5 here. EPA, Bart's not here, but they're involved, as
6 well. And you'll see the local reuse authority in
7 this case, JPA, which Miki represents. So, there is a
8 lot of folks. And then there is various members of
9 the community. You can see, we've got a fairly good
10 cross-section. We've looked at minorities, looking at
11 female representation, as well as male representation.
12 So, we like to believe that the RAB, itself, is
13 representative of the community.

14 And we take any and all comments.
15 It doesn't have to be by a quorum for comments to be
16 presented to us. And the Army will consider all
17 comments.

18 With that said, I guess we can move
19 on.

20 DR. BARRY COX: New business? Do
21 you want to introduce our speaker?

22 MR. RON LEVY: Yes. Let me
23 introduce Rob Wilcox. Rob is from Huntsville's Center

1 of Excellence for UXO. Rob is a program manager. And
2 I'll let Rob talk a little bit about his background.
3 He's got a presentation to do, relating to risk
4 management, UXO and risk management. This is
5 something that we had requested in the past.

6 MR. ROB WILCOX: I'm real happy to
7 be here. I've been working with the ordnance program
8 for -- well, before there was an ordnance program.
9 Some of our first sites predate that for several
10 years. And those are way too small for them to see.
11 I'm sorry. Can't help it.

12 I am, way back in my history, I'm
13 from New York and I'm just a smart guy. Please,
14 excuse me. I'll repair right away.

15 Next slide, please. What we're
16 dealing with is the kind of contamination, bombs,
17 bullets. This is kind of a slide that gives you sort
18 of, you know, an overview of the kinds of things we're
19 dealing with, mines, mortars, artillery shells,
20 rockets, and, of course, some joker had to put a few
21 -- point an arrow in the picture and somebody else put
22 a Budweiser can, but everything else is some sort of
23 ordnance.

1 Next, slide, please. Now, one of
2 the things is this is a CERCLA-like activity. And
3 what we're talking about when we're talking about
4 CERCLA, we're talking about we have dangerous material
5 at an abandoned site, we have community participation,
6 we have regulatory involvement, you know. And it's a
7 cleanup kind of activity.

8 However, this is slightly
9 different. We have explosive safety associated with
10 this. Special skills are required to deal with the
11 problem. We have no thresholds. There is no
12 threshold that we can get which will provide ultimate
13 safety. You know, one bullet is all it takes, one
14 bomb.

15 Our pathways are limited. People
16 that hurt themselves with this ordnance do not go out
17 in the woods and brush up against it. They go out in
18 the woods, they brush up against it, they find it,
19 they take it home, they put it in their vise and they
20 take the fuse out or something like that. This is how
21 the accidents happen.

22 So, it is different, yet it is the
23 same. When we say it's CERCLA like, we're not trying

1 to brush it away, we just want everybody to
2 understand, this is an environmental contaminant that
3 is a safety hazard. People are frequently confused by
4 that. This is -- nobody confuses being run over by a
5 bus with environmental health risk. It's a public
6 safety risk. Well, this is an explosive safety
7 hazard. And it is out in the environment, so it's the
8 same but it's different.

9 Next slide, please. Now, one of
10 the things I'm going to talk to you about -- there are
11 two things I want to talk to you about, risk
12 management and how do we assess, how do we determine
13 what the problems are. So, I kind of put these
14 together in a briefing.

15 Risk management is something that
16 our society does all the time. We have dangerous
17 things that are out there and we have learned to deal
18 with them. This guy is dealing with a junction box,
19 and in some places you have to have special license to
20 be able to do this kind of work. And there are all
21 sorts of controls on this, the special training that
22 you know what to do.

23 Our society deals with dangerous

1 situations all the time. They learn how to deal with
2 them. But we use something called risk management.

3 Next slide, please. The basic
4 concept behind risk management is, number one, you
5 have to understand the operation, then you have to go
6 about minimizing this problem in any way you can. You
7 do what is reasonable to minimize it. It's not okay
8 to leave more than is necessary, more than you can get
9 rid of, it's you must minimize the problem, then you
10 manage the residual problem, then you monitor the
11 situation.

12 Now, you're going to see this
13 again. You don't have to remember this. And we don't
14 have anybody from ADC, we like to refer to this as
15 R3M. It looks like that.

16 Anyway, let's apply this to
17 something else. Next slide, please. When you take
18 risk management and you look at how it's applied to
19 automobile safety, we have been involved in risk
20 management for many years, building safer cars, safer
21 highways, licensing drivers. What you do is you come
22 up with ways to absolutely minimize the hazard, then
23 you have to manage the residual risks. We have

1 crumple zones on cars, we have air bags, we have seat
2 belts. And then, of course, we have the ever-popular
3 insurance.

4 Monitoring the effectiveness. When
5 you apply that to automobiles, we have automobile
6 inspections. That goes over better in California.
7 They do up there.

8 Driver testing, retesting. In
9 traffic code enforcement, policeman are out there
10 making sure that you follow the rules. Let's look at
11 another example. I got this example from looking at
12 the reserve center -- oh, your sound does work. That
13 hasn't worked for many times. At the reserve center
14 out there where they service large trucks. And one of
15 the things they have to do is they have to deal with
16 inflating these large tires with split rims. Some of
17 these tires have as much as a hundred and twenty-five
18 pounds of air pressure in them. And if they come
19 apart, these split rims come apart, they will fly very
20 far and they will take off any part of your body that
21 they happen to hit. They're incredibly lethal. So,
22 what steps are taken to make workers safe?

23 Next slide, please. We go through

1 the minimization, where they do their work inside this
2 cage. This cage, these steel bars are two and a half
3 inches in diameter and they're quite stout.

4 Well, that takes care of the flying
5 split rims, any large chunks of rubber that might come
6 off of the tire, but it doesn't deal with the
7 over-pressure. Our experts, Dr. Crow (phonetic)
8 indicates that if a hundred and twenty-five pounds
9 goes off in that tire and you're standing next to it
10 with your hand on the valve, it's just like half a
11 pound of TNT goes off at arms length. We have the
12 difference, the cage gets you an open casket, but it
13 will kill you.

14 So, what they do to minimize the
15 residual is they have a very long valve with a locking
16 chuck, they put that on the valve, they put the

17 release valve with the air pressure monitor about
18 twenty-five feet away from the tire, and then they
19 inflate it from behind this wall. You'll notice there
20 are concrete, steel filled concrete pylons on both
21 sides of this wall. That's in case that tire blows
22 up.

23 Now, what you have to do is --

1 workers will be workers and workers will want to get
2 the job done as quick as possible, so they will look
3 for shortcuts. And it's a whole lot easier just to
4 put the chuck on there, air the tire up, from here.
5 But the supervisor's job is to run around and make
6 sure they don't do that, make sure they follow the
7 rules, make sure that the risk management things are
8 taken care of.

9 Now, what we have to do is we have
10 to take this approach and apply it to the ordnance
11 problem. Next slide, please. You're going to see
12 this slide at least twice more, and it's going to say
13 the same thing the other one did, but I'm trying to
14 reinforce this issue.

15 Subject to community needs. We
16 have to determine what the community needs are when we
17 do this. We have to find out what problems this
18 ordnance is going to cause the community. We have to
19 come up -- we have to understand the situation. We
20 have to understand the problem. So, we minimize the
21 risk. We minimize the risk through removals. We
22 manage the residual risk, that which we can't get rid
23 of. And believe me, there is a limit to what we can

1 do. We can find, not all of it; that's something
2 we're going to have to learn to live with. We can't
3 get it all. And we manage the residual with some sort
4 of land use controls, institutional controls,
5 something like that.

6 We monitor the effectiveness
7 through recurring review. Now, CERCLA tells us we
8 have to do that a minimum of every five years, but the
9 frequency of review, that needs to be a design
10 consideration. If it's a serious problem, highly
11 dynamic, you probably need to do it more often than
12 that.

13 Next slide, please. We have to
14 learn to deal with something called uncertainty. We
15 cannot find all the ordnance. We can't see into the
16 future. Now, my personal crystal ball is only forty
17 watts per channel. I can't see very clearly more than
18 about five minutes into the future. And if we were a
19 hundred percent sure about anything, it wouldn't be
20 called an assumption.

21 All plans are based on assumptions.
22 Okay? So, we have to understand that there is
23 uncertainty. With any plan we put together, there is

1 uncertainty, and we have to be able to deal with that.
2 This should not be a surprise to us.

3 Commitments, well, everybody wants
4 to, you know, keep their commitments, but sometimes we
5 can't. Unexpected things can happen, and community
6 needs will change over time, so, we have to be
7 somewhat flexible.

8 Next slide, please. Now, this
9 doesn't have any particular scale with it. This is
10 kind of -- and I use this when I'm talking to
11 engineers. It takes something that's sort of cerebral
12 and puts it on sort of a linear axis so that they can
13 think about it. When we started the program -- this
14 is early in the program -- we had to deal with the
15 Tierrasanta project. We didn't know what our rate of
16 cleanup was. To be absolutely honest with you, we
17 just didn't know. We knew it was better than 50
18 percent and we knew it was less than 90 percent, but
19 frankly, we just didn't know what the denominator of
20 this equation was, so we didn't know where it was. It
21 was somewhere in there.

22 And we thought 75 percent. If we
23 gave them a gap, a range, they wouldn't -- you know,

1 that would cause a lot of questions. So, we said 75
2 percent. It seems reasonable. It's a reasonable
3 number. And it stayed 75 percent for a long time,
4 because we didn't have anybody working on the program.
5 There was three of us. We didn't have time to think
6 about things like this. That was almost an esoteric
7 consideration back in the early days when there was
8 three of us. One of our guys had nineteen projects.

9 Well, we got more people working on
10 the program, we got a little more sure of ourself, we
11 started thinking our recovery rate was better than it
12 was. We got up to about 96 percent. That was what we
13 thought. None of this is anything other than what we
14 thought. Well, JPG (phonetic) came along, and some of
15 our favorite techniques showed about 30 percent
16 effectiveness. And it kind of dashed our expectations
17 of what we could do back towards reality. And we
18 worked through that.

19 And now, with the passage of about
20 twelve years and a lot of expertise, what have you,
21 we're now absolutely certain that we can remove
22 between 70 and 90 percent. So, we've improved the
23 bottom number by about 20 percent. But the point is,

1 in the best day we ever had, in our expectations, in
2 our wildest dreams, we did this, right here we still
3 left 4 percent behind. There's supposed to be
4 something happening. It's there. That still left 4
5 percent behind. That was in our dreams. That meant
6 if there was a thousand bullets out there, there was
7 still forty of them when we were done.

8 And in our wildest dreams, that was
9 the best we ever did. And I'm telling you, in
10 actuality, we don't do that well. We need management
11 measures to protect from residual.

12 So, what do we have to do when
13 we're understanding kind of the way we go at this from
14 a risk management perspective, now we have to figure
15 out what kind of data we're going to collect to do
16 this. We need to know what decisions must be made.
17 We need to know what data is necessary to support
18 responsible decision rationale. We not only have to
19 explain it, we're not -- not have to understand it, we
20 have to explain it to y'all, we have to explain it to
21 the public, we have to explain it to higher authority.
22 We need to know about this. We need to know intimate
23 details about this. This should not be a wild guess.

1 Who else has a stake in this
2 decision? You know, it's not just us, it's not just
3 okay if we all understand the problem and you all
4 don't. If you don't understand the problem and we do,
5 we don't understand the problem. This is a public
6 decision-making process. We have to get together on
7 this.

8 So, what data, information,
9 commitment is necessary to satisfy the concerns of
10 others. You need to be part of the data collection
11 phase, as well.

12 How do we ensure the integrity of
13 communication, the quality of the data. That's part
14 of what we need to do. We need to worry about that.
15 That's kind of like data quality objectives, this is
16 our take on that.

17 Give me another slide. One of the
18 things we have to think about is how does an accident
19 happen. What are the precursors to an accident? We
20 have to think about -- this is an event tree. And
21 what are the precursors to you having an ordnance
22 accident? And there's one that's not on there, but
23 there is nothing we can do to formulate a plan to deal

1 with it. It is that the bullet has to be configured
2 to detonate. But if it is, it is, and if it ain't, it
3 ain't. And we can't make a plan that would change
4 that. So, it's not on here. These are the things we
5 can actually make a plan to change.

6 Now, what we have to do is, it's
7 real simple to think about this. This looks
8 complicated. It really isn't. If ordnance is there
9 or not there -- we have sites where we thought it was
10 there, somebody proposed it as a site, and it turns
11 out it was a site where somebody had a proposal to
12 build a certain range to develop a certain kind of
13 weapon. Well, the war ended, they didn't need the
14 weapon, you know, so all we had was real estate
15 things, transactions were in the process, and somehow
16 that little piece of property got named a range, but
17 it never actually happened. Well, there is no
18 ordnance there. If there is no ordnance there, we
19 follow the green line, there is no possibility of an
20 ordnance-related accident. Okay?

21 Now, if we have a place where
22 ordnance is there but nobody has access to the site,
23 nobody can go there, you know, there is a big lagoon

1 over here and flowing river of lava over here and
2 nobody can go there. Well, this is not something you
3 have to worry about because it takes ordnance and
4 person to have an ordnance-related accident. Well, we
5 begin to follow the green line.

6 Now, if all behavior is
7 appropriate, even though you have ordnance and people
8 have access, 100 percent appropriate behavior, we have
9 no accident. So, what this is is, we've got to look
10 at this two ways, we know that if ordnance is there,
11 we can't get rid of 100 percent of it. We know that
12 we can't deal with access. And by the way, access is
13 the one thing that is most likely to destroy the use
14 of this property for most intended purposes. So, this
15 one we don't use as much as some of the others, but we
16 need to think about it. Every now and then there is
17 some useful thing that can come out of it.

18 And we look at behavior. Behavior
19 can eliminate the potential for an accident, even
20 though there is ordnance there and people have access
21 to it. But what we need to think about is: We can't
22 do 100 percent here, we can't do 100 percent here, we
23 can't do 100 percent here, either. What we've got to

1 do is we've got to consider all three of them to
2 minimize the hazard. We can't just select our
3 favorite one and go with that, because, if we do,
4 we're missing two viable strategies to deal with the
5 ordnance problem.

6 Please, ask me questions along the way
7 if you have any.

8 MR. RON LEVY: Rob, give them some
9 examples of what we mean by behavior.

10 MR. ROB WILCOX: Behavior, the
11 children at Tierrasanta went out there and they found
12 this piece of ordnance and they either hit it with a
13 hammer, smacked it on a rock, or picked it up, what
14 have you, something like that, that would be
15 considered bad behavior.

16 One of the other things we think
17 about on this program is institutional behavior. In
18 1971, when this was proposed to be a subdivision, the
19 Navy told the City of San Diego, do not put a
20 subdivision here because this is a former impact range
21 and this is a bad place to put a subdivision. And the
22 City of San Diego, opsha (phonetic), forget you, put
23 the subdivision there. In 1983 two children were

1 killed. That's bad institutional behavior.

2 We need to think about bad behavior
3 from an individual standpoint. Do people go out there
4 and collect these things and put them on their
5 fireplace to collect them for old nostalgia purposes?
6 This is a bad thing to do. If it never hurts you, if
7 your house catches on fire, you could kill a fireman.
8 We don't want -- we don't need to do this. There is
9 bad individual behavior, there is bad institutional
10 behavior.

11 MR. DAVID BAKER: Like in the long
12 term -- how about long-term waste, as far as laying
13 there and decaying? That's another hazard that can
14 absolutely --

15 MR. ROB WILCOX: Decaying, and
16 thinking about this as anything other than a long-term
17 hazard doesn't work. We have cannon balls from the
18 Civil War that are as active as they were the day they
19 were manufactured and these are made out of better
20 steel and these will be intact when we're all in the
21 grave.

22 MR. DAVID BAKER: There's no Murphy
23 Law then?

1 MR. ROB WILCOX: There is no what?

2 MR. DAVID BAKER: There is no
3 Murphy Law that one could go off?

4 MR. ROB WILCOX: Oh, definitely,
5 they certainly can. They can always go off.

6 MR. DAVID BAKER: That's what I
7 meant when I mentioned that.

8 MR. ROB WILCOX: Oh, yeah, no, no,
9 no, these things are always -- they always have the
10 potential.

11 MR. DAVID BAKER: I thought so.

12 MR. ROB WILCOX: This business of,
13 they will deteriorate to the point where they're non
14 -- no. What happens is people say, oh, they're rusty,
15 they won't go off. No, no, no.

16 MR. DAVID BAKER: They will.

17 MR. ROB WILCOX: What happens is
18 all the safety mechanisms deteriorate and they're more
19 likely to go off. You have cracks in the explosives.

20 MR. DAVID BAKER: So, what kind of
21 behavior would you call that?

22 MR. ROB WILCOX: What's that?

23 MR. DAVID BAKER: In terms of risk

1 management, in terms of the act of behavior such as
2 the two examples you gave prior to, in terms of it
3 just lying there and deteriorating?

4 MR. ROB WILCOX: Well, if it's
5 lying there and somebody finds it, they need to tell
6 somebody. It shouldn't be left there.

7 MR. DAVID BAKER: Just for instance
8 --

9 MR. ROB WILCOX: It shouldn't be
10 picked up.

11 MR. DAVID BAKER: For instance, if
12 you gave us access to certain parts of an area where
13 you have say 98 percent or 95 percent or 94 percent,
14 say that it's safe 94 percent, and you have 4 percent
15 that you may not have found, and you might just give
16 us a line there, you know, and say, well, from here on
17 -- like you gave the example of two kids getting
18 killed. And it's laying there and it's a type of
19 mechanism that just would not go off in one particular
20 area, but might go off in a widespread area. In other
21 words, going off here, it may have impact maybe from
22 here across the street, where you might have some type
23 of residential or some type of area where you have

1 placed maybe -- it could be, you know, even commercial
2 area, could that happen in this instance?

3 MR. ROB WILCOX: Well, any time you
4 find a piece of ordnance and you --

5 MR. DAVID BAKER: I didn't say
6 find, I said go off.

7 MS. MIKI SCHNEIDER: By itself.

8 MR. ROB WILCOX: It's not going to
9 go off without human interference. That's another
10 characteristic. People think these things jump up out
11 of the ground and chase people down. No, no, no.
12 What happens is people find them, they take them back
13 to their garage, and they put them in a vise, and they
14 will either try to cut the rotating bands off them or
15 something like that. We have no cases on a formerly
16 used defense site where somebody hasn't actively tried
17 to take the bomb apart where it hurt them.

18 MR. DAVID BAKER: It's not
19 (inaudible).

20 MR. ROB WILCOX: You don't brush up
21 against it. That's not what happens. Not that it
22 couldn't happen.

23 MR. DAVID BAKER: That's what I

1 keep saying.

2 MR. ROB WILCOX: I'm not saying it
3 couldn't happen, it just hasn't.

4 MR. DAVID BAKER: Okay, that's what
5 I meant.

6 MR. ROB WILCOX: Those are two
7 different statements.

8 Okay, next slide, please. So, what
9 we have to do is we have to kind of separate this
10 problem into portions of it that kind of make sense to
11 us that we can evaluate so we can assess. Now, the
12 munitions, obviously, they're a major contributor to
13 the problem. We have frequently talked in terms of
14 risk. Well, risk is very difficult to deal with. You
15 know, we say we're going to use a risk assessment and
16 talk to the public about this and get their input.
17 Well, who uses ten to the minus six numbers to make
18 personal decisions or to make community decisions or
19 even corporate decisions? Nobody does, you know.

20 So, let's look at something else,
21 another way to describe it. Let's look at potential
22 for harm and protectiveness. Kind of a logical
23 coupler, I don't mean two separate things, kind of

1 like hot and cold, the engineer is, no, there is not
2 really any such thing as cold, but you can't deal with
3 this society without having two concepts. But cold is
4 really only the absence of heat, so what we have here
5 is, when you maximize protectiveness, you minimize the
6 potential for harm. And we're going to put that at
7 the center of the focus of our assessment.

8 The munitions are contributors to
9 the potential for harm. The density makes a
10 difference, the distribution, you know, if there is
11 twenty-five per acre, it's worse than if there is five
12 per acre. It's worse than if there is one per acre.
13 It's worse than if there is none per acre.

14 Distribution. If all of it's on
15 the surface, this is a problem. If it's all ten feet
16 below the surface, not sure how we can improve that
17 much, unless we were digging trenches ten feet deep.
18 Sensitivity is kind of a different critter. If
19 they're really sensitive, really likely to go off with
20 very little interference, that's a real problem. If
21 they're relatively insensitive, that's not quite so
22 bad. The problem is, there is nothing we're going to
23 do with the planning or anything we're going to do

1 that's going to change that. If we take away 75
2 percent, the sensitivity of the remaining 25 percent
3 is the same as it was before we did any work. That
4 tells us what kind of problem we have.

5 The site. Let's talk about how the
6 site contributes to this problem. The stable site,
7 the site that stays the same, doesn't erode is a
8 better situation than one that does. If you've got a
9 site on a lake where you've got literal different,
10 you've got on-shore, off-shore transport, depending on
11 winter, summer, you've got ice scour, this is a
12 problem. If you've got erosion, this is more of a
13 problem than if you had a stable site.

14 How people use the site. I think
15 we understand this is obviously a problem. If they
16 use it in certain ways, it's okay. If they use it in
17 other ways, it's not good. Please, don't let us put
18 any of this property, you know, that's ordnance
19 contaminated or a hand grenade range in a day care
20 center. Let's make it -- let's not do that. That's a
21 bad thing. How people have access to the property,
22 you know, that's a contributor to either good or bad.

23 Human issues, individual behavior,

1 institutional behavior, and our ability to work
2 together and commitment to protectiveness, those are
3 the kinds of issues. Now, if we can describe that
4 problem so that we all understand it and we use each
5 one of these things as indexes -- and by the way,
6 these are just suggestions. If there is some other
7 way to describe it, if there is some other index that
8 needs to be there, we need to put that in there. We
9 need to get that input from you. This is just sort of
10 a starting point, these nine.

11 Next slide, please. When we go
12 through and we decide what kind of projects would
13 work, we then come up with a way to now describe the
14 situation when we put a project in place that will now
15 say that density is reduced by so much, which is a
16 good thing, the distribution, you know, we've taken it
17 all off the surface and we've got, you know, 95
18 percent or greater below four feet. You know, the
19 sensitivity, of course, that's the same, but we
20 couldn't fix any of that.

21 We've now got a way -- we've looked
22 at stabilizing the potential for erosion. We may have
23 habitat management here, so that it, you know, stays

1 stable. Have some way to control access and use. We
2 have individual behavior. We have the appropriate
3 commitments in place. And when we do that, we can
4 show we've maximized protectiveness and minimized
5 potential for harm.

6 Now, the problem with this is our
7 engineers all hate it, because we're talking about a
8 pros narrative on the slide before and a pros
9 narrative here where everybody can understand what
10 we're saying. There is no such thing as ten to the
11 minus X this or ten to the minus X that, it's just a
12 pros narrative, this is how it's better. And risk is
13 not an NCP criteria.

14 So, what we have to do is we have
15 to find a plan that maximizes protectiveness, fosters
16 understanding. And if we use a technique that
17 everybody can understand, I mean, including us -- I
18 mean, some of that stuff we're doing and some of these
19 old techniques, the OE cert and R3M and all those
20 things, they might just as well -- it's a (inaudible)
21 kabookie (phonetic) dance or something like that.

22 Stimulate, participate, and builds
23 trust. You know, now we've got something we can work

1 with. And, of course, meaningful participation,
2 that's really a two-way street. You know, it means
3 active participation. You got a lot of people here,
4 this is great. I've been at some of these things
5 where it's been pretty sparsely settled at some of
6 these meetings. It's a long-term relationship. It's
7 not okay to be involved on day one and not there later
8 on. You got to stay with it.

9 And the same principles apply to
10 executor and stakeholder. So many folks want the
11 Army, want the Department of Defense, want Huntsville,
12 want the installation to make all these commitments,
13 and they're not willing to make a commitment,
14 themselves. That ain't going to work. You know,
15 there is no such thing as a one-sided commitment. It
16 never works. It's not -- it's not even a real
17 commitment.

18 This program or the authority the
19 federal government has is very limited if we try to do
20 work ourselves. The responsibility we were given far
21 exceeds the authority we're given. Anybody that
22 questions that needs to watch what happens on a
23 formerly used defense site when we don't get

1 permission from the land owner to go do a study. That
2 project comes to a screeching halt. We don't have
3 authority to go beyond that.

4 So, how do we deal with this? This
5 doesn't affect our responsibility just because they
6 didn't give us this authority. What they said to us
7 is, now, you've got to go work with everybody to fill
8 in the gap. And the way we do this -- give me three
9 hits, one, two, three -- we have to work with other
10 federal, state, and local agencies and private
11 agencies, private industry, private individuals,
12 through meaningful stakeholder participation to fill
13 in this authority gap, because while we don't have the
14 authority, local institutions do and private
15 individuals do. And we can resolve this problem that
16 way.

17 So, what we're going to have is --
18 this is a clear description of the problem that
19 developed with stakeholder collaboration. In other
20 words, we need to understand what this problem is, you
21 need to understand what this problem is, and we need
22 to have the same understanding of what this problem
23 is. The effects of proposed plan include appropriate

1 mixes of removal actions and local initiatives. In
2 other words, when we're done with this property, it's
3 still up to the community to make sure appropriate use
4 happens. The federal government doesn't have
5 authority to control that.

6 Now, in a BRAC situation they can
7 put land use restrictions on there. But depending on
8 state law, they only last as long as the commitment is
9 there by the community to keep them up. We cannot
10 come in and enforce these sorts of things. It
11 requires dedication by the community. Consensus is
12 achieved through coordination. We've got to talk to
13 you. If you don't understand what we're saying, this
14 is our problem.

15 So, we have a technique to
16 discover, understand, analyze, and ultimately support
17 the resolution of OE problems. And we don't have to
18 use these fancy risk terms. It's not necessary, it
19 really doesn't buy anything, and that is totally
20 compatible with really trying to coordinate with the
21 community.

22 MAYOR KIMBROUGH: On land use
23 restrictions?

1 MR. ROB WILCOX: Yes.

2 MAYOR KIMBROUGH: And you said
3 y'all don't have the power to enforce that or the
4 authority to enforce it?

5 MR. ROB WILCOX: Huh-uh.

6 MAYOR KIMBROUGH: Then in this
7 situation, you got the JPA and then you've got the
8 City of Anniston that this is annexed. Who would be
9 the authority to make sure that's enforced then?

10 MR. ROB WILCOX: Now, when I say we
11 don't have the authority to enforce, we don't have the
12 authority to enforce, but we have the responsibility
13 to support the City of Anniston, if that is who has
14 the authority. I don't know that right now. But if
15 that's where it lies, we have the responsibility to
16 support them.

17 MR. RON LEVY: Let me give you an
18 example, Mayor Kimbrough. If we transfer a piece of
19 property, and in the process of transferring that
20 property we put a deed restriction in that property
21 that says no digging, it is -- and the reason we put
22 that in there is because there may be ordnance
23 underneath and we don't want anybody to, you know,

1 stick that backhoe in and have something go boom. But
2 we don't -- it's in the deed. It's a restriction in
3 the deed. It has to be enforced, but the Army does
4 not have enforcement authority to that.

5 Now, we could be responsible to
6 come back and do some checking and look at the
7 controls that are in place to make sure they're there,
8 but truly, things like JPA and the Anniston Police
9 Department and those other, and whatever state
10 authorities there are are going to have to step in and
11 ensure that those controls are also in place and that
12 they continue to be enforced.

13 MR. DAVID BAKER: In response to
14 that, if that's the case, EPA would not be able to
15 enforce it. Is that what you're saying, in terms of
16 that? Because they would be somewhat the oversight of
17 this area, wouldn't they, in terms of that? Wouldn't
18 that fall under their purview?

19 MR. RON LEVY: Yeah. EPA's part
20 and the state's part in that, especially from a
21 cleanup standpoint would be, even before we transfer
22 the property, they would negotiate with us on those
23 controls.

1 MR. DAVID BAKER: That's what I'm
2 saying, yeah.

3 MR. RON LEVY: So, they would be
4 looking to make sure that we're putting the proper
5 controls --

6 MR. DAVID BAKER: Along with ADEM,
7 of course.

8 MR. RON LEVY: Right.

9 MR. PHILLIP STROUD: Yes.

10 MR. RON LEVY: When I say the
11 state, I mean ADEM. They would be looking to make
12 sure that we put those proper controls in place prior
13 to us transferring any property.

14 MAYOR KIMBROUGH: And my concern is
15 not immediate, but my concern is twenty years down the
16 road. You know, my concern is that this isn't lost
17 after the land is transferred and everything and then
18 we have a tragedy. And I know the explosives out here
19 are very limited, we don't have any bombs, I know
20 that, and we have gone through all of that, but still,
21 if somebody loses a hand, you know, which it can be,
22 that's important to me and to the citizens here. And
23 that's my question is: You know -- and I don't guess

1 there is an -- if you think through it, I don't guess
2 there is a real answer.

3 MR. ROB WILCOX: In the grand
4 scheme of things, a formerly used defense site program
5 is not the most dangerous thing that we've had. There
6 has only been sixteen or seventeen people killed since
7 the end of World War II. And there has been a lot
8 more associated with active installations.

9 But the real tragedy is, every one
10 of those was preventable, you know. And the fact is
11 that we're getting more and more encroachment. We're
12 not expecting this to keep weaning down. We're
13 expecting with more encroachment, it can become a
14 bigger problem. So, because it's preventable and
15 because it has the potential to become a bigger
16 problem, we really need to do something about it.

17 And we need to understand, there is
18 not just this recurring review that can happen as
19 infrequently as every five years, there is also a
20 maintenance program. Let me give you an example of
21 Tierrasanta, the way they deal with this down in San
22 Diego. There is a maintenance program. The community
23 council, they have kind of a subdivision, it's below

1 the city and it's kind of organized on communities, a
2 community council that goes out once a month and they
3 inspect, you know, the canyons out behind these
4 houses.

5 So, what we have at Tierrasanta,
6 there was a nineteen hundred acre subdivision and
7 there were these canyons and these canyons were
8 considered to be nice places for children to play and
9 have adventures and all sort -- it just also happened
10 to be contaminated with ordnance.

11 Well, what they do now is they go
12 out there and they send somebody from the community
13 council once a week to walk around, you know, to check
14 and make sure things are being appropriate, nobody has
15 been digging out in the canyons, that we don't have
16 any erosion, that we don't have any potential for fire
17 to -- you know, there is habitat aspects of this, as
18 well. They do that once a month.

19 Well, twice a year the Corps of
20 Engineers has a representative that goes with them.
21 And at any time, if we find something else that's a
22 problem, you know, we could institute this recurring
23 review quicker. And when we do the recurring review,

1 we go in and we look at the decisions that were made.
2 Were the assumptions correct? Were the projections
3 reasonable?

4 The other thing we have to do is we
5 have to make projections, because we're planning for
6 the future. We don't have future information. We
7 have current information that we have to project in
8 the future. You can make serious errors with that, so
9 we have to evaluate that and make sure it's still
10 reasonable. Yes, sir?

11 MR. ORVAL MATTESON: The public
12 law, (inaudible) referred to as the BRAC law, states
13 specifically the Department of Defense is responsible
14 for the decontamination --

15 MR. ROB WILCOX: Yes.

16 MR. ORVAL MATTESON: -- before they
17 can transfer the ownership, under any circumstances,
18 whether it's a sale or gift or whatever it might be.
19 Now, of course, it should be evident to anyone that no
20 one can guarantee 100 percent decontamination.

21 MR. ROB WILCOX: Right.

22 MR. ORVAL MATTESON: Does that mean
23 that you, the government now, are going to have some

1 declarations of situations before you will transfer
2 the property to whoever it's supposed to be
3 transferred to? Which then I guess would carry
4 forward to a sale of the property to the buyer,
5 etcetera, etcetera, to the future ownership. And
6 which you in effect state that we've decontaminated it
7 to this degree, but we don't guarantee more than that?
8 Or are you never going to transfer it? What are the
9 --

10 MR. ROB WILCOX: There will be
11 something to that effect in there. The assumption is
12 that it will be transferred.

13 MR. RON LEVY: Let me answer that,
14 Rob.

15 MR. ROB WILCOX: Sure.

16 MR. RON LEVY: What you said is
17 true, where when we transfer property, there are, in
18 fact, declarations in that transfer. We do what's
19 known as a finding of suitability to transfer for
20 every piece of property that we transfer and we do a
21 finding of suitability to lease those properties that
22 we deem necessary to lease.

23 Within that finding of suitability

1 to transfer, we declare certain things. And we will
2 state, like in the case of ordnance and explosives,
3 which is what OE stands for, that this is a military
4 installation, in fact, we did that type of training on
5 here, the potential for those ordnance, that ordnance,
6 you know, still exists. And we are responsible, in
7 the event that it's discovered, to come back and
8 remove it again. If it's not -- if it's something
9 that we might have missed or it's uncovered in the
10 process of something or another. We hope that --

11 MR. ORVAL MATTESON: Can the
12 receiving agency, in this transfer between the
13 government and somebody else, not between somebody
14 else and somebody else, can the receiving agency
15 establish the requirement as to the percentage, the
16 quality, etcetera, etcetera, or can you just say to
17 them, you the government, say to the receiving agency,
18 this is the land, this is the way it is, take it or
19 leave it?

20 MR. RON LEVY: Certainly, they can
21 say that we don't want it unless it reaches a certain
22 standard.

23 MR. ORVAL MATTESON: And then the

1 government would maintain the ownership of that until
2 somebody was willing to accept it. Is that the way it
3 goes?

4 MR. RON LEVY: But the truth of the
5 matter goes, like on particular properties, if we
6 don't think the risk is manageable, we won't transfer
7 the property. In the case of Fort McClellan, in fact,
8 there is a lot of property that's been defined for
9 federal ownership through another federal agency.

10 MR. ORVAL MATTESON: Yes --

11 MR. RON LEVY: That being the Fish
12 & Wildlife Service and the National Wildlife Refuge,
13 it will stay in federal hands. And we're thinking
14 that -- and there is about seven, seven to eight
15 thousand acres that it's already been defined. And
16 our belief is that if we cannot get to a certain level
17 of cleanup on other property, we're going to have to
18 retain that, too.

19 And oh, by the way, it may also
20 become part of the refuge. And when it becomes part
21 of the refuge, when we negotiate with this other
22 federal agency on its use, we'll have to negotiate
23 certain restrictions.

1 So, if there is going to be public
2 use of property, there is going to be public use of
3 the property whereby we may require Fish & Wildlife to
4 restrict them to certain trails that have been
5 cleared, that we know where -- and no such thing as
6 digging, and you know, certain restrictions as it
7 relates to other public activity on that property to
8 make sure it's protective of the public.

9 And Fish & Wildlife is going to
10 want to negotiate, you know, who does what and how
11 that happens, because obviously they don't want that
12 liability on their hands. So, it's going to still
13 come back to the Army.

14 But, yes, we will ensure, because
15 it comes down to our liability, we will ensure that
16 what we do is protective of the public. And if we
17 can't do that, then we're not going to want to
18 transfer the property or we're going to have to find
19 some other means to control that property, either
20 through, you know, retaining it through another
21 federal agency or not transferring it, at all.

22 MR. ORVAL MATTESON: There are
23 certain areas, of course, which are going to be very

1 heavy traffic areas, which, according to your diagrams
2 and the like and other papers you've prepared, were
3 extensively used for ordnance activities. And they're
4 not -- I'm not talking about the mountainous area, I'm
5 talking about some of the areas where today people are
6 in effect are living or kids are playing. I'm just
7 wondering how this can be handled to get the transfer
8 effective?

9 MR. ROB WILCOX: Well, when the
10 transfer takes place, there will be a plan in place
11 that looks at the total of risk management. It has to
12 be cleaned up sufficiently so that the Army is
13 satisfied that it can be -- it is reasonable to access
14 this property, there will be appropriate institutional
15 controls in place to deal with the residual risk, and
16 there must be a plan to review that on a continuing
17 basis.

18 Now, there was a lot of folks in
19 Washington wanted us to say, oh, we're going to review
20 it for thirty years. Well, that's -- somebody finally
21 straightened them out on that. You know, how do you
22 spell forever? Well, that's it, that's what it is,
23 it's a forever commitment. Sorry.

1 MR. ORVAL MATTESON: That's right.

2 MS. DONNA FATHKE: What guidelines
3 is the Army going to use to make recommendations as to
4 land use? For instance, if you're 96 percent sure
5 that it's -- or confident that it's clear, can you
6 say, yeah, you can dig on this property, or does it
7 have to be 98 percent before you make that
8 recommendation?

9 MR. ROB WILCOX: What frequently
10 happens is -- I need to stay away from and try to get
11 you to not think in terms of those percentages. They
12 really don't exist. What I would like to do is say,
13 we have a plan that tells us it is reasonable. Now,
14 what you may need to do is if any construction or any
15 excavation takes place on this place, it's going to
16 require support, UXO support --

17 MS. DONNA FATHKE: From --

18 MR. ROB WILCOX: -- from either
19 private contractor or the local Corps of Engineers or
20 from source -- but it's --

21 MS. DONNA FATHKE: So, it's going
22 to be more expensive to develop lots like that where
23 there is --

1 MR. ROB WILCOX: If that was the
2 way the plan works. I mean, I don't know, I don't
3 have the foggiest notion what the plan is like.

4 MR. RON LEVY: Yeah, it's going to
5 be geared towards what the JPA has defined in their
6 plan for reuse. And where we cannot meet their plan,
7 we tell them that.

8 So, right now, you know, what
9 they're looking in terms of property from an ordinance
10 standpoint is very limited. There really isn't
11 anything we're transferring or looking at in that
12 standpoint. We've removed all other property. There
13 is going to come a point in time where we're going to
14 be able to say, yes, we can transfer that or, no, we
15 cannot transfer that. Yes, sir?

16 MR. DAVID BAKER: Would that be --
17 and this is my question, in terms of -- because I'm
18 somewhat familiar with some of the cleanups, in terms
19 of certain areas that have been -- we've been
20 studying. If in fact you wanted to build a condo in a
21 certain area, you would already know that before
22 transferring this property over to someone to build a
23 condo whether that area is sufficient for that type of

1 digging or not. Is that the -- that's the way,
2 basically, the way it's done, isn't it? And to that
3 standard? So, when you say 98 percent, it's
4 reasonable in that sense. Am I correct?

5 MR. ROB WILCOX: Well, I'm not sure
6 that -- when we talk about percentages, you know, I
7 was trying to talk about percentages. And didn't you
8 see me doing the dance?

9 MR. DAVID BAKER: Yeah, I seen you
10 do the dance. That's one of them New York dances.

11 MR. ROB WILCOX: (Inaudible).

12 MR. DAVID BAKER: Yeah, I know, I'm
13 familiar with that dance, that's why I said that, 98
14 percent --

15 MR. DAVID BAKER: (Inaudible) gives
16 you a percentage, watch for the dance.

17 MR. DAVID BAKER: Well, that's what
18 I'm saying. I didn't use that as a figure --

19 MR. ROB WILCOX: What I'm saying
20 is --

21 MR. DAVID BAKER: I did a little
22 dance when I said that. But I'm saying, if I was
23 going to build a condo and I asked you, look, I need

1 this property, these twenty acres to build housing
2 condos or whatever, you already knows that if you go
3 in that area, that if we going to use that for that
4 purpose, wouldn't you not know -- ADEM would know,
5 certainly, because they're a state regulator, EPA
6 certainly is going to be monitoring ADEM in terms of
7 this, because this is already a federal site. Would
8 you already know that that area can be, you know,
9 dealt with in that percentage from that -- from that
10 perspective? Could you know -- could you tell me,
11 say, well, Mr. Baker, we're going to sell you this
12 property, and this amount of property, you can build
13 these condos? It's already clear enough in our mind
14 on a reasonable level that it could be done?

15 Because if you can't do that,
16 you're not saying you're really cleaning up. That's
17 what I'm saying. That's probably what I'm saying.
18 I'm talking to ADEM right now, and maybe they can help
19 us out with this.

20 MR. RON LEVY: I want to make sure
21 I understand your question. You're saying that
22 somebody -- first off, when we transfer property, we
23 really transfer it not to a developer, we're

1 transferring it to the local community, in this case
2 which is represented by the Joint Powers Authority.

3 MR. DAVID BAKER: Some of us.
4 Yeah, go ahead.

5 MR. RON LEVY: And when we do that
6 transfer, the property has been defined as suitable
7 for transfer.

8 MR. DAVID BAKER: Right.

9 MR. RON LEVY: And in finding that,
10 we may have put controls in place that deemed
11 necessary certain things happen. We may restrict it,
12 so when we transfer it, you know, maybe all they could
13 do with it is a park because we've restricted the
14 property to such a point where you can't build condos
15 on it.

16 MR. DAVID BAKER: Right, that's
17 what I'm saying.

18 MR. RON LEVY: I believe that we,
19 the Army, will transfer property -- when it's suitable
20 for putting condos on, you will know that. And when
21 it's not, you will also know that, too, because there
22 will be controls in place.

23 MR. DAVID BAKER: Yeah, that's what

1 I'm saying. That's -- I think that's what the
2 gentleman's question was in terms of it is that based
3 upon your cleanup, you already know exactly what could
4 -- and so much what could be done with this particular
5 property prior to you turning it over to joint
6 commission and joint commission selling it to someone
7 in the neighborhood or someone that they have that's
8 interested in the property. So, we would want to be
9 clear that if I went to buy the property from joint
10 commission, the joint commission can say, well, yes,
11 you can -- in fact, this property can be used for
12 this, you know, particular project. We don't want you
13 to sell me some property and then when I go out there
14 and start digging and ADEM come up and say, well, you
15 don't have permission to dig here, because this is --
16 you know, and you can't do anything about it and you
17 maybe can't even sell it back to the joint commission.
18 So, we want to be clear on how -- because we, you

19 know, this is Alabama; we know how everything works,
20 especially here in Anniston, but it's a community's
21 perspective, so we want to be clear on everything that
22 you do in terms of this community, because we already
23 done got a taste of what can go on in this city.

1 MR. ROB WILCOX: Sir?

2 MR. ORVAL MATTESON: As a case in
3 point for the question I'm going to be asking, the
4 area of -- let's say for the first quarter mile or
5 better from the south gate, north and south of the
6 south gate road, it's evident to anyone that some time
7 in the future that's going to be a heavily used area,
8 unless it is in some way prohibited from being used.
9 In fact, it's going to be a heavily used area, as I
10 understand it, in the minds of the committee right
11 now, because they're trying to sell parts of it and
12 already have.

13 Will the government put additional
14 effort into those areas which are evident are going to
15 be, in the next twenty years, heavily used, in order
16 to raise the degree of demilitarization, as compared
17 to areas which evidently will not be heavily used for
18 some long time? In other words, will you concentrate
19 and put three times as much effort per acre into this
20 land as you're willing to this land over here just
21 because of where it lays?

22 MR. ROB WILCOX: I'll be honest
23 with you, I think you're presupposing that there is a

1 lot of different levels of effort we can put in to --
2 when we talk about minimize the hazard, that's pretty
3 much an all-out effort, you know. And what you're
4 saying doesn't really compute to me where I can really
5 get a grasp on it. What I would suggest is, depending
6 on what kind of use, you may have other restrictions.
7 There are places where it's okay to dig and it's okay
8 if you find a bullet, but you've got to know what to
9 do with it when you find it.

10 There is other places where if you
11 find a bullet, you may have a dead operator on your
12 hands. And those are incredibly different scenarios.

13 And if we can get enough
14 information where we can make those determinations --
15 and I'm sure flying around in the dark in the blind a
16 little bit here, because I don't know what situation
17 you have here. But I'm trying to get you -- I'm
18 trying to tell you where it is program-wise. That's
19 what I deal with. There is lots of different ways to
20 skin this cat. And the idea is to come up with a way
21 that's suitable for community needs. Remember, the
22 first thing we have to worry with is community needs.
23 What are their needs?

1 Now, you've got to get reasonable
2 community needs. You know, there is no reason for you
3 to expect us to be able to clean up every parcel of
4 property so that you can put a day care center on a
5 hand grenade range. Just don't put it there. That's
6 a bad place to put it.

7 Let's have some responsibility on
8 the part of the community. Let's not just say, well,
9 just because I want it, it's okay. When you exceed
10 our ability to fix it for you -- understand, all real
11 estate has certain limitations. The fact that this
12 was used as a former military, that's going to define
13 some limitations.

14 DR. BARRY COX: Why don't we go
15 ahead and move along?

16 MR. ROB WILCOX: Okay, sorry.

17 DR. BARRY COX: We have a time at
18 the end of this which we can have audience comments.

19 MR. ROB WILCOX: Let's go through
20 these really quick. When we're trying to answer these
21 questions, one of the things we do is how do we make
22 these determinations? We always wish it was good and
23 bad, there is a black area and a white area and it's

1 just really easy to see the difference. Well, the way
2 it is is you just have sort of a continuous spectrum
3 here. And anyplace you pick might be good, might be
4 bad, you just don't know.

5 So, what we have to do is through a
6 consensus, we determine where it's acceptable. When
7 we find out we're over here, this is so bad that we've
8 got to have some additional response. When we're in
9 this little area here, we say we're going to try for
10 improvement. But this is tough for the response
11 organization. If it's down here, we're going to leave
12 it alone, because it's unlikely we can do it.

13 Now, how did we make those
14 determinations? It's kind of like a doctor makes a
15 diagnosis; there is no machine he can hook you up to
16 and say, you're healthy. No, he's got to look at a
17 whole bunch of different data and come up with that.
18 It's not that easy. It's a -- it's kind of like a
19 diagnosis; there is signs and symptoms that will tell
20 you, you've got health here or you don't, but there is
21 no one answer. It's not 98 percent is good, 96
22 percent is bad. That's not it. It depends on how you
23 use it. These are all interactive.

1 We've got to say, we need to
2 measure protectiveness indirectly through these
3 indicators, the ones I was talking about before, and
4 we've got to come to consensus. So, it's very simple.

5 Future without a project condition.
6 Not only do we have to worry about what's out there
7 now, but what will happen in the future. You know,
8 we've got to guess at that and try to guess really
9 well. We take a selective alternative, we say, what
10 will that do to change that. The difference defines
11 the impact or the benefit or the bad thing, if that's
12 the way it comes out.

13 This is quite complicated, but all
14 it really is is the ordnance issues, the site issues,
15 the people issues, sensitivity, density, distribution.
16 This is a chart that we developed out at Tierrasanta.
17 EC means existing condition. This was the way it was
18 when we found it. Now, you notice there are no
19 numbers here. We didn't assign any numbers. We
20 didn't assign 98 percent, but we knew what it was like
21 when we found it. There was a subdivision, there was
22 children playing in the canyons.

23 Okay, we could do nothing with the

1 subdivision. This indicates no change. We made a
2 dramatic improvement in the density and the
3 distribution of the ordnance with the project that we
4 did in 1994. The use, well, it was a subdivision
5 before, it's a subdivision after. We also had no
6 impact on the access. We made a tremendous
7 improvement in stability, because everything that
8 we've cut, all the vegetation we cut off that site had
9 to be put back in there and we made an improvement in
10 the stability of the site. The people, once they knew
11 there was a problem, they were very willing to
12 cooperate, so were the agencies, and everybody was
13 just totally committed to do that.

14 Give me another hit. After the
15 recurring review, we had this baseline established of
16 what it was like after the project was done. Once
17 again, no ability to do anything with sensitivity.
18 Density, after five years -- and we're not doing any
19 removals, of course, that's going to stay the same,
20 the same with distribution.

21 Well, the use had improved, so had
22 the access, and the stability hadn't changed. These
23 are wrong. There was an improvement in the stability.

1 The vegetation grew back so that people couldn't even
2 go there. They affected the access.

3 So, what we have now is, when we
4 use this kind of technique, we can look at the same
5 thing, it defines a baseline and we can tell whether
6 we have deterioration or improvement after we've done
7 the project.

8 Once again, we've got to understand
9 the needs, the needs of the community, how they intend
10 to use the site. We have to minimize the hazard. And
11 that can be defined in a couple of ways. But mostly,
12 we removed as much ordnance as is reasonable to remove
13 is what that means. We've managed the residual. That
14 means we have reasonable alternatives.

15 All of these must be done in
16 understanding that there is a mission that needs to be
17 done. What do they intend to use the site for? All
18 institutional controls are not compatible with all
19 uses. We need to come to some understanding and
20 agreement as to what they are. We have to monitor the
21 effectiveness.

22 Any ordnance action that does not
23 include land use controls is not complete. It's like

1 having -- giving half a job, because when you remove
2 the ordnance there is residual and you have to deal
3 with the residuals. Any that doesn't have recurring
4 review is not complete.

5 Risk management requires all three
6 of those Ms, the minimize, the manage, and the
7 monitor, and then you have a complete plan. I think
8 that's it.

9 MAYOR KIMBROUGH: What's going to
10 determine the cleanup? Is it going to be finances or
11 is it going to be lack of technology, if you say that
12 you can't?

13 MR. ROB WILCOX: We like to say in
14 the assessment phase that it's not -- cost is not an
15 object. But when you get to the evaluation phase it
16 is, you know, because we can't spend all the money
17 there is at Fort Knox on one particular site. But it
18 appears to me, normally, there is a reasonable -- what
19 a reasonable man would do is what we should do on
20 these sites.

21 MAYOR KIMBROUGH: Ron, the
22 technology is available to clean, as far as the
23 ordnance that we have on post, right? There is

1 technology available or --

2 MR. RON LEVY: The technology is
3 still limited. It's gotten better over the years, but
4 it's still limited. We're still not going to be able
5 to say we've got 100 percent of it all.

6 MAYOR KIMBROUGH: I understand.

7 MR. RON LEVY: Whatever percentage
8 it was, it's between 70 and 90, we're still not going
9 to be able to say that. So, the technology is
10 somewhat limited. And it's going to drive us, you
11 know, either to restrict the property, not transfer
12 it, or do other things that would protect the public.
13 So, yeah.

14 And we're not there, yet. And
15 that's the thing you need to understand, because we're
16 just now starting the EE/CAs for property that's in
17 and around the cantonment area and what's in the
18 National Wildlife Refuge. So, I can't even tell you
19 what the bottom line is on that until we get through
20 the engineering evaluations and cost analysis. At
21 that point there will be decisions to be made. And a
22 lot of it will be driven as we look at the property
23 based on the land use desires or requirements on the

1 part of the community and then decisions will be made.

2 MR. DAVID BAKER: Now, I do respect
3 what you have said, and I think that you answered his
4 question in the manner in which I think that I can
5 hold you in a high regards of, because you're saying,
6 our technology is not 100 percent, it's moving
7 forward, it's not like it was in the 40's and the '50s
8 and the '60s, it's in the 2000 now, so it's a little
9 better. And I also know that the community wants to
10 have an input in terms of being a part of
11 Fort McClellan, because it's part of the growth of the
12 community. But when you talk about singling out one
13 part of the city to make major decisions on behalf of
14 all the City of Anniston, when we -- the city on the
15 west side, so to speak, when we already know that we
16 have not been looked at for all the contamination that
17 we already have. And based upon us wanting to reach
18 out to be a part of this. So, I basically can say to
19 my people that I represent, which is right now, over
20 twenty-two hundred people, me and my organization,
21 that goes to work early in the morning and comes home
22 in the evenings and tired and they want somewhere
23 decent to have to go is that they are concerned, they

1 are basically concerned about this area and they want
2 -- they have to participate and be a part of it. They
3 want to be able to come to this board and be a part of
4 it. We just don't want the economic factor to play a
5 role in someone gaining property access and somebody
6 lose a life. If it's just one person, one child, you
7 know, nothing is -- no cost can bring that person
8 back. So, we want to make sure. So, I can respect
9 that, what you have said so far. And I know that
10 we'll be monitoring this and we want to be a part of
11 it, you know, from my group's perspective.

12 MR. RON LEVY: Yes, sir. Thank
13 you.

14 MR. PHILLIP STROUD: And speaking
15 from the state, you know, perspective, those are good,
16 hard questions from the community, and it excites me,
17 you know, that I see the community asking these hard
18 questions. And that sharpens our tools quite a bit.
19 And what he has said and what all these people are
20 saying, and we've talked about it before, if you take
21 one picture of this area -- and I explained this
22 earlier to him, you take two things, you have an area
23 that has UXO in it. Let's put the word UXO up here,

1 and let's put the word risk, with a question mark over
2 here, then let's clean it up to the best technology we
3 have today.

4 The second picture we look at is,
5 less UXO and the word risk still stays there. And
6 that's what he elaborated on in detail. And he's very
7 right. As technology goes off in the future, we might
8 be able to detect, you know, down the road further.
9 But we won't -- I can't see it in my lifetime. And
10 when I sign off as a state -- for the State of
11 Alabama, I want to make sure I can go to bed at night
12 knowing my son is out there playing around, digging
13 around. I know how I was when I was a kid.

14 MR. DAVID BAKER: So do we.

15 MR. PHILLIP STROUD: I liked the
16 high fences, you know, and it was a challenge to me.

17 MR. DAVID BAKER: Oh, yeah.

18 MR. PHILIP STROUD: And I know
19 these people have heard it, but I'm a living witness
20 to this technology already employed, where I was out
21 -- I'm just going to tell you, I was out on a site
22 where we had cleared and cleaned up. It was on the
23 outside of the UXO. And the first auger hole, which

1 is a big, chewing auger rig behind a drilling rig, a
2 mustard bomb came out at my foot. It luckily didn't
3 break open in the middle of a very populated area.
4 So, nobody here can convince me 100 percent that we're
5 getting 100 percent of them.

6 MR. DAVID BAKER: I definitely see
7 what you're saying there.

8 MR. PHILLIP STROUD: You're
9 definitely talking to the choir here, too. So, those
10 are good, hard questions, and I think that puts me in
11 maybe a good position here, when I'm watching them
12 clean these things up. And I can tell you, I am here
13 looking very hard at what they're doing, because I've
14 got to answer to you guys, and I want you to feel good
15 -- you know, when the transfer starts happening, to
16 answer her question, earlier, is that, you know, if
17 you put a hundred bombs or munitions in this table
18 area, you know, I remove ninety-six of them, are you
19 still going to run across it or dig across it?

20 MR. ORVAL MATTESON: No.

21 DR. BARRY COX: Phil, that's one of
22 the issues, when we were asking awhile ago is, have we
23 -- you're staying away from a quantitative risk

1 assessment.

2 MR. PHILLIP STROUD: Right.

3 DR. BARRY COX: And trying to go to
4 a qualitative, so therefore you're staying away from
5 the numbers of ninety?

6 MR. PHILLIP STROUD: Right. You
7 can't really -- he made it very clear, how can you put
8 a number on this?

9 MR. DAVID BAKER: You can't.

10 MR. PHILLIP STROUD: Especially
11 after I was given numbers at one time in my life, and
12 the first thing that came out of the first hole was a
13 bomb at my foot, and I realized that.

14 MR. ROB WILCOX: It's very hard to
15 explain to somebody that that happened to that that
16 was only two percent. That was the two percent I was
17 talking about.

18 MR. DAVID BAKER: You know, again,
19 not to just Bogart the meeting. I just want to just
20 echo one other thing to this committee. I have an
21 environmental consultant that he's an attorney in
22 environmental consulting out of Atlanta, Georgia, and
23 this is part of his home. And the seriousness of this

1 is I'm already looking at the Fort, and then we have,
2 you know, Bynum on the other end of the city, which is
3 another different entity and federal facility that
4 we're having problems looking at at this point, and
5 then we have three and a half million tons of PCBs
6 buried right in the middle of town, and we have -- we
7 have the powers to be of this city that have not even
8 looked at that as a serious problem until 1998. And I
9 had to write Washington D.C. To have the EPA come in
10 here and take a good look. Now, we have law
11 (phonetic), we've got babies being born with no
12 hearts, no eyes, we got people that live on the east
13 side of town that believe that they are not even
14 affected, and the wind blows east 96 percent of the
15 time and their property is contaminated and their
16 lungs are being contaminated and their children are
17 being infected by the same thing that the people that
18 live in West Anniston by, and we have not even come
19 together as a city, a whole, on that issue as a issue.

20 And I'm not saying this to be
21 critical of the Army, because I worked at
22 Fort McClellan, I worked here for the last two years
23 of it being open, so -- and my father and mother and

1 them have gained access to this post and have worked
2 out here, so my family, many of them, so I'm not being
3 critical of the Army. At this point, I'm just being
4 critical of the people that you might leave behind to
5 be the ones to judge what happens to our city. And I
6 think that that's one of the primary problems that I'm
7 having with this whole situation, because of what I
8 have already encountered since 1998.

9 So, I'm hoping that -- we would
10 like to have a medical facility. We got the Center
11 Disease Control, right now, coming into Anniston on
12 September the 7th to teach doctors how to treat people
13 who have been already exposed to chemicals, because
14 they had no idea that what they was treating us for
15 for the last twenty or thirty years, it wasn't cancer
16 of this nature, it wasn't sinus, you was dying of
17 different types of toxic waste, and they had no idea.

18 So, I think that this is one of the
19 things that we need to look at, and I'm hoping that
20 the transfer of the property could be done in a manner
21 where people can be safe. And like you just said, you
22 can't guarantee 100 percent, because we can't
23 guarantee that you won't get mugged in Anniston, so

1 anything can happen, and I understand that.

2 MR. JAMES HALL: I think one of the
3 things that we are asking this committee, this body to
4 look at is to have a heart and maybe after your next
5 meeting in Golden Springs we might take a look at
6 having a meeting out on the west side, we could load
7 this room up with babies, deficient babies.

8 MAYOR KIMBROUGH: We've met out
9 there.

10 DR. MARY HARRINGTON: We've been
11 out there.

12 MAYOR KIMBROUGH: 17th Street
13 Church.

14 THE WITNESS: Talking about a
15 little further out than 17th Street in Anniston. What
16 we're talking about, we're talking about children with
17 dyslexia, we're talking about children that can't
18 read, we're talking about undeveloped brains, we're
19 talking about babies, we're talking about parents with
20 arm deficiencies, sores --

21 MAYOR KIMBROUGH: We understand
22 that. But, you know, we're dealing with
23 Fort McClellan.

1 MR. JAMES HALL: What we're saying
2 is, when we apply for some help, it seems like there
3 is always an obstacle. And seems like some --
4 eventually, somebody's going to listen to us and cut
5 through the chase and say, hey, let's help that group,
6 let's establish some type of health facility so that
7 we can have some treatment done and see why these kids
8 are being affected. We're not talking about black,
9 we're not talking about white, we're talking about
10 everybody in West Anniston, we really need some help.

11 DR. BARRY COX: Appreciate it.
12 Ladies and gentlemen, we probably need to proceed on
13 with our agenda. As I said, we have a time at the end
14 of the meeting in which we will have time for audience
15 comments. Next is the action summary sheet. Ron, you
16 want to --

17 MR. RON LEVY: Everybody should
18 have gotten a copy of that in the mail. There was
19 three things listed there. The first one is really
20 not that significant. The Department of Justice
21 Center for Domestic Preparedness wanted to build a
22 heliport next to the CDTF. There has been some
23 ongoing work to ensure that the permits are in place.

1 They've looked at it from an impact. But it's already
2 been evaluated in their EIS that was done for the
3 facility. So, we're working through that.

4 MS. MIKI SCHNEIDER: Ron, where is
5 that going?

6 MR. RON LEVY: It's going inside of
7 the facility, directly behind the facility. In the
8 EIS they talk about landing the helicopter on the
9 parking lot. So, it's on the opposite side, inside
10 the fenced-in area.

11 MS. KAREN PINSON: Kind of back
12 behind the facility, between the back of the facility
13 and the water tower, they've got --

14 MS. MIKI SCHNEIDER: At CDTF?

15 MS. KAREN PINSON: At the CDTF.

16 MR. RON LEVY: Again, inside the
17 fenced-in area.

18 MS. KAREN PINSON: Instead of
19 landing helicopters in the front parking lot, they
20 will be landing them on this pad behind the CDTF, but
21 it is within the fenced air.

22 MS. MIKI SCHNEIDER: Okay.

23 MR. RON LEVY: There are two

1 documents out that relate to the transfer of
2 fed-to-fed property. You all know that we're
3 transferring the hospital to the HHS, Health & Human
4 Service --

5 MR. PAUL JAMES: Public Health
6 Service.

7 MR. RON LEVY: -- for use in
8 training doctors, nurses, and other emergency medical
9 folks for national issues associated with agent and
10 terrorist activities, similar type of training that's
11 going on on the DOJ side in their facilities, which is
12 the other ECOP, environmental condition. These two
13 documents, it just portrays the conditions of the
14 property to them so that they know what they're
15 getting. And they have been out for distribution to
16 the different agencies that need to see them. Again,
17 this is not property that's going out of federal
18 hands, it's staying within federal hands, but to
19 another federal agency, in this case Department of
20 Justice.

21 MR. JAMES HALL: Was there a dollar
22 exchange of this?

23 MR. RON LEVY: Sir?

1 MR. JAMES HALL: What was the
2 dollar exchange?

3 MR. RON LEVY: There isn't any.

4 MS. MIKI SCHNEIDER: None.

5 MR. DAVID BAKER: Just a change
6 over?

7 MR. RON LEVY: Right.

8 DR. BARRY COX: Do you have copies
9 of those? Could we see those or --

10 MR. RON LEVY: Yeah. In fact,
11 anybody who's interested in a copy of that, if they
12 will let me know, I've got it electronically and I can
13 put it on a disk and give it to you.

14 DR. BARRY COX: Or just E-mail it?

15 MR. RON LEVY: Yeah, I can E-mail
16 it to you. If you want to see that, let me know. As
17 you know, it's real expensive producing the documents,
18 and I don't want to just give a document out and have
19 it sit on a shelf, but --

20 DR. MARY HARRINGTON: Just put it
21 on disk.

22 MR. RON LEVY: We'll do that.

23 Lisa, are you here? How many people? Can I get a

1 show of hands?

2 MS. LISA KINGSBURY: If you'll let
3 Ron Massey know who wants a copy, I'll make sure he
4 gets it and he can put it on disk or provide you hard
5 copy or however you want it.

6 DR. MARY HARRINGTON: Disk will be
7 fine.

8 MR. RON MASSEY: Do you want an
9 E-mail?

10 DR. BARRY COX: E-mail will be
11 great.

12 MR. RON LEVY: These are documents
13 that are in the hands of ADEM and EPA. They're also
14 reviewing it, as well, and providing comments back to
15 us on that. And it will serve as a basis for the
16 transfers that are going to be coming up here shortly.

17 There was another request, which I
18 think we've kind of gotten through, that we're -- the
19 JPA was looking at property, 113 and 13 property up
20 there for potentially a distribution center. I think,
21 Miki, you talked about it in the past, twelve hundred
22 jobs or -- and still being considered, I think.

23 MS. MIKI SCHNEIDER: No, we found

1 out that we did not make the cut, and so that's not --

2 MR. RON LEVY: But still in the
3 future it's --

4 MS. MIKI SCHNEIDER: This is still
5 a site that we are going to actively continue to
6 develop for a commerce facility. And the issue of
7 getting access to 21 is something that we are actively
8 going to continue to work with with ADEM and Ron. We
9 are also going to seek some EDA funds to go ahead and
10 bring surrounding (phonetic) water to this point, so
11 that it will make it a more attractive site to the
12 next developer that walks in and is interested in it.

13 MR. RON LEVY: And the issue that I
14 talked about in the summary sheet was the fact that
15 they needed a road cut to 21. And when you look at
16 what's immediately to the left of that, there was
17 landfills, so it was problematic in trying to cut a
18 road over there. And some of the things we suggested
19 were going to be expensive to them, but it's still an
20 ongoing issue, and the state is involved, and we want
21 to do the right thing here and not try to build the
22 road over the top of the landfill.

23 MS. MIKI SCHNEIDER: It's still an

1 issue that the JPA is pushing and questioning Ron and
2 everyone on, because we want to be sure -- at the
3 first document we had, our FOSL document, we leased
4 that property, had that land as -- that we could get a
5 little cut through there. Then in the transfer
6 document, ADEM did some reevaluation and said, no, we
7 better pull it out, better look at it. And so based
8 on their recommendation, it came out, which is fine;
9 we only want clean property, but we also need to make
10 sure that if there is any way possible that we can get
11 a road through here, that we are able to work that
12 out, because that makes this a very attractive piece
13 of property for a developer. It's got a cut access
14 right onto DOT. It's already there. Excuse me.
15 Right on 21 that's already there, so we'll continue to
16 work that --

17 MAYOR KIMBROUGH: What was the
18 difference in the cost between the proposed --

19 MS. MIKI SCHNEIDER: Significant.
20 This is eleven hundred feet, this initial location
21 that we wanted it, and if we had to go further south
22 to put the road in, it went up over a million dollars.

23 DR. BARRY COX: What is the issue

1 with the landfill in it's a closed landfill?

2 MR. RON LEVY: Essentially the
3 investigation, isn't the work out there, but
4 essentially you really can't build over the top of a
5 landfill. There are cases where some of that's
6 happened, but at this point we're not ready to say
7 that you can build over that landfill or do anything,
8 at this point.

9 MR. PHILLIP STROUD: Yes, at one
10 time they were wanting a four lane. You're talking a
11 hundred and fifty feet, and that's cutting through two
12 landfills, and one of them hadn't been defined fully
13 and we still don't even know what's in it, and this is
14 a military landfill -- we're back to the issue, you
15 know -- so, it's hard to tell.

16 MR. RON LEVY: So, in the process
17 of trying to find a route around these areas, it's
18 become a more expensive proposition.

19 DR. BARRY COX: So, did the road go
20 between the landfills or did it actually go across one
21 of the landfills?

22 MR. RON LEVY: It was to the south
23 of the landfills that we defined that's that what we

1 thought would be the best route, given the areas that
2 were under investigation, which was what the JPA
3 objected to, given the cost of doing that.

4 MR. PHILLIP STROUD: And we are
5 really looking hard at really trying to make it
6 happen. It's not like we're not trying to. We're
7 really trying to make it work.

8 MR. RON LEVY: If anybody's
9 interested, we can send you what the different routes
10 were that were looked at, and we're still looking at
11 it.

12 MAYOR KIMBROUGH: Did that have an
13 effect on the decision of the --

14 MS. MIKI SCHNEIDER: I'm waiting on
15 a letter from the site consultant, indicating to us
16 and telling us what the reasons were that we were not
17 chosen. And until I get that, I can't say.

18 MAYOR KIMBROUGH: I'm very
19 interested in that, because, of course --

20 MS. MIKI SCHNEIDER: I'm sure you
21 would be, sir.

22 MAYOR KIMBROUGH: -- that could
23 have an impact on our area.

1 MS. MIKI SCHNEIDER: I will keep
2 you informed, Mayor.

3 MR. RON LEVY: Ron, there was
4 another one I needed to speak of, and I can't remember
5 what.

6 MR. RON MASSEY: The fan, safety
7 fan, perhaps, closing the northbound lanes at 21.

8 MR. RON LEVY: Oh, yes. M-2 piece
9 of property, and the piece that's being defined for
10 Consolidating Publishing --

11 MS. MIKI SCHNEIDER: I do this very
12 nicely.

13 MR. RON LEVY: Thank you there,
14 Miki.

15 MS. MIKI SCHNEIDER: Just call me
16 Vana.

17 MR. RON MASSEY: Those of you who
18 understand that Consolidated Publishing, which is the
19 parent company for Anniston Star --

20 MS. MIKI SCHNEIDER: Anniston Star
21 --

22 MR. RON LEVY: -- Anniston Star,
23 Talladega, and Jacksonville News.

1 DR. MARY HARRINGTON: Cleburne
2 News.

3 MR. RON LEVY: Excuse me. There is
4 a piece of property that's been defined over there for
5 that use, and it's undergoing investigation. While we
6 have completed the geophysical, where we're looking
7 for what's underneath the ground, geophysical piece,
8 we have defined some anomalies. Don't know what those
9 are until we actually dig them up, which we will do.
10 But in order to be safe, we have to assume worst case,
11 we have to assume worst case as it relates to those
12 anomalies. So, what that does to us -- what's the
13 worst case here, Jack? The worst case was a --

14 MR. JACK McKELRATH: White
15 phosphorous.

16 MR. RON LEVY: -- white phosphorous
17 grenade. Now, I'm not saying it's down there. We
18 just have to assume that. What that means to us is
19 that as we start to dig to identify those anomalies,
20 we have to have a stand-off distance. So, in case it
21 were to go off, nobody would get hurt, which puts us
22 into the Legarde Park area and halfway across Highway
23 21.

1 So, potentially, we're looking at,
2 when we do get ready to do that work of closing down
3 Highway 21 at Legarde Park -- now understand, get this
4 right, we don't know that that's there, we want to be
5 absolutely sure when we do do the work that
6 everybody's safe and that we're going to close this
7 off. That's not saying that something's there, just
8 understand that. We're just being very conservative
9 in our approach and protectiveness of the public here.

10 So, that's something that's
11 probably going to come up, so if you do see Highway 21
12 closed during some part of the investigation, it's
13 probably because we're pulling up what we found under
14 the ground.

15 MS. MIKI SCHNEIDER: I would hope
16 that when we do that, it could be done at a time of
17 day that will least impact commuters.

18 MR. RON LEVY: That's a busy road,
19 stretch of road, I agree.

20 MR. JERRY ELSER: Midnight.

21 MR. ORVAL MATTESON: Not only busy,
22 it's the only road.

23 MR. RON LEVY: David, do you have

1 anything to add to that, that you want to say about
2 that?

3 MR. DAVID SKRIDULIS: Well, I mean,
4 as far as the impact, though, I don't think we're
5 talking about closing all four lanes --

6 MR. RON LEVY: Yes.

7 MR. DAVID SKRIDULIS: -- so that we
8 would probably close the western bound lanes, and it
9 would be for short periods of time, like you're
10 saying, Miki, maybe between 9:00 and 11:00 in the
11 morning and whatever the time in the afternoon.

12 MR. RON LEVY: That's the northern
13 bound lane.

14 MR. DAVID SKRIDULIS: These are
15 worst cases. Hopefully, we won't need as much time as
16 we think we will. But traffic won't be stopped,
17 completely, it will be just one lane each way.

18 MR. RON LEVY: I think that's all I
19 had to say.

20 DR. BARRY COX: The last time we
21 talked about the TAPP presentation, what we would do
22 if we got TAPP money. Does anybody have any thoughts
23 on that?

1 MR. DAVID BAKER: I didn't
2 understand --

3 MR. RON LEVY: We're still looking
4 at bringing EPA in to do their presentation. That
5 hasn't been fully coordinated, yet.

6 DR. BARRY COX: And I think for
7 that and I believe you have to have a superfund site
8 for that to be legal is my understanding.

9 MR. RON LEVY: That's what she
10 briefed at the last meeting.

11 DR. BARRY COX: And so, if that's
12 the case, then the EPA funding probably -- why don't
13 we do this? Do you want to defer the TAPP discussion
14 until next time, try to determine some projects. And
15 wouldn't do any good, anyhow, because we don't have a
16 quorum tonight to be able to go over it, but we'll
17 defer that until next time. Is there any new business
18 any of the RAB members have to bring up?

19 MAYOR KIMBROUGH: I got a question.
20 Did we ever get a result from the wells, test well?

21 MR. RON LEVY: I don't believe we
22 have. Lisa?

23 MS. LISA KINGSBURY: Well, last

1 time we presented this or last time the question came
2 up, IT said it would be about six weeks before we knew
3 anything. So, I imagine in another couple of weeks we
4 should be able to get IT to do a small presentation on
5 what they found in the borings.

6 MAYOR KIMBROUGH: And the next
7 question is: What is the progress on the bypass
8 clearance?

9 MR. RON LEVY: I'm sorry --

10 MAYOR KIMBROUGH: Bypass clearance,
11 what's the status of that?

12 MR. RON LEVY: Got just the man
13 here to tell us where we stand on that.

14 MR. DAVID SKRIDULIS: We've got
15 about -- well, we think we have about four more weeks
16 of work on the surface clearance. And, you know, the
17 next step after that was to go in and have the timber
18 removed and then to go back in and do our mapping with
19 our geophysical instruments to see if we left anything
20 behind.

21 The issue that has come up now,
22 though, is, before we have the timber removed and we
23 do our geophysics and then we pull the stumps out,

1 when we do that, it leaves the land pretty wide open
2 to erosion. And we wanted to coordinate that as close
3 as we can to ALDOT's construction schedule. And I
4 guess the E-mail traffic I've seen in the last week or
5 so shows that ALDOT is going to advertise the project
6 in November '01 and then begin construction in
7 calendar year '02.

8 MR. PAUL JAMES: '02.

9 MR. DAVID SKRIDULIS: So, right now
10 what we're talking about doing -- I think we've got a
11 meeting tentatively set up for next week to talk with
12 them, to make sure those schedules are right. And
13 then we want to back our completion off of that so
14 that we finish, not impacting them, but we don't leave
15 the land sitting there so it can erode for a year and
16 a half or however long it might be.

17 DR. BARRY COX: So, in effect, you
18 can defer the cleanup until closer to construction
19 time, is that --

20 MR. DAVID SKRIDULIS: The final
21 cleanup. What we've been doing since last October and
22 what we're going to finish up the next four weeks is
23 probably about 96 percent of the cleanup. So, we've

1 done a lot of work. We don't expect to find a whole
2 lot of things. However, it's going to take some more
3 work to convince us of that.

4 MR. ORVAL MATTESON: May I ask
5 whose office you represent, sir?

6 MR. DAVID SKRIDULIS: I represent
7 the Corps of Engineers in Huntsville.

8 MR. ORVAL MATTESON: Are you
9 talking about, you are doing the cleanup for the
10 eastern bypass?

11 MR. DAVID SKRIDULIS: Yes, we're
12 removing any items that are unexploded ordnance.

13 MR. ORVAL MATTESON: You're talking
14 about the cleanup of ordnance?

15 MR. DAVID SKRIDULIS: Yes, sir.

16 MR. ORVAL MATTESON: Not the
17 cleanup of the area?

18 MR. DAVID SKRIDULIS: No, just the
19 cleanup of the ordnance.

20 MR. ORVAL MATTESON: Oh, that's
21 different then. How much is that going to cost you?
22 You figured it out?

23 MR. DAVID SKRIDULIS: Well, I can

1 tell you what we have spent so far. We've spent about
2 2.7 million dollars on the cleanup, just to get us
3 through this next four weeks, which should be about
4 most of the work that needs to be done. I think our
5 estimates now for finishing up the rest of it is an
6 additional, I want to say off the top of my head, it's
7 an additional 1.5 million. There is -- you know, so
8 overall, when we get done with the project, we're
9 looking at something around four million dollars for
10 the UXO portion of it.

11 MS. MIKI SCHNEIDER: What did you
12 say they were going to do in '01? You said '02, start
13 construction, '01 finalize design?

14 MR. DAVID SKRIDULIS: They said
15 they would advertise it, they would put it out for
16 bids in November '01, and then award the contract and
17 begin construction in the next year.

18 DR. BARRY COX: What's the
19 justification of the time line?

20 MR. ORVAL MATTESON: Construction
21 of what?

22 DR. BARRY COX: Is that as quick as
23 they can do it or are they waiting for money or what's

1 the --

2 MR. DAVID SKRIDULIS: Oh, I don't
3 know.

4 MR. RON LEVY: We're just kind of
5 at the mercy of -- all we're here to do is the
6 cleanup. We are focused on the cleanup. That's our
7 only issue. You know, whether it's constructed or
8 not, that's not our issue. Our focus --

9 MAYOR KIMBROUGH: The money is
10 there?

11 MR. RON LEVY: Right, for cleanup.

12 DR. MARY HARRINGTON: I think they
13 just prioritized.

14 DR. BARRY COX: We can't get the
15 stumps out and clean that up until they're ready to
16 construct?

17 MR. RON LEVY: Right, and we will
18 work those issues with them.

19 MR. DAVID SKRIDULIS: To be clear,
20 we are working with them right now. They've been out
21 there doing surveying, because they established a
22 center lane. They're going to come back in a little
23 while and start putting in borings to do their

1 geotechnical sampling and see what the foundations
2 look like, and we're going to support them and give
3 them escort through there so to make sure that they
4 don't hit anything that we haven't gotten, yet.

5 MR. ORVAL MATTESON: Who are they
6 and them?

7 MR. DAVID SKRIDULIS: ALDOT,
8 Alabama Department of Transportation.

9 MR. RON LEVY: ALDOT and their
10 contractors.

11 MR. DAVID SKRIDULIS: And their
12 contractors. I mean, they've got a lot. They've got
13 survey contractors, they've got geotechnical
14 contractors.

15 MR. ORVAL MATTESON: I'm familiar
16 with that, yes.

17 DR. BARRY COX: Any more RAB member
18 comments? Comments from the audience?

19 MR. DAVID BAKER: I have one more
20 comment.

21 DR. BARRY COX: You're next then.
22 Any comments from -- go ahead -- from the audience?

23 MR. DAVID BAKER: Yes, I had one

1 comment. And I just want to say that I have learned a
2 lot this evening, and this is my first meeting
3 attended. I did not and was not aware that this was
4 going on until about three weeks ago, I sent James
5 Hall and Morgan Scott to Washington D. C. To a
6 stakeholders meeting that I absolutely had no idea
7 what it was involving until my office was called from
8 Montgomery, asked me did I have any interest in being
9 a part of this, and I sent them to Montgomery. I sent
10 them to Washington D. C. For them to see what it was
11 about. And they came back with the information. And
12 I think Morgan have contacted -- and he was contacted
13 from Washington or somewhere and asked to put Morgan
14 on the mailing list.

15 DR. BARRY COX: That was my next
16 question, y'all are on the mailing list then?

17 MR. DAVID BAKER: We are on the
18 mailing list, at this point. We was given some
19 applications this evening to join this committee.

20 But let me just say that our
21 ignorance of not knowing is our problem. But in the
22 meanwhile, we were interested in trying to secure some
23 property on base. I know that this forum is not the

1 one that makes the decisions, that was the joint
2 commission, but we would like to know that all the
3 buildings that was actually -- that could be given to
4 us, could have been given to the community that live
5 here in Anniston, that are buildings that could
6 address the needs of the community, is something that
7 we need for a health center, and not just a hospital,
8 there is other buildings out on post that we could
9 have used, and we need that in order to work with
10 Center Disease Control, ATHDR, EPA, along with ADEM,
11 with the state, in terms of trying to find a way, a
12 reasonable way of treating these people who have been
13 exposed. It is a serious problem in this city. It is
14 one that needs to be addressed. And I think that it's
15 necessary that we do secure a building of some sort
16 out here in terms of -- for the community. It's not
17 for David Baker, it's not for his family alone, but
18 for everybody in the community that might be subject
19 to this exposure that we have already been a part of.
20 So, we are going to be talking with the joint
21 commission. We are going to ask them to give us -- we
22 understand from them that -- from the young lady here
23 tonight that all the buildings that actually could be

1 given to us for a dollar to the community is no longer
2 the federal government holds the key to that. And I
3 think that anything that the federal government holds
4 the key to, that it could be worked out if necessary.
5 And I'm hoping that it can. But we need a building
6 wherein that these people can be treated and someone
7 -- we trying to secure doctors to come in here to
8 treat these people, to try to find a reasonable way of
9 trying to find a way to secure their good health.

10 So, I just want to thank you all
11 for allowing myself and my committee a part of this
12 forum tonight. And I want to say to you that I have
13 learned a lot, even from my friend from New York. And
14 that's where I'm from, also. I was born and raised
15 here, but I'm from New York. But I just want to tell
16 you that I thank you and I'm looking forward to
17 probably meeting with you all again. And if there is
18 anything that we can help from our side of the
19 community or the community as a whole, our concerns,
20 we'll be more than glad to share them with you.

21 DR. BARRY COX: We appreciate that.
22 Thank you very much.

23 MR. DAVID BAKER: That's it for me.

1 DR. BARRY COX: Anybody else. Do I
2 hear a motion for adjournment?

3 MAYOR KIMBROUGH: So moved.

4 DR. BARRY COX: Do I have a second?

5 MR. BUFORD: Second.

6 DR. BARRY COX: Good night.

7 (WHEREUPON, the meeting was concluded.)

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23

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.

1 IN WITNESS WHEREOF, I have hereunto
2 set my hand and affixed my seal at Anniston, Alabama,
3 on this the 3rd of August, 2000.

4

5

6

7

8

9

SAMANTHA E. NOBLE

10

Notary Public in and for

11

Alabama at Large

12

13

14 MY COMMISSION EXPIRES: 11-14-2001.

15

16

17

18

19

20

21

22

23