

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 20th day
of March, 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	3-68
CERTIFICATE	69-70

1 DR. BARRY COX: Okay, if we could
2 get started, go ahead and call the roll. Mr. Hood's
3 not here. Mr. Branchfield?

4 MR. CRAIG BRANCHFIELD: Here.

5 DR. BARRY COX: Mr. Brown?
6 Mr. Buford? Mr. Conroy? I'm here. Mr. Cunningham?

7 MR. DON CUNNINGHAM: Here.

8 DR. BARRY COX: Mr. Elser?

9 MR. JERRY ELSER: Here.

10 DR. BARRY COX: Ms. Fathke?

11 MS. DONNA FATHKE: Here.

12 DR. BARRY COX: Dr. Harrington?

13 DR. MARY HARRINGTON: I'm here.

14 DR. BARRY COX: Absolutely.

15 Mayor Kimbrough?

16 MAYOR KIMBROUGH: Here.

17 DR. BARRY COX: Ms. Longstreth?

18 MS. LONGSTRETH: Here.

19 DR. BARRY COX: Mr. Miller?

20 Mr. Thomassy?

21 MR. FERN THOMASSY: Here.

22 DR. BARRY COX: Mr. Turecek?

23 MR. TOM TURECEK: Here.

1 DR. BARRY COX: Mr. Turner?

2 Mr. Weston?

3 MR. WESTON: Here.

4 DR. BARRY COX: And Mr. Levy's
5 here. Mr. Johnson's --

6 MR. BART REEDY: Scruffy's walking
7 in right now.

8 DR. BARRY COX: Scruffy's in right
9 now, okay. So, they're all in attendance. And has
10 everybody had a chance to look over the minutes from
11 the last meeting? Anybody have any additions or
12 corrections? Do we have a quorum? I guess that's the
13 next question.

14 MR. RON LEVY: What have we got on
15 numbers?

16 DR. BARRY COX: Okay, we do have a
17 quorum. Do I hear a motion?

18 MR. RON LEVY: We got two new
19 members, so, it's going to be more than eight.

20 MR. FERN THOMASSY: Nine.

21 MR. RON LEVY: It's going to be
22 nine. Have we got nine?

23 MR. FERN THOMASSY: Oh, yeah.

1 MAYOR KIMBROUGH: Yeah, we've got
2 nine.

3 MR. FERN THOMASSY: Sure, we got
4 more than that.

5 DR. BARRY COX: Do we have nine?

6 MR. RON LEVY: Six, seven, eight,
7 nine, ten. You got ten.

8 DR. BARRY COX: Ten voting members,
9 okay. So, we can do business tonight then.

10 MR. FERN THOMASSY: So moved.

11 DR. BARRY COX: Do I --

12 MS. MARY HARRINGTON: Second --

13 DR. BARRY COX: So moved to approve
14 the minutes. We have a second. All in favor? Motion
15 carried.

16 Mr. Levy, do you want to --

17 MR. RON LEVY: If we could, if you
18 got a minute, introduce Donna and Craig.

19 DR. BARRY COX: Okay.

20 MR. RON LEVY: For those of you who
21 don't know, we have two new members that were voted in
22 during the last meeting. Donna -- I hope I don't
23 butcher this -- Donna Fathke?

1 MS. DONNA FATHKE: Right.

2 MR. RON LEVY: And Craig
3 Branchfield. Donna is on the East Alabama Regional
4 Planning Authority --

5 MS. DONNA FATHKE: Commission.

6 MR. RON LEVY: -- Commission. And
7 Craig, your title is project manager for Solutia?

8 MR. CRAIG BRANCHFIELD: That's
9 pretty close.

10 MR. RON LEVY: Working with the
11 cleanup, which everybody knows about in terms of
12 what's going on out there. So, we've got some real
13 expertise, folks that are definitely linked to the
14 environmental cleanup and community issues.

15 And with that, I guess we can move
16 in, since we've already -- I want to introduce, first
17 off, let me introduce David Skridulis. Or let's
18 introduce the folks that are here. Bob, can we start
19 with you? Want to go ahead and introduce yourself and
20 tell us who you represent.

21 MR. BOB DAFFRON: I'm Bob Daffron
22 with the National Guard Training Center.

23 MR. HANK HUBBARD: Hank Hubbard

1 with the Huntsville Safety Center or Huntsville
2 Center.

3 MR. JACK McLLrath: Jack McLLrath
4 with Foster Wheeler Environmental.

5 MR. RON LEVY: Let me just stop
6 there for a second. You might want to talk a little
7 bit about Foster Wheeler, David.

8 MR. DAVID SKRIDULIS: I'm
9 Dave Skridulis. I'm a project manager with the
10 Huntsville Center and I'm supporting Ron out here with
11 all the UXO cleanups. And as part of that, we went
12 through a long contract selection last year and we
13 ended up choosing Foster Wheeler to do that work for
14 us out here. And Jack represents the Foster Wheeler
15 Corporation and he'll be the project manager for this
16 effort.

17 MR. RON LEVY: What you should
18 understand is: There is still other contractors out
19 on Fort McClellan doing work, EODT, which is doing the
20 eastern bypass, but as -- when they complete their
21 work, everything transitions into Foster Wheeler.
22 Foster Wheeler picks up all of the UXO OE -- UXO
23 program for Fort McClellan, which is the rest of the

1 remaining development area, the Choccolocco Mountains.
2 So, beyond what we're doing for the eastern bypass,
3 Foster Wheeler has a long-term large contract here
4 that they're involved in that we're expecting some
5 great things out of.

6 MR. JACK McLLrath: We sure hope to
7 deliver.

8 MR. RON LEVY: And with that, we
9 can go on.

10 MS. VALERIE CLINKENBEARD: I'm
11 Valerie Clinkenbeard, I'm the project engineer on the
12 OE response action from Huntsville.

13 MS. LISA KINGSBURY: Lisa
14 Kingsbury.

15 MR. RON LEVY: We all know Lisa.

16 MS. LISA KINGSBURY: You all know
17 me.

18 MR. BILL SHANKS: I'm Bill Shanks,
19 environmental office here at Fort McClellan.

20 MR. PHILLIP STROUD: Phillip
21 Stroud, ADEM.

22 MR. RON LEVY: Let me mention,
23 Phil. For those of you who don't know, Chris, who is

1 on the BCT, is going to be leaving us. He is going to
2 another job which has great promotion potential. And
3 we don't blame him for that. And Phil will take over,
4 representing ADEM on the BCT and being here in Chris'
5 place at the future RAB meetings. And Phil comes out
6 of industry. He worked for CH2M Hill prior to this.
7 So now he's a regulator, he's on the other side of the
8 fence, and he knows all the things that we do bad and
9 what we do good.

10 MS. KAREN PINSON: Karen Pinson,
11 environmental office.

12 MR. JOE DOYLE: Joe Doyle, garrison
13 legal office.

14 MR. BILL GARLAND: Bill Garland,
15 U.S. Fish & Wildlife Service.

16 MS. JOAN MCKINNEY: Joan McKinney,
17 the RAB.

18 MR. RON LEVY: Before we go on --

19 DR. BARRY COX: You missed a
20 notable individual.

21 MR. RON LEVY: Oh, I'm sorry.

22 MR. PAUL JAMES: Paul James,
23 environmental office. Working the switchboard here.

1 MR. RON LEVY: You're buried back
2 there. Before we go on, we have with us some folks.
3 Joan, can you tell us what's going on here?

4 MS. JOAN McKINNEY: Yes. We've got
5 a film crew here that's contracted for the Army and
6 they've been here today doing footage of our UXO
7 cleanup, as well as the long leaf pine, talking about
8 the -- I think the film eventually will discuss the
9 good things that we do here at Fort McClellan as well
10 as throughout the Army and cleanup. But because we
11 have the RAB, we thought it would be a great time for
12 them to come in and just kind of pan what the
13 citizens' forum is and about. And we are -- we're
14 kind of the classic example of the intent of what the
15 Army has when we establish a RAB. So, if you all
16 wanted to do your footage, now, did you want to just
17 come on in and scan it before we got started? Would
18 that work for you all?

19 (UNIDENTIFIED MALE): That would be
20 great.

21 MS. JOAN McKINNEY: Okay.

22 (UNIDENTIFIED MALE): If for any
23 reason someone is uncomfortable or would rather not

1 be, we would rather know that now so we can just --

2 MS. JOAN McKINNEY: Yes, does
3 anyone wish to be excused from around the table?

4 MR. RON LEVY: For your fifteen
5 minutes of fame, is that what this is?

6 (UNIDENTIFIED MALE): Literally,
7 we're doing -- you can conduct your business, we're
8 just going to do a walk-in.

9 MR. RON LEVY: One other thing, can
10 I ask you to introduce Ron and his role?

11 MS. JOAN McKINNEY: Yes, Ron. Ron
12 Massey, is -- you know, I will be around for another
13 year and Ron Massey is going to handle the project,
14 the RAB project. And, Ron, of course, is a retired
15 NCO from here, and so out at the range and on main
16 post he's very familiar with what we do.

17 MR. RON LEVY: Before we get into
18 what's on the agenda, which is Huntsville is going to
19 talk to us about M2 parcel, if I could ask Miki to
20 bring us up to date on reuse. Some of you weren't
21 here during the last meeting, so Miki may end up
22 covering things she's already talked about. But,
23 Miki, if you could tell us --

1 MS. MIKI SCHNEIDER: Sure, be glad
2 to.

3 MR. RON LEVY: -- what's going on
4 on the part of the JPA.

5 MS. MIKI SCHNEIDER: Okay. JPA has
6 been very busy this last month. We submitted our EDC
7 application to Washington. The EDC document is the
8 document that lets the Army know that we can
9 financially do the project and that it works. It's a
10 business plan, if you will, to simplify it a little
11 bit. That plan was submitted. It's being reviewed by
12 CERL in Washington and will go on. It's scheduled
13 right now to go to Paul Johnson's office to be briefed
14 at the end of this month. Once that document has been
15 completed and put through the channels, we'll begin
16 the memorandum of agreement with the Army. And the
17 memorandum of agreement with the Army outlines how we
18 will take property and all of the steps that we have
19 to go through from this point forward. We picked out
20 our first draft out of that document today and we'll
21 be working that this week with our attorney here.

22 Three big projects that we have
23 pending right now. Many of you may have read in the

1 paper Sacred Heart Catholic School here in Anniston is
2 looking at purchasing the elementary school here on
3 base and expanding from K -- from 1st through 8th
4 grade to K through 9th and ultimately on through to
5 12th grade. That project is moving forward.

6 We've had two real estate
7 appraisals done on the property, and it will be a
8 purchase from the JPA of the property. And we hope to
9 finalize that in the next two weeks.

10 The existing housing project is
11 moving along fairly well. We're working with a
12 developer who will buy all of the K-part housing and
13 put somewhere in the neighborhood of thirty-five to
14 forty thousand dollars in rehab cost into each one of
15 the units and put them back on the market. Some will
16 be for lease and some will be for sale. We're real
17 excited about this particular developer, because he is
18 -- this will be his eighth base that he has done. He
19 understands the BRAC process, the environmental issues
20 that can come up. They are a financially sound
21 company. And I think they bring a great opportunity
22 to McClellan and for us for reuse in the future.

23 It's kind of interesting. It was

1 important to them to know that the school was going to
2 happen. And it's important to the school to know that
3 the housing developer's going to happen. So, we're
4 trying to move those two down the same track as
5 quickly as possible.

6 Most recently we've been approached
7 by a developer who has been hanging around for about
8 three years at Fort McClellan, trying to get his
9 fingers in the door. He's interested in a retirement
10 community and has finally given us an initial offer,
11 proposal, rather, to do a retirement community on some
12 of the vacant land, as well as the 3200 area, if
13 you're familiar with that. Somebody can point out the
14 3200 area on the map. Joe. He will actually bulldoze
15 that area. And the vacant land that's between the
16 3200 area and the K-part housing, that will become the
17 retirement community.

18 So, we're at the beginning stages
19 of that one. You'll probably be hearing me talk about
20 that for the next couple of months. But that's an
21 exciting project because it brings new people and new
22 houses to the area. And we're looking forward to
23 making that come to fruition.

1 Mayor Kimbrough, I hope you
2 received some minutes.

3 MAYOR KIMBROUGH: What is K-part?

4 MS. MIKI SCHNEIDER: That's the
5 existing housing along that you see from Baker.

6 MAYOR KIMBROUGH: From 21?

7 MS. MIKI SCHNEIDER: Yes, from 21.

8 MAYOR KIMBROUGH: Yes, I did.

9 Thank you. I appreciate that.

10 MS. MIKI SCHNEIDER: You're
11 welcome, sir. Based on your request, we've put all
12 the mayors onto our mailing list and we'll be sending
13 minutes and notice of the meetings out for all of the
14 future JPA meetings. We do have a meeting in the
15 morning at 7:30, we would love to have you come join
16 us.

17 Anybody else have any questions?

18 MR. RON LEVY: You might want to
19 talk a little bit about what you can say about M-2,
20 about the M-2 parcel from a background standpoint.

21 MS. MIKI SCHNEIDER: We have been
22 approached by a client who is interested in purchasing
23 the M-2 parcel, which is approximately twenty-two

1 acres of land. It would -- we approached Ron's office
2 and indicated that we would like to see what it would
3 take to get this parcel cleaned up. What was out
4 there. And they have graciously worked with us in an
5 expedient manner to get that information to us. We
6 are in -- I don't have any details and cannot release
7 any details about the project specifics, at this
8 point.

9 MR. RON LEVY: That was a good
10 lead-in for what Valerie's going to talk to us about,
11 particularly the UXO cleanup piece on the M-2 parcel
12 so --

13 MS. VALERIE CLINKENBEARD: Are you
14 ready?

15 MR. RON LEVY: Yes, please.
16 Valerie, again, is the project engineer from
17 Huntsville that's working the cleanup for the UXO, for
18 all UXO, but she's going to talk to us about how
19 they're going to approach the M-2 parcel. And she'll
20 show us what that actually looks like, too, I think in
21 one of your slides. That did --

22 MS. VALERIE CLINKENBEARD: Can
23 y'all see this fine? The M-2 parcel that's located

1 just south of Summerall Gate Road on the western
2 boundary of Fort McClellan. As Miki said, it's a
3 little over twenty acres. And it's going to be
4 bordered on the north by the proposed eastern bypass.
5 And even though we don't have many details, we assume
6 that the potential end land use will be commercial of
7 some sort. The proposed transfer date for this
8 property is September 2000. There is the location for
9 the M-2 parcel in relation to Fort McClellan.

10 MR. RON LEVY: You got to -- go
11 back to that.

12 MS. VALERIE CLINKENBEARD: Go back.

13 MR. RON LEVY: Just so you
14 understand, really what that piece looks like, is that
15 between Lagarde Park and the Summerall Gate Road --

16 MS. MIKI SCHNEIDER: Ron, it's
17 probably easier to show up here. It's right here --
18 (pointing) -- in this area.

19 MR. RON LEVY: It's right in there.
20 And it borders right there on 21, so it's a prime
21 piece of real estate. Go ahead.

22 MS. VALERIE CLINKENBEARD: We have
23 not actually conducted a site investigation for the

1 M-2 parcel, itself. However, it has been included in
2 part or whole in several previous investigations,
3 either for Fort McClellan as a whole or for the
4 eastern -- proposed eastern bypass. That included the
5 ASR that was conducted by the St. Louis district,
6 which looked at all former areas that were used for
7 ordnance training. And the ASR, however, did not
8 identify the M-2 parcel as having been used for that
9 purpose. Then the environmental assessment that was
10 done for the proposed eastern bypass. And that did
11 include the M-2 parcel and did not identify any
12 environmental issues for that particular piece of
13 property.

14 Then we had a historical aerial
15 photography analysis done by Oakridge National
16 Laboratories. This was conducted primarily for the
17 proposed eastern bypass to identify any potential
18 areas where ordnance may have been used. What they
19 did was that they identified ground scars and
20 anomalies that needed further investigation.

21 Then our contractor, Zapata
22 Engineering, they did ground reconnaissance in
23 September of '98. And in that ground reconnaissance,

1 they identified some areas up near the M-2 parcel that
2 showed evidence of training with ordnance explosives.

3 Then Zapata, they did some
4 geophysical mapping of the area in and around the M-2
5 parcel. In May of 1999, they did some intrusive
6 sampling of some subsurface anomalies that they found
7 around the M-2 parcel. And they found a lot of
8 training items used in training with ordnance
9 explosives in that area.

10 And currently we're doing
11 construction support for the eastern bypass. EODT is
12 doing that work. And they're clearing grids also
13 around the M-2 parcel.

14 This shows the corridor. The green
15 line there is the boundary of the area that was
16 investigated for the proposed eastern bypass. And as
17 you can see, the M-2 parcel was included in that area.

18 This shows where Zapata did some
19 geophysical mapping of the area. Again, as you see,
20 here is the M-2 parcel. And the areas that were
21 geophysically mapped are these grids here. So, this
22 section right here did overlap the M-2 parcel. This
23 is the results of the geophysical mapping that was

1 conducted there. And all of this lower half is part
2 of the M-2 parcel. As you can see, there is several
3 subsurface anomalies in there, based on the sampling
4 that has been done adjacent to the M-2 parcel.

5 Can you back up just a minute?

6 Okay. During the intrusive sampling, Zapata sampled
7 these grids right here just east of the M-2 parcel.

8 MR. RON LEVY: I don't see where
9 you're pointing.

10 MR. FERN THOMASSY: I don't.

11 MS. LISA KINGSBURY: Yeah, I don't
12 think your pointer is working.

13 MS. VALERIE CLINKENBEARD: It's not
14 showing up well. We may have to turn the light off.

15 MR. BART REEDY: You could stand up
16 there and point to it in the alternative.

17 MR. RON LEVY: It will be pretty
18 dark in here.

19 MS. VALERIE CLINKENBEARD: Right
20 here, we did sampling of these grids right here, and
21 we found several ordnance items in that area. We did
22 not sample those grids within the M-2 parcel because
23 we had enough sampling results before we got to that

1 portion to make our recommendations for the eastern
2 bypass. And again, these were the anomalies that the
3 geophysicist identified that they -- that he felt were
4 large enough to potentially be ordnance and
5 explosives.

6 Now, based on the sampling that's
7 been done adjacent to that -- four of those grids
8 there make approximately an acre area -- and we've
9 been finding in this general area about a half a dozen
10 to a dozen ordnance related-items within that size
11 area.

12 MR. FERN THOMASSY: I assume the
13 dark spots are the anomalies.

14 MS. VALERIE CLINKENBEARD: Yes.

15 MR. FERN THOMASSY: What depth did
16 that go to?

17 MS. VALERIE CLINKENBEARD: Excuse
18 me?

19 MR. FERN THOMASSY: What depth did
20 that go to?

21 MS. VALERIE CLINKENBEARD: I'm
22 sorry, I don't understand your question.

23 MR. FERN THOMASSY: Is that only

1 surface or --

2 MS. VALERIE CLINKENBEARD: No,
3 those are all subsurface.

4 MR. FERN THOMASSY: What depth did
5 your --

6 MR. RON LEVY: You know, laterally,
7 how --

8 MR. FERN THOMASSY: How deep did
9 you --

10 MS. VALERIE CLINKENBEARD: Well, an
11 EM-61 was used to do the geophysical mapping. Now, it
12 sees an anomaly. It's based on its size as to how
13 deep it can see it. And I'll get to the types of
14 items that we've been finding and how deep we would
15 expect to find them here in a second.

16 MR. FERN THOMASSY: Okay.

17 MS. VALERIE CLINKENBEARD: But it's
18 a function of the size of the item as to how deep it
19 can see it. These are the items we have been finding
20 around the M-2 parcel. It's 60 millimeter practice
21 mortars, rifle smoke grenades, rocket propelled ground
22 signals, surface trip flares, practice hand grenades,
23 mine activators, and anti-personnel mines.

1 Now, the only item that we found
2 that was not expended, it was actually still live, it
3 had a small explosive charge in it, was the mine
4 activator. And it was found just east of the M-2
5 parcel and had to be disposed of, using explosives
6 (inaudible).

7 Now, these items are not high
8 explosive items. Most of them only have a small
9 explosive charge attached to them. That doesn't mean
10 that they are not dangerous. They can hurt you if
11 they're not handled, you know, properly. Also, we
12 found the remains of a white phosphorous grenade. And
13 white phosphorous is a very unstable material, if it's
14 exposed to air it ignites immediately.

15 Hank can probably give you more
16 information about specifics about each of these items,
17 if you're curious about any of them.

18 MR. RON LEVY: Hank, what is the
19 damage that one of those M-1 activators would do if it
20 went off in your hand?

21 MR. HANK HUBBARD: Well, there is
22 three types of them. One is the inert, which has no
23 explosive components; the other is practice, which has

1 a small flash bang charge of approximately six to
2 seven grams of a pyrotechnic mix, which would be
3 something akin to say a medium sized firecracker; and
4 then you have one that has a tetral (phonetic) cup on
5 the end of it, which is the ones that was used in the
6 anti-tank mines.

7 MR. RON LEVY: What would you
8 equate that to?

9 MR. HANK HUBBARD: Oh, probably
10 like a cherry bomb going off in your hand. I mean,
11 just to give you something that you can compare it to.

12 MS. VALERIE CLINKENBEARD: This is
13 a picture of a sixteen millimeter practice mortar that
14 was found just east of the M-2 parcel. This is an
15 M-69. It's a solid chunk of metal. It does not have
16 an explosive hazard associated with it.

17 The critical pathway for being able
18 to clean this property up and transfer it in September
19 involves several steps. You have a much more detailed
20 schedule there in front of you. It's a very involved
21 schedule. And it has several critical steps that must
22 be completed and completed on time before you can
23 start the next step.

1 First step is the EECA, engineering
2 evaluation cost analysis. This is what we use to
3 evaluate the alternatives, to determine what it's
4 going to cost to implement those alternatives. This
5 is also where we have regulatory and community
6 involvement in selecting the alternative for that
7 piece of property. After the EECA is completed, then
8 we have to submit an explosive safety submission to
9 DDESB. And we cannot start removal until we have an
10 approval from them. Soon as we get DDESB's approval,
11 then we can start executing the selected alternative.

12 MR. RON LEVY: Valerie, explain to
13 them what DDESB is.

14 MS. VALERIE CLINKENBEARD: That is
15 the Department of Defense Explosive Safety Board. And
16 basically, they will look at what we are recommending
17 for that piece of property and they will say whether
18 or not they feel that that recommendation is
19 protective of the public.

20 MR. RON LEVY: They're actually a
21 regulatory agency in themselves. And since the Army
22 has really got the expertise in explosive safety,
23 they're responsible for ensuring that the public --

1 and not just the public, the military is protected in
2 dealing with explosive items.

3 MR. BART REEDY: Ron, you may want
4 to say something about the kinds of things that DDESB
5 looks at and the kinds of things that they don't look
6 at. Might be of value.

7 MR. RON LEVY: Yeah. I guess I'm
8 not sure what that is you're talking about.

9 MR. BART REEDY: DDESB really looks
10 at the removal plans. They don't give a certification
11 that the property is clean for the intended use.

12 MR. RON LEVY: Right.

13 MR. BART REEDY: They look at the
14 plan and does the plan look reasonable to get the Army
15 to the position of --

16 MR. RON LEVY: What Bart's saying
17 is: They won't come back and look at what we did to
18 see whether or not we did what we did.

19 MS. VALERIE CLINKENBEARD: Well,
20 they will look at the removal report --

21 MR. RON LEVY: Yeah, but --

22 MS. VALERIE CLINKENBEARD: -- and
23 they do give a concurrence on the removal report and

1 they look for inconsistencies between the removal
2 report and what we have said that we will do.

3 There are a lot of these time lines
4 that will run concurrently. For instance, while the
5 explosive safety submission is up at DDESB for review,
6 although we can't start the removal action, there are
7 a lot of things that we can start to get ready to go
8 out there, such as we can go out and we can do any
9 brush clearing or surveying that we need to do before
10 we start the removal action. So, we won't be sitting
11 there waiting. We actually have just barely enough
12 time to get everything we need done done before
13 transfer.

14 So, the way the public will be
15 involved in this, is when the -- the EECA will go out
16 for a thirty day public comment period. After that
17 thirty day public comment period, we'll have a public
18 meeting to discuss any issues anyone may have about
19 the EECA or answer any questions that they may have.
20 And we also use community acceptance as an evaluation
21 criteria for selecting the final alternative.

22 We have completed a draft EECA
23 right now. It's undergoing -- it will start

1 regulatory review today. And the initial screening of
2 the EECA indicates that removal of the surface and
3 subsurface OE is the only alternative that would be
4 protective of the public and also result in the
5 property being safe for the intended land use.

6 There are other alternatives you
7 could use that would be protective of the public. It
8 would not necessarily allow you to develop that
9 property. So, that is currently the only alternatives
10 that we foresee.

11 MR. CHRIS JOHNSON: Just for
12 clarification, we start regulatory review Thursday
13 morning. I won't be back in my office until then.

14 MS. VALERIE CLINKENBEARD: Well, I
15 have a copy of it in my car, Chris --

16 MR. CHRIS JOHNSON: Oh, please,
17 come on.

18 MS. VALERIE CLINKENBEARD: -- so I
19 can give it to you. But the official start date was
20 today and they did receive their copies this morning.

21 Do y'all have any questions that we
22 can answer? We can go ahead and turn the lights back
23 on. This is the last slide.

1 MR. RON LEVY: The one thing that
2 Huntsville's not doing that Mobile and our contractor
3 IT is doing that's not talked about there is the HTRW
4 part, the other contaminants part. We have some
5 sampling, surface sampling associated with that site.
6 It's in relation to a bigger site that encompasses
7 that area. So, there will be some contaminant
8 sampling out there, but we don't have a history of
9 contaminant release out there, so we're really kind of
10 taking samples for a piece of property that's an
11 expanse to that. We're not doing any ground water.
12 We're just doing surface out there. Did I say
13 anything --

14 MS. VALERIE CLINKENBEARD: Sir, you
15 had asked me earlier about how deep you expected us to
16 find items --

17 MR. FERN THOMASSY: Uh-huh.

18 MS. VALERIE CLINKENBEARD: Due to
19 the kind of activity, we would expect to find
20 everything within the top two feet. This is not
21 ordnance that was penetrating. These were surface
22 activities. It is possible that they took a sharp
23 shooter and dug a small hole and buried something, but

1 unless they brought in large mechanical type equipment
2 to bury stuff, there would be no reason to expect
3 anything deeper than the top two feet.

4 MR. FERN THOMASSY: Okay.

5 MR. RON LEVY: What I would point
6 out to you, even though it's not a big piece of
7 parcel, but the time lines that are laid out there are
8 extremely fast. Normally, EECAs take us over a year
9 to do. I mean, so what you're looking at there is a
10 real truncated process so that we can get the property
11 back into the hands of the community quickly so they
12 can look at developing it.

13 MR. FERN THOMASSY: Where does the
14 money come from for this? Does it come out of your --

15 MR. RON LEVY: BRAC environmental
16 dollars.

17 MR. FERN THOMASSY: -- BRAC
18 environment? Is it going to strain the budget in
19 other areas? Do you have a broad band? I mean, the
20 cost analysis has to be done before you know. But do
21 you have a band to know what it's going to do to it?

22 MR. RON LEVY: Well, when we put
23 the budget together, we're looking at not just this

1 one area, but we're looking at the entire program.
2 So, there is adequate dollars defined to complete all
3 the EECAs, and inclusive of this, even though we're
4 doing a faster track. So, yeah, we've got it covered.
5 I mean, we intended to do this area, anyway, so, we
6 have it covered. It's just what we've done is we've
7 pulled this out to do it on a faster track.

8 MR. FERN THOMASSY: Yeah, because
9 you've got a remedial action here, removal action,
10 whatever it is --

11 MR. RON LEVY: Yes, sir.

12 MR. FERN THOMASSY: -- as well, and
13 it's going to be this year's funds. That's why I was
14 wondering.

15 MR. RON LEVY: Yeah, these dollars
16 are already in the hands of Huntsville. They've got
17 the money, because we programed these several years
18 back.

19 MR. DAVID SKRIDULIS: Ron, I think
20 it's important to note, also, too, that one of the
21 reasons we're able to move ahead quickly on this short
22 time line is because of the relatively small size of
23 the area. If it was much larger or if it had a

1 greater history of contamination, we would probably
2 have to spend more time on the EECA to try to narrow
3 the scope down and just get at the areas that we knew
4 were contaminated. But, you know, like Ron said, this
5 is a real short time line and we've kind of expedited
6 things. And basically during the EECA process, we've
7 just kind of defaulted and said, we don't have time to
8 do the EECA, we're going to use the information we
9 have right now, document that in the EECA and move
10 forward into removal action.

11 MR. RON LEVY: And I would also
12 tell you that this assumes that we're really not going
13 to find a whole lot out there. Even though we've got
14 clearance built into it, if there were something
15 unique, something out of the ordinary that was
16 discovered out there, it would be a hiccup and could
17 set our time schedule off. Would you not agree?

18 MR. DAVID SKRIDULIS: Yes, I agree.

19 MS. VALERIE CLINKENBEARD: Right.
20 For instance, if we ran into a chemical item of some
21 sort, that stops everything, you know. But based on
22 what we have found adjacent to it, we don't expect a
23 high density of items and we think that we can do this

1 by September.

2 (WHEREUPON, there was discussion off the record.)

3 MR. RON LEVY: They're talking
4 about what they used to bury over there.

5 MS. VALERIE CLINKENBEARD: Well, if
6 you would show me where you put it, then it would save
7 me a lot of trouble.

8 MR. DON CUNNINGHAM: I tell you,
9 you've got to find it, that's what the contract calls
10 for.

11 MR. FERN THOMASSY: We played hide
12 and seek real well.

13 MS. VALERIE CLINKENBEARD: Yeah.

14 MR. DON CUNNINGHAM: No, we were
15 talking about chemical stuff that was done early on at
16 Howitzer Hill in particular.

17 MS. VALERIE CLINKENBEARD: Right.
18 And we are looking at that area under the chemical
19 EECA that Parsons is currently doing.

20 MR. RON LEVY: We're going to open
21 this up for anymore questions.

22 MR. DON CUNNINGHAM: Yeah, I'm
23 curious about -- and it's gratifying to see the

1 progress being made in the cleanup and then the
2 subsequent utilization. And I would like to go back
3 to that question there or the point there for just a
4 moment to the fact that as I understand, once this is
5 done in September, then essentially if everything goes
6 as planned, then the JPA will actually have control of
7 that.

8 MR. RON LEVY: Well, this will be
9 part of their EDC package. So, it will go with --

10 MS. MIKI SCHNEIDER: It will have
11 to have a FOST.

12 MR. RON LEVY: It will go under
13 the EDC. I mean, there is a lot of property out there
14 they're looking at. In fact, virtually everything
15 that was in the master lease is being asked for and
16 then some. So, it's part of a broader package or a
17 bigger package, even though --

18 MR. DON CUNNINGHAM: But this is
19 actually the first parcel to be sold or planned to be
20 sold as opposed to transferred, isn't it?

21 MR. RON LEVY: No, none of it's
22 going to be sold. So, under the EDC, it's essentially
23 no cost to the community.

1 MS. MIKI SCHNEIDER: He's meaning
2 sold by the JPA.

3 MR. DON CUNNINGHAM: Sold by the
4 JPA to a commercial developer.

5 MS. MIKI SCHNEIDER: Yes.

6 MR. RON LEVY: Yeah, I guess so.

7 MS. MIKI SCHNEIDER: Yes, it will
8 be one of the first, yes, sir.

9 MAYOR KIMBROUGH: At what point --
10 I know we've discussed it before, but at what point
11 can you lease it and then at what point can you sell
12 it?

13 MS. MIKI SCHNEIDER: Right now, we
14 can only lease the property that we have under the
15 master lease which is the approximately two thousand
16 acres. Once the EDC application that I spoke about a
17 minute ago that's in Washington now is approved and
18 the memorandum of agreement is done and we get a
19 transfer document, then we can actually sell property
20 and can -- if we take title to it, that transfer
21 document allows us to take title to it.

22 MAYOR KIMBROUGH: I know some
23 questions have been asked about leasing and then being

1 able to build while you're leasing --

2 MS. MIKI SCHNEIDER: Yes.

3 MAYOR KIMBROUGH: -- with the
4 intent to buy --

5 MS. MIKI SCHNEIDER: Yes.

6 MAYOR KIMBROUGH: -- when it gets
7 to a certain --

8 MS. MIKI SCHNEIDER: We can do
9 that. Joe, have I said anything --

10 MR. JOE DOYLE: No, that's fine.

11 MS. MIKI SCHNEIDER: Lawyers in the
12 room make me nervous.

13 MR. CHRIS JOHNSON: They can build
14 with -- they have to get permission from the Army to

15 do it, depending on what they're doing, especially if
16 they're, you know, doing some excavating or trenching
17 stuff. So, there is some certain requirements in that
18 lease package that they have in that master lease as
19 far as what they can do. It's spelled out pretty well
20 in those provisions.

21 MAYOR KIMBROUGH: Ron, if they were
22 to get an onslaught of potential people and have a
23 lots of land that they want to -- I know you got a

1 time line and a plan, but what does the time line --
2 what is the time line now, as far as -- I guess you're
3 concentrating on the areas that's being identified by
4 the JPA, correct?

5 MR. RON LEVY: Yeah. The time line
6 now is to call for the EDC to be complete. Actually,
7 they're talking -- the EDC to be completed by June --
8 or the MOA be completed by June --

9 MS. MIKI SCHNEIDER: MOA --

10 MR. RON LEVY: -- by June, and then
11 hopefully that transfer will also be complete by
12 September before the new fiscal year.

13 MAYOR KIMBROUGH: I guess my
14 question is kind of like his. In the standpoint of
15 finances, you know, are we -- is there possibilities
16 that we can get hung up, as far as monies not being
17 available to free up property, as far as the cleanup
18 goes?

19 MR. RON LEVY: No, not that I'm
20 aware of now, not from what we're looking down the
21 road at.

22 MR. JOE DOYLE: Mayor, the issue is
23 not going to be funding, the issue is going to be

1 resourcing. You know, we couldn't handle eight or
2 nine M-2 type projects all at one time. I mean, the
3 JPA would love to be in that position, in terms of
4 people wanting to develop. But, no, that's going to
5 be the major hurdle is that. We would prefer, you
6 know, in terms of some type of a set plan, rather than
7 having to stop work here and re-prioritize. So,
8 that's the biggest issue.

9 MS. MIKI SCHNEIDER: And that's the
10 balancing act that we have to do is we have to 'really
11 look at the reuse map and look at the land that's
12 clean and that we know is clean and concentrate our
13 marketing efforts on those pieces that we can turn
14 quickly, because they don't have an environmental
15 issues, while Valerie and everybody's working on the
16 EECAs and getting the land that's UXO encumbered and
17 getting that cleaned. And then we've got enough to
18 say grace over, as my grandmother used to say, right
19 now. So, we can market that.

20 MR. BART REEDY: Miki, could you
21 speak to the conveyance relative to the master lease,
22 what part is in, what part is out? How are those --
23 could you explain how that's interfingered (phonetic)?

1 MS. MIKI SCHNEIDER: What part is
2 in and what part is out?

3 MR. BART REEDY: What part of the
4 master lease is captured by the conveyance, what
5 pieces of property?

6 MS. MIKI SCHNEIDER: All of the
7 master lease is in the EDC.

8 MR. BART REEDY: Every bit of it?

9 MS. MIKI SCHNEIDER: Yes.

10 MR. BART REEDY: Okay.

11 MR. RON LEVY: Any other questions?

12 DR. BARRY COX: Time for old
13 business?

14 MR. RON LEVY: I don't think we
15 have any.

16 DR. BARRY COX: Anybody have any
17 items of old business? One I'd bring up is I think
18 about four meetings ago we talked about a report, you
19 know, a monthly report --

20 MR. RON LEVY: And I think what we
21 told you is that when there are -- every month that we
22 have items to -- that are going to come up, that we
23 would provide that. And we haven't had anything --

1 MS. JOAN McKINNEY: No, we have
2 nothing for this meeting, but to change anything
3 that's going on in the community that we haven't
4 already given you the heads up on.

5 MR. RON LEVY: In other words, I've
6 got nothing new to report or anything that would be
7 coming up that the RAB should be aware of.

8 MS. JOAN McKINNEY: That was that
9 action summary sheet that we discussed?

10 DR. BARRY COX: Yeah, that --

11 MS. JOAN McKINNEY: Yes.

12 DR. BARRY COX: But I was looking
13 at say maybe an action of what you actually did in the
14 last month then, when we talked about that, what
15 actually occurred, what the environmental office did
16 during the previous thirty days and what type of
17 things were occurring, so we could at least tell the
18 community that something is really going on.

19 MR. RON LEVY: Well, we try to do
20 that during the RAB meeting, as we talked about the
21 M-2, but I understand what you're asking.

22 DR. BARRY COX: Sure, something
23 just in writing, one sheet, whatever, is that --

1 MR. RON LEVY: Yeah. I guess I
2 need to go back and pull some stuff together then and
3 provide it for you at the next RAB meeting.

4 MS. JOAN McKINNEY: We can send it
5 out in the mail.

6 DR. BARRY COX: Sure, that would be
7 great.

8 MS. JOAN McKINNEY: Yes.

9 DR. BARRY COX: That would be great
10 to have that in advance that --

11 MS. JOAN McKINNEY: We'll take a
12 look and just to see what issues have been worked. I
13 think probably I'm as much to fault as misinterpreting
14 what you were looking for. And when I read the
15 minutes and did the minutes, I thought we were just
16 looking at the -- it came about as a result of
17 something being in the media that we had not expected
18 to be and so you all were caught by surprise and so
19 then, you know, you all said, wait a minute, if we're
20 going to have anything like this, make sure we know
21 about it. But, yeah, I can keep reviewing the actions
22 and kind of do a one or two line billet.

23 DR. BARRY COX: Sure, because one

1 of the things that was brought up early on was, well,
2 nothing's really happening. Well, certainly I'm sure
3 there is a lot of things that are happening from an
4 environmental standpoint. It would be nice for the
5 RAB members to know it so that they could point out to
6 the community that this is going on during the period.

7 MR. RON LEVY: Yeah. I mean, there
8 are things going on. One of the things that is coming
9 up here is the transfer of the waste water treatment
10 plants and the lines to -- sanitary lines and the
11 water lines, that should happen here by the first of
12 April. That will be in the water board's hands by 1
13 April.

14 MAYOR KIMBROUGH: They've agreed to
15 take it now?

16 MR. RON LEVY: They've agreed to
17 take it. Their board's met. They voted on it. We've
18 already notified ADEM of the change to the permit.
19 And they've -- we gave them the proper time frame.
20 The money's been sent in, so that piece is also
21 working.

22 MAYOR KIMBROUGH: Have they signed
23 off on that, Ron?

1 MS. KAREN PINSON: 27 March.

2 MAYOR KIMBROUGH: I've got
3 something pending, that's why, I've got a grant
4 pending that is connected to that.

5 RON LEVY: As Karen mentioned,
6 27 March is when that permit is supposed to be
7 changed.

8 MS. KAREN PINSON: Well, everybody
9 signs. The deeds transfer the property and the
10 conveyances.

11 MAYOR KIMBROUGH: On March 27th?

12 MS. KAREN PINSON: Signed on March
13 the 27th, yeah. And that's between the Corps of
14 Engineers and the water works and sewer board.

15 MR. RON LEVY: Yeah. So, that will
16 include the sanitary and the water lines. And that, I
17 think, is a good news story.

18 MR. JOE DOYLE: The credit union.

19 MR. RON LEVY: We do have some new
20 information on the credit union because the FOST on
21 that has changed. In fact, it's a minor change, at
22 least in my view. The parking lot that was across the
23 road is now shifted to the east side, east side of the

1 facility. There is no additional contaminants or any
2 -- it's a Cat 1 area, as well, so it doesn't really
3 change a whole lot. And we sent copies of that to the
4 regulatory agencies, so there is a change to that.
5 And that's a transfer of property.

6 As of this moment, there is a piece
7 of property that has been transferred and that's the
8 fire station. I think most of you know that. That's
9 the only piece of property that's actually been
10 transferred. Everything else is either under lease or
11 pending transfer.

12 MR. BART REEDY: Barry, did you see
13 the report that you had asked for, strictly speaking
14 to transfer issues or what all would you like to see
15 in there?

16 DR. BARRY COX: I'm trying to
17 remember now. It's been about three meetings ago when
18 we talked about the -- yeah, just what the rules and
19 regs are as far as transfer and what has and hasn't
20 happened.

21 MR. BART REEDY: But you're looking
22 at property movement --

23 DR. BARRY COX: Property movement

1 --

2 MR. BART REEDY: -- as opposed to
3 environmental investigation completion?

4 DR. BARRY COX: Yeah. And the
5 question -- I was there -- I think was raised about
6 different methods of transfer, you know, PBCs versus
7 --

8 MR. BART REEDY: Got it.

9 DR. BARRY COX: -- versus other
10 methods of transfers and what took precedent.

11 MAYOR KIMBROUGH: Ron, what about
12 the test well? You said you had approached an
13 individual and he did not agree. Have y'all been able
14 to obtain any property for a test well?

15 MR. RON LEVY: I don't have an
16 update to tell you on that. Have we heard anything
17 more back from Mobile on where we're going to put --
18 it's not a test well, it's the well in relation to --

19 MS. LISA KINGSBURY: The boring?

20 MR. RON LEVY: Yeah, the boring.

21 MS. LISA KINGSBURY: No, I haven't
22 heard anything, yet.

23 MR. RON LEVY: They're still trying

1 to negotiate. Now, Mayor Kimbrough, it might be
2 helpful for you to get involved, if we could ask for
3 your assistance, even though that property isn't --
4 there is pieces out there that may be in The City of
5 Weaver that we might be interested in if they would
6 allow, one of those private land owners, to put a
7 boring in.

8 MAYOR KIMBROUGH: I'll be glad to.

9 MR. RON LEVY: Certainly, anything
10 we put in, we will take out and close when we're
11 finished. It's just a matter of getting samples.

12 MAYOR KIMBROUGH: Most of that
13 probably is Anniston. But, you know, I know a good
14 many of those folks, so I'll be glad to work with them
15 in any way I can to assist them, because it does have
16 an effect on us.

17 MR. RON LEVY: For those of you who
18 weren't here during the last RAB meeting, we briefed
19 some additional wells that we were going to put in, in
20 relation to the EECA we're doing for our landfills.
21 And some of those were off-site on the other side of
22 Highway 21 on private land so that we can look at
23 migration, potential migration. But we have not put

1 any wells in as of yet. We're still trying to
2 negotiate to put some of those in or borings in.

3 What else can I tell you? What
4 else might y'all be interested in hearing about? Our
5 web site's up. WWW.McClellan.army.mil/doe. And we'll
6 be putting more and more stuff on that as time goes
7 by.

8 If you've got a request for
9 information, you don't have to wait until the RAB
10 meeting to get it. If you want something, any time,
11 give us a call, myself or Lisa or Joan, and we'll get
12 it to you. Might be a little slow on the maps. They
13 take a little time. But if you're interested in
14 something, please, let us know.

15 And we're also interested in folks
16 going out to talk to the community about the cleanup.
17 We've got a canned RAB briefing. Fern Thomassy has
18 done it in the past. We'll be glad to set something
19 up. If you want to talk to a community group about
20 your participation in the RAB and what we're doing
21 here at Fort McClellan and how the RAB works, I would
22 love to give that to you and let you go out and talk
23 to them. That's part of what the mission of the RAB

1 is here, not only are you asking us questions, but the
2 information flows back to the community through you.
3 So, if you get a chance to speak to the public or if
4 you're in your own -- some group that you belong to or
5 organization that you belong to, really wish you
6 would, you know, talk up what it is we're doing here
7 and make sure folks understand so that it comes
8 through other channels besides the newspaper. I mean,
9 we don't get a lot of coverage.

10 MS. JOAN MCKINNEY: We have an open
11 invitation right now from the Lions Club up in Gadsden
12 for a Thursday of our choice, the next couple of
13 months out. And so if anyone would like to take that,
14 we could work it. But it's there, you know, and
15 obviously we'll go along with you and prepare any
16 handouts and support whatever it is --

17 MR. RON LEVY: Absolutely. Be glad
18 to set it up for you and let you do all the talking
19 and be there to even answer questions after you did
20 the talking. It's just up to -- I don't want to put
21 anybody in a spot or make them feel uncomfortable, but
22 it's available to do that if you wish or if you know
23 that --

1 MAYOR KIMBROUGH: I think
2 somebody's already done it, they've got the
3 experience, they would be the ideal person.

4 DR. MARY HARRINGTON: I agree with
5 you.

6 MR. FERN THOMASSY: Are you talking
7 about somebody?

8 MAYOR KIMBROUGH: I'm looking at
9 him.

10 MR. RON LEVY: Or if you got a
11 group that you want us to talk to, if you want me to
12 talk to or somebody from our staff, be glad to do
13 that, too.

14 MR. FERN THOMASSY: I would be glad
15 to do a number of them, but going to have to probably
16 do most of them in the evening.

17 MR. RON LEVY: You interested in
18 talking to the Lions Club, Fern?

19 MR. FERN THOMASSY: Beg your
20 pardon?

21 MR. RON LEVY: Did I hear you say
22 you were interested in talking to the Lions Club?

23 MR. FERN THOMASSY: Is that in the

1 evening?

2 MR. RON LEVY: No, it's probably
3 during a luncheon or something.

4 MS. JOAN McKINNEY: No.

5 MR. FERN THOMASSY: That's a lunch
6 meeting?

7 MS. JOAN McKINNEY: It's a
8 lunchtime meeting.

9 MR. FERN THOMASSY: Especially on a
10 Thursday.

11 MS. JOAN McKINNEY: Thursday lunch
12 is Lions Club.

13 MR. RON LEVY: Anything else? I
14 think we put some stuff out in front of you about
15 principles that were -- some UXO management principles
16 have been agreed to.

17 MS. JOAN McKINNEY: I think Ron's
18 bringing them in now, because that was a pretty good
19 sized package.

20 MR. RON LEVY: Why don't you take
21 these home and you might look through them. This is
22 something that's been agreed to between DOD and EPA.

23 MS. JOAN McKINNEY: Ron, let's get

1 them around the table first and then we'll -- you can
2 just kind of ask them to pass them on, give a handful.
3 (WHEREUPON, there was discussion off the record.)

4 MR. RON LEVY: Yeah, Bart reminded
5 me of something that we've also been working on with
6 --

7 MR. BART REEDY: Can you guys hear?

8 MR. RON LEVY: -- between EPA and
9 the State and that's --

10 MR. BART REEDY: Ron, hold on a
11 minute. I can't hear you.

12 MR. RON LEVY: What we've been
13 doing between EPA, ADEM, and the Army is putting
14 together a land use control assurance plan. I think
15 you heard some of what we've been talking about in the
16 past. It's a memorandum of agreement to help
17 strengthen the means to protect the public on property
18 that gets transferred and may still have -- impacts
19 the property that could affect the public. In other
20 words, we may have a situation where we've got ground
21 water contamination, maybe we're waiting for natural
22 attenuation or we've got something going on that we --
23 maybe we've got a remedy in place, but we want to

1 transfer that property -- and, by the way, JPA's
2 involved in it, too, I understand, and Fish & Wildlife
3 -- sorry -- where we're going to transfer property and
4 those properties -- that piece of property may have
5 controls in place that need to be maintained so that
6 the public is protected. And to give you an example,
7 if there were such a piece that we transferred because
8 there was ground water contamination and maybe we had
9 a remedy where we're doing some treatment or we're
10 expecting that ground water through, over time to
11 mitigate itself, we still want to protect the public.
12 And one of the means we might do there is to ensure
13 that they don't do any digging or put any wells in.
14 That might be a control.

15 So, we're negotiating right now
16 with EPA, ADEM, also the JPA and Fish & Wildlife
17 because it will impact some of their refuge property,
18 on how this is going to look and how we're going to
19 handle future controls on property to make sure we
20 protect the public in the long run. Now, you guys can
21 add to that.

22 MR. CHRIS JOHNSON: It's going to
23 be for both current and future controls, you know, not

1 only while we're looking for problems out here and
2 investigations, you know, we need them to ensure that
3 the public stays out of these areas for their safety.
4 And also, after the remedy's selected where we're
5 going to have cleanup levels that are say protective
6 of only the industrial use, then such property will
7 have, you know, controls that it can't be used for
8 residential purposes. So, with that remedy, there is
9 appropriate land use controls attached to that
10 property. And we want to make sure that those
11 controls remain in place forever, to make sure people
12 are protected. So, it involves a tremendous effort on
13 everybody's part, especially the community, to
14 communicate those concerns and ensure the public is
15 protected. So, it is a very important document and
16 we're glad to see the Army is stepping up to the plate
17 and doing this agreement with us. So, we should have
18 that finalized, I hope, the MOA, within a couple of
19 weeks, it should be signed and ready to go.

20 DR. BARRY COX: You could have a
21 copy of that for us at the next meeting?

22 MR. BART REEDY: We can try. We
23 can try. One of the -- just very briefly, if I might.

1 There is a -- there are actually two parts to the land
2 use control issue and that -- part one is a LUCAP.
3 And that's land use control assurance plan. That's
4 the acronym, LUCAP. And that really is an agreement
5 between Army, ADEM, EPA, LRA, plus or minus -- I guess
6 plus now, isn't it, Bill?

7 MR. RON LEVY: Fish & Wildlife.

8 MS. KAREN PINSON: Fish & Wildlife.

9 MR. BART REEDY: On who is going to
10 do what, who is responsible for, if there is a parcel
11 of property out here that has a UXO problem that might
12 not be feasible to dig the stuff up, something has got
13 to be on the books and in front of people's eyes so we
14 don't turn it in to a big disaster out there. So, the
15 LUCAP is really an agreement between all the parties
16 that defines who is doing what on the entire base.
17 And then the second part of the LUCAP is called a
18 LUCIP. And a LUCIP is a site specific agreement and
19 elucidation of what is required for this particular
20 parcel. By way of example, like Chris just used,
21 maybe there is a parcel of land out here that has some
22 petroleum products, you know, in the soil. Bugs like
23 petroleum. So, it's quite possible that the bugs

1 could eat the stuff themselves. But you don't want
2 people drilling in that dirty property. So, the LUCIP
3 is part and parcel of the LUCAP. And it says, on this
4 parcel of property, the hypothetical piece, you can't
5 dig right here because if you do, you're going to get
6 into contaminated soil. And so that's the way it
7 works. It's an effort to keep the controls on the
8 piece of property in front of the Army, in front of
9 the LRA, to -- just to make sure it doesn't fall off
10 the screen. That's what we're trying to get done.
11 The sign -- there is a sign up here that says, stay
12 out, there may be UXO, somebody needs to go back every
13 now and then and check that sign. Somebody in the
14 city needs to absolutely positively understand that
15 they can't lease that property if there is going to be
16 digging going on there. Those are the kinds of things
17 that we're trying to get agreement on. And I think
18 actually which -- it's been a long time, but I think
19 we're getting awfully, awfully close to it. And I
20 believe Karen got stuck with the job of reading what
21 Ron, Chris, Bart --

23 MR. BART REEDY: Joe's in on it.

1 MR. RON LEVY: Miki.

2 MR. BART REEDY: And Miki. We put
3 together the language and it sounded pretty good to us
4 when we were doing it. Now, we've got Karen looking
5 at it to --

6 MR. JOE DOYLE: Putting it into
7 English.

8 MR. BART REEDY: Yeah, and trying
9 to make sure it passes the laugh test and it's
10 understandable. You know, when you write something,
11 it makes perfect sense when you write it. You pick it
12 up two weeks later and you go, I couldn't have been
13 thinking that poorly. It happens to all of us. So,
14 Karen is looking at it right now, and hopefully we'll
15 be able to get it to you guys and let you look at it
16 as well.

17 MAYOR KIMBROUGH: Who is the
18 responsible monitoring agent on this? Who is
19 responsible for monitoring this say twenty,
20 twenty-five years down the road?

21 MR. CHRIS JOHNSON: It's going to
22 vary.

23 MR. RON LEVY: One of the things

1 the LUCIP will address is monitoring, long-term
2 monitoring, monitoring requirements. So, it depends.
3 It may be -- ultimately, we're liable. The Army is
4 liable for any remedy that we put in place. But in
5 terms of the monitoring, that will be addressed in the
6 LUCIP. And depending on what the property is, could
7 be anybody. You'll see those as we put together land
8 use control implementation plans. So, I couldn't tell
9 you right now for X piece of property what the
10 monitoring requirements are going to be and who is
11 going to do them at this point. But we'll have to
12 establish those as we transfer it.

13 MR. JOE DOYLE: And they're going
14 to change. Some of them are interims, what we do now
15 until a piece of UXO property is clear. So, what is
16 the plan right now? And some of the things we're
17 doing, we just haven't memorialized it in writing,
18 i.e., fencing or signage or whatever might be --
19 they're in place, but we don't have a document that
20 ties it to a specific parcel of property. And some of
21 them thirty years from now, for whatever -- there may
22 no longer be a reason to have a land use control,
23 natural attenuation, whatever, and we remove it at

1 that point. So, each site is going to be very
2 specific.

3 MR. BART REEDY: Does that make
4 sense to you all, what we're trying to get done? The
5 goal being to make sure that what everyone agrees to
6 on this parcel of property is that five, ten, thirty
7 years down the road, it's still viable and it's still
8 protective of human health and environment?

9 MR. CRAIG BRANCHFIELD: Do you guys
10 put restrictive easements on the property such that
11 twenty years from now somebody buys it and --

12 MR. RON LEVY: In fact, we do.

13 MR. BART REEDY: Yes.

14 MR. RON LEVY: There are different
15 types of controls, engineering controls and
16 institutional controls. Institutional controls could
17 be defined as -- what's the term --

18 MR. CHRIS JOHNSON: Covenants on
19 the property.

20 MR. RON LEVY: Covenants, deed
21 restrictions, easements and stuff.

22 MR. CRAIG BRANCHFIELD: Something
23 that's on file with the local deeds person or

1 whatever?

2 MR. CHRIS JOHNSON: Probate office,
3 yeah.

4 MR. BART REEDY: We're having some
5 -- we're going to have to work on that particular
6 component a little bit more, who actually is going to
7 ensure that. If, you know, Miki gets a piece of
8 property and Bob's roller skate company wants it,
9 somebody at the courthouse needs to have a flag pop up
10 that said, okay, you can put a roller skate building
11 plant here, but you can't put a day care center here.
12 And that's what we're trying to accomplish in this
13 plan.

14 MR. RON LEVY: Part of this also
15 looks at layering mechanisms so you don't just have
16 one type of control, you might have several controls
17 for one piece of property.

18 MR. CHRIS JOHNSON: It's a proven
19 fact if you just put it in the deed and leave it
20 alone, they'll get violated. Everybody's found out
21 the hard way that that's not effective land use
22 controls, just put a covenant restriction and throw it
23 in the courthouse, that is --

1 MR. RON LEVY: Let me tell you the
2 hard part about all of this is the one thing we really
3 do not want to do is to over-encumber a piece of
4 property and affect its reuse. And that's the part
5 where the LRA plays. And they're not looking at a
6 piece of property that's just been so encumbered with
7 requirements that they cannot --

8 MR. CHRIS JOHNSON: Market it.

9 MR. RON LEVY: -- deal with it,
10 market it, deal with it. So, I mean, that's a concern
11 we got to take in effect. So, we not only want to
12 protect the public, but we want to be able to help the
13 reuse effort as well. And those things are tough
14 issues to get through because they're divergent
15 issues.

16 MR. BART REEDY: One of the things
17 that Chris and I are keenly aware of, there is another
18 acronym for you, it's called FUDS, formerly used
19 defense sites. And it's -- those are not really too
20 different than what we're talking about here. During
21 World War II, every state had several small bases or
22 bases that made rockets. Contractors would own a
23 piece of property and they made rockets or something

1 along those lines. The war shut down. We won the war
2 and we didn't need to build that particular rocket
3 anymore. That property was --

4 MR. RON LEVY: Sold.

5 MR. BART REEDY: -- given by DOD,
6 just, we don't need it anymore. That was state of the
7 art in, you know, right at the end of the war. All
8 across the nation, there are literally hundreds of FUD
9 sites we call them. And it's sites that the Army,
10 Navy, contractors working for DOD used the property.
11 And it's really difficult to get an accurate record of
12 what happened in the way of a cleanup. Was there any
13 kind of a cleanup? Was a cleanup necessary? And
14 that's what we're trying to prevent with this. And
15 we've had some pretty good success with it across the
16 region. And the Army has stepped up to the plate and
17 we're just tickled pink with that.

18 DR. BARRY COX: Is there anybody
19 that looks at whether or not a building that's
20 currently used, the Army when it's transferred meets
21 the life safety code for civilian use? That's
22 obviously not part of our mission, but is that --

23 MR. BART REEDY: The Army will not

1 update to meet code.

2 DR. BARRY COX: Right, but I mean,
3 has anybody flagged it, said, you can't use this for
4 this?

5 MR. RON LEVY: That's an LRA issue.

6 MS. MIKI SCHNEIDER: LRA issue.

7 MR. RON LEVY: And they have
8 identified -- and they consider that in the cost --
9 the value of the property when they start to look at
10 resale, or you know, the building or structure has to
11 be brought back to code.

12 MR. JOE DOYLE: And that's a city
13 issue, in terms of in the annexed area by the city, in
14 terms of enforcement, code enforcement on their part
15 before it's suitable for actual physical occupancy.

16 DR. BARRY COX: So, once it's
17 transferred, The City of Anniston should verify that
18 the building is appropriate for its use?

19 MR. JOE DOYLE: I can't speak for
20 the city --

21 DR. BARRY COX: I mean, that's --

22 MR. JOE DOYLE: -- but that sounds
23 like that's their responsibility.

1 MAYOR KIMBROUGH: And that's their
2 liability, too?

3 MR. JOE DOYLE: Yes.

4 MS. MIKI SCHNEIDER: And we are
5 working with the city.

6 MR. RON LEVY: We transfer as is,
7 where is, is the term.

8 MR. CHRIS JOHNSON: Caveat emptor I
9 believe is the term for it.

10 MR. FERN THOMASSY: Okay, Adam.

11 MR. RON LEVY: Any other questions?

12 DR. BARRY COX: Let's see, first,
13 we have audience comments. Anybody from the audience,
14 not only the RAB that wants to speak?

15 The next thing is a site for our
16 off-post meeting. We have dates of April the 17th,
17 May 15th, and June 19th, I think are the three next
18 dates.

19 MR. RON LEVY: We were supposed to
20 do our quarterly. We missed our last quarterly
21 off-site. And I think, Joan, are we back in cycle now
22 or what?

23 MS. JOAN MCKINNEY: Well, we'll be

1 off of cycle, but, you know, it really doesn't make
2 any difference. It's what the RAB wants to do.

3 MR. RON LEVY: You throw something
4 out there. What did you have in mind?

5 MS. JOAN McKINNEY: We had looked
6 at going down to Golden Springs to the parks and
7 recreation facility down there. We've never kind of
8 been in that particular area.

9 DR. BARRY COX: Okay --

10 MS. JOAN McKINNEY: Do you want us
11 to pursue that for next month's meeting or May's
12 meeting?

13 DR. BARRY COX: What's the wishes
14 of the board?

15 MAYOR KIMBROUGH: Whatever they can
16 work out.

17 DR. BARRY COX: Do you want to ask
18 her to look at the possibility of having it off site
19 on April the 17th?

20 MS. JOAN McKINNEY: May would give
21 us more time to find a suitable location, if that's
22 okay with y'all.

23 DR. BARRY COX: So, we'll meet here

1 then the 17th of April and then we'll look at meeting
2 off site --

3 MS. JOAN MCKINNEY: In May, okay.

4 DR. BARRY COX: -- in May, okay.

5 MS. JOAN MCKINNEY: Thank you.

6 MS. MIKI SCHNEIDER: April the what
7 is our next meeting?

8 MR. RON LEVY: 17th.

9 DR. BARRY COX: 17th. Anybody need
10 the rest of the dates? April 17th, May 15th, June
11 19th, July is the 17th, August 21st, September --

12 MR. RON LEVY: I think for those of
13 you who've got your folders, I think Joan put those
14 dates in your folders. It should be in there. You
15 did put them in there, right, Joan?

16 MS. JOAN MCKINNEY: Yeah. We
17 handed them out. But, you know, I can have them
18 available again at the next meeting for you.

19 DR. BARRY COX: Okay.

20 MR. BART REEDY: But the next
21 meeting is here?

22 MR. RON LEVY: Yeah. That's what
23 we just agreed to.

1 DR. BARRY COX: Any other business?

2 Do I hear a motion for adjournment?

3 MR. DON CUNNINGHAM: So moved.

4 DR. BARRY COX: Do I heard a

5 second?

6 DONNA FATHKE: Second.

7 MR. FERN THOMASSY: Third.

8 DR. BARRY COX: We'll vote on the

9 third'ed motion then. All in favor? Opposed? The
10 I's have it.

11

12

13

14

15

16

17

18

19

20

21

22

23

1 (WHEREUPON, the meeting was concluded.)

2 - - - - -

3 C E R T I F I C A T E

4 STATE OF ALABAMA)

5 CALHOUN COUNTY)

6

7 I, SAMANTHA E. NOBLE, a Court

8 Reporter and Notary Public in and for The State of

9 Alabama at Large, duly commissioned and qualified,

10 HEREBY CERTIFY that this proceeding was taken before

11 me, then was by me reduced to shorthand, afterwards

12 transcribed upon a computer, and that the foregoing is

13 a true and correct transcript of the proceeding to the

14 best of my ability.

15 I FURTHER CERTIFY this proceeding

16 was taken at the time and place and was concluded

17 without adjournment.

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

IN WITNESS WHEREOF, I have hereunto
set my hand and affixed my seal at Anniston, Alabama,
on this the 25th of March, 2000.

SAMANTHA E. NOBLE
Notary Public in and for
Alabama at Large

MY COMMISSION EXPIRES: 11-14-2001.