

RESTORATION ADVISORY BOARD

FORT McCLELLAN, ALABAMA

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Taken before SAMANTHA E. NOBLE, a Court  
Reporter and Commissioner for Alabama at Large, at  
Building 215, Fort McClellan, Alabama, on the 16th day  
of April, 2001, commencing at approximately 6:30 p.m.

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1 DR. BARRY COX: Okay, if we could,  
2 let's go ahead and get started. I want to thank all  
3 of our visitors for coming. And as we always do, go  
4 around the room and ask all the non-members to  
5 introduce themselves. Of course, you're a member.

6 MR. SHANNON GOLDEN: I'm  
7 Shannon Golden. I work with ADEM.

8 MR. BILL GARLAND: Bill Garland  
9 with the U. S. Fish & Wildlife Service.

10 MS. DIANE WILKERSON: Diane  
11 Wilkerson with the RAB.

12 MR. ELLIS POPE: Ellis Pope with  
13 the Corps of Engineers, Mobile.

14 MR. JOE DOYLE: Joe Doyle, Legal  
15 Office here at the Garrison.

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

18 MS. WANDA CHAMPION: Wanda  
19 Champion, concerned citizen of Calhoun County.

20 MS. KAREN PINSON: Karen Pinson,  
21 Transition Force, Environmental Office.

22 MR. BOB DAFFRON: Bob Daffron,  
23 Fort McClellan Army National Guard Training Center.

1 MR. BILL SHANKS: Bill Shanks,  
2 Transition Force, Environmental Office.

3 MS. LISA KINGSBURY: Lisa  
4 Kingsbury, Transition Force, Environmental Office.

5 MR. JOE KUDNEY: Joe Kudney,  
6 (phonetic), Parsons.

7 DR. BARRY COX: I want to thank all  
8 of y'all for coming. And as we always do at our  
9 meetings, as soon as we come to the end of the  
10 meeting, then we'll have a chance for all the members  
11 of the audience who wish to make comments.

12 Let me call the roll now.

13 Mr. Hood? Mr. Beckett?

14 MR. SCOTT BECKETT: Here.

15 DR. BARRY COX: Mr. Branchfield?  
16 Mr. Buford?

17 MR. JAMES BUFORD: Here.

18 DR. BARRY COX: Mr. Clendenin?

19 MR. CLENDENIN: Here.

20 DR. BARRY COX: Mr. Conroy?

21 Mr. Cunningham?

22 MR. DON CUNNINGHAM: Here.

23 DR. BARRY COX: Mr. Elser?

1 MR. JERRY ELSER: Here.

2 DR. BARRY COX: Ms. Fathke?

3 Mr. Franklin? Dr. Harrington?

4 DR. MARY HARRINGTON: Here.

5 DR. BARRY COX: Mr. Hopper?

6 MR. JERRY HOPPER: Here.

7 DR. BARRY COX: Mayor Kimrough?

8 MAYOR WILLIAM KIMBROUGH: Here.

9 DR. BARRY COX: Mr. Thomassy?

10 MR. FERN THOMASSY: Here.

11 DR. BARRY COX: Mr. Turecek? And,

12 of course, Mr. Levy, you're here. Mr. Brittain is

13 here. Let's see, Philip is here. Shannon is here.

14 Let's see, Glynn is not --

15 MR. RON LEVY: Glynn is sick.

16 Glynn had some back problems, so --

17 DR. BARRY COX: Okay, so he's out.

18 Has everybody had a chance to review the minutes from

19 our last meeting? Any comments or corrections on the

20 minutes? Do I hear a motion for the approval of the

21 minutes?

22 MAYOR WILLIAM KIMBROUGH: So moved.

23 MR. JAMES BUFORD: Second.

1 DR. BARRY COX: All in favor?

2 Motion carried.

3 As far as the -- I guess --

4 MR. RON LEVY: In terms of old  
5 business, anybody have any questions based on what was  
6 briefed last week from the CWM EECA, additional  
7 information you're looking for? Prepared to take any  
8 of those.

9 DR. BARRY COX: No comments? Okay.

10 Going to new business. The LUCAP  
11 discussion, is that next on the agenda there, sir?

12 MR. RON LEVY: Yeah, we can do  
13 that. Do you want to ask Miki about --

14 DR. BARRY COX: Is he here?

15 MR. RON LEVY: No, he's not.

16 DR. BARRY COX: If he's not here,  
17 then we can't introduce him.

18 MR. RON LEVY: Today we are going  
19 to give you an overview of the land use control  
20 assurance plan and our LUCIPs, our interim LUCIPs and  
21 what those mean.

22 In the past, we have mailed out  
23 copies of the LUCAP and you've also seen a copy of the

1 land use control implementation plan for T-38.  
2 Karen Pinson, from my office, has got some slides that  
3 she wants to go through, just to make sure everybody  
4 really understands what the LUCA's about and what  
5 we're doing to implement that requirement. Karen,  
6 I'll bring your slides up here.

7 MS. KAREN PINSON: Okay. You're  
8 going to work --

9 MR. RON LEVY: Yeah, just tell me  
10 when. Everybody should have a copy of Karen's slides  
11 in front of you, but we'll put these up on the --

12 MS. KAREN PINSON: As Ron said, we  
13 mailed you a copy of our land use control assurance  
14 plan, as well as a copy of the land use control  
15 implementation plan for a parcel of land we have here  
16 on Fort McClellan. And what I want to do is just kind  
17 of go through both of those documents.

18 But in order to get started, I need  
19 to talk to you about land use controls first so you  
20 kind of understand the rest of what we're going to  
21 talk about. Obviously, the purpose of land use  
22 controls is to restrict the use of or limit access to  
23 property, thereby serving to reduce or prevent risk to

1 human health and the environment. And we're going to  
2 abbreviate human health and the environment HHE, so  
3 any time I say that or you see that, that's what that  
4 stands for.

5 The federal law allows land use  
6 controls to be used as components of remedies, but  
7 they're not to be used as a substitute for an active  
8 response measure, such as treatment or containment or  
9 considered active response measures. So, the land use  
10 control would be used as components of remedies.

11 The Army's desire is to transfer  
12 all property with as few encumbrances as possible.  
13 And land use controls would be one type of  
14 encumbrance. But in order to protect human health and  
15 the environment, we may have to impose some land use  
16 controls on certain properties that are transferred.  
17 We will be determining those things as we go along in  
18 our investigation processes.

19 Land use controls have long been  
20 used in property law. And I've given you an example  
21 in a non-environmental context, the prohibition of  
22 those large TV satellite dishes in planned  
23 communities, they're prohibited in certain areas.





1 I divided the land use controls  
2 into three different types. The first is physical.  
3 These are engineered controls, and they will either  
4 contain or reduce contamination or limit access to  
5 property. And types of engineered controls and  
6 landfill caps are fences, security guards, signs,  
7 things likes that.

8 So, they're not always intricate or  
9 difficult to understand. Sometimes it's as simple as  
10 a sign. Legal land use controls are mechanisms that  
11 are imposed to ensure continued effectiveness of land  
12 use restrictions imposed as part of the remedial  
13 decision. And these are sometimes referred to as  
14 institutional controls.

15 I've listed a few types of legal  
16 controls or institutional controls. These are not all  
17 of them, but -- all of the ones that could be used.  
18 But restricted covenants would restrict the use of  
19 ground water, meaning that we might restrict the  
20 drilling of the wells that would be used for drinking  
21 water.

22 Negative easements prohibit a  
23 lawful use of land, such as creating a restriction on

1 certain types of developments. And deed notices  
2 provide information regarding use restrictions, such  
3 as whether a certain piece of property would be  
4 limited to non-residential use. Another type of land  
5 use control is -- is that it -- one more.

6 MS. MIKI SCHNEIDER: One more.

7 MAYOR KIMBROUGH: That's it.

8 MS. MIKI SCHNEIDER: There.

9 MS. KAREN PINSON: Thank you.

10 Administrative, which are

11 governmental controls that are within the traditional  
12 police powers of the state, like zoning laws, citing  
13 restrictions. You know, there are certain  
14 restrictions that you put in, development in flood  
15 plains, things like that.

16 Construction permitting or local  
17 land use plans. Our JPA plan has determined that  
18 certain areas of this Fort will be used for certain  
19 types of development or reuse.

20 Now, to go on to the LUCAP, this is  
21 one of the documents that we mailed to you. It's land  
22 use control assurance plan. And EPA Region Four has a  
23 policy on LUCAPs. And they require detailed, written



1 land use control assurance plan that will be designed  
2 to ensure the effectiveness or -- and reliability of  
3 any land use controls for as long as the land use  
4 control continues to be needed.

5 ADEM's supports the EPA Region Four  
6 policy, therefore, the JPA, EPA, ADEM, and the Army  
7 drafted a memorandum of agreement -- which is our land  
8 use control assurance plan -- and laid out how we  
9 would implement the procedures to ensure our long-term  
10 effectiveness of our land use controls.

11 So, the citing parties agreed to  
12 place land use controls on sites that did not meet  
13 residential reuse requirements. And the purpose of  
14 the LUCAP, as you can see, is to implement procedures  
15 to ensure the long-term effectiveness of the land use  
16 controls and raise visibility of the land use controls  
17 within the community and among the future owners of  
18 the property out here.

19 MR. RON LEVY: Let me point out  
20 something here. LUCAPs and land use controls are  
21 going on across the country on military base closings  
22 because it's something that adds to the ability to  
23 transfer property and get it into the hands of the

1 community as soon as possible by restricting property  
2 to the point where it does not impact human health or  
3 the environment and still allowing the property to be  
4 developed on the part of the community with  
5 restrictions. So, it is a big, big effort within  
6 Department of Defense and the Army to help transfer  
7 and get property immediately into the hands of the  
8 community.

9 MS. KAREN PINSON: We'll talk about  
10 a couple of types of land use controls. They are  
11 similar but just different in the way the -- the way  
12 they're administered. Interim land use controls are  
13 established while the Army still owns the property.  
14 And they may already be in place, things such as signs  
15 or fences, a fence around the Army property, around  
16 the installation is one type of land use control  
17 that's already in place.

18 They are established prior to  
19 remedy -- prior to completion of the investigation and  
20 prior to a remedy decision. They are protective of  
21 human health and the environment and the investigation  
22 process that's ongoing until the remedy decision is  
23 reached.

1                   The Army manages interim land use  
2           controls as opposed to future transferees potentially  
3           managing those land use controls. After the  
4           investigation is complete, the interim land use  
5           controls may change, based upon the remedy selections.

6                   Final land use controls are based  
7           upon remedy selection and they are specified in the  
8           decision document like a regular decision or another  
9           type of decision document. They are required to be  
10          based upon reasonably anticipated future land use  
11          assumption, where the interim land use control is not  
12          required to be based upon future land use. They are,  
13          as I said, most of the time, they're already in place,  
14          due to hazards that may be at a site and may be known  
15          during -- before the investigation is completed.

16                  The Army and the transferee will  
17          negotiate the management of the final land use  
18          controls. And over time, those final land use  
19          controls can be modified as -- as the status of  
20          contamination decreases, the land use control may be  
21          modified, reduced, or removed altogether.

22                  The LUCAP states that LUCIPs  
23          document land use control, either interim or final.

1 So, the LUCIP is sort of a record of the land use  
2 control. LUCIPs are prepared for sites where land use  
3 controls are necessary. They're prepared by the Army  
4 in consultation with the JPA or another third party  
5 that may be involved, such as the Fish & Wildlife  
6 Service. They are viewed by ADEM and EPA. They are  
7 shared with the RAB, which is what we have done in  
8 mailing you this first interim LUCIP and in discussing  
9 it tonight. And they must include certain elements  
10 that are required in the LUCAP. And I'll go over  
11 these elements.

12 MS. MIKI SCHNEIDER: Karen, define  
13 what LUCIP stands for.

14 MS. KAREN PINSON: Land use control  
15 implementation plan. And like I said, it's just the  
16 plan that documents the land use controls that are in  
17 place. Thanks, Miki.

18 MS. MIKI SCHNEIDER: On an  
19 individual site?

20 MS. KAREN PINSON: On an individual  
21 site, yeah.

22 The elements that are required on a  
23 LUCAP, the LUCIP will clearly define the boundaries



1 for the land use controls of the site. Now, this is  
2 more important in a final land use control  
3 implementation plan than it is in the interim plan  
4 that we are going to be looking at tonight. The  
5 boundaries must be clearly defined. And usually that  
6 would involve GIS and GPS points or meets and bounds  
7 survey, something of that nature.

8 But on the interim land use  
9 controls, because the Army still owns the property, we  
10 have a little more leeway in defining those boundaries  
11 for the land use controls at the site.

12 The second element is to identify  
13 each land use control objective with cross-reference  
14 to the applicable decision of source documents. In  
15 this LUCIP that we looked at tonight, we've pretty  
16 much included all of the source documents that were --  
17 that had been used to get to this point in the  
18 investigation process. The source documents would be  
19 things like the environmental baseline survey or any  
20 site investigations that we might have done. An EE/CA  
21 would be considered a source document.

22 The third element, specify actions  
23 or land use controls required to achieve each

1 objective and specify procedures to implement and  
2 maintain the land use controls. Specify the Army  
3 retain -- that the Army would retain the right of  
4 entry into the site to make sure the land use controls  
5 are maintained.

6 Next element, specify the frequency  
7 of monitoring and reporting requirements. The LUCIP  
8 will use, where practical, future owner occupants  
9 self-policing and reporting. All of these are in your  
10 LUCAP that was sent. But we just wanted to go over  
11 them tonight with you.

12 Specify who is responsible for  
13 monitoring, maintaining, and enforcing land use  
14 controls, with the understanding that the Army -- that  
15 the Army remains ultimately responsible for its  
16 remedies. Identify enforcement options if the land  
17 use control is violated. Address a means for reducing  
18 or removing land use controls. And then any  
19 additional information that we might see fit to  
20 include in the land use control implementation plan.

21 The land use control assurance plan  
22 has four appendices. And appendix A is sites that  
23 require land use controls, either interim or final.

1 And I've given you a copy tonight of the appendix A,  
2 and we can go over that in a few minutes.

3 But it's composed -- the final  
4 appendix A, at this point, is composed completely of  
5 sites that require interim land use controls. There  
6 are no sites on there, at this point, that require a  
7 final land use control implementation plan.

8 Appendix B will be the interim land  
9 use control implementation plan. So, when this LUCIP  
10 that we'll talk about tonight is final -- right now  
11 it's still considered draft because we -- we're still  
12 in the comment period on the LUCIP. When it's a final  
13 interim LUCIP, then we will include it in the appendix  
14 B.

15 Appendix C is final LUCIPs. Those  
16 are the final -- the LUCIPs that contain final land  
17 use controls, based upon remedy decisions reached  
18 under the CERCLA investigation.

19 And appendix D is points of contact  
20 for the signing parties of the MOA or the LUCAP. That  
21 would be -- Philip is the signing party for -- or the  
22 point of contact for ADEM, and Doyle for EPA, Ron for  
23 the Army, and Miki for JPA. And we update that



1 appendix piece D on a regular basis, about once a  
2 year, to make sure that we're still current there.

3 The LUCAP also laid out a bunch of  
4 time lines for when each appendix had to be completed.  
5 The time lines for the review periods of the LUCIPs.

6 And there are quite a number of  
7 time lines. I won't go through them tonight, but I do  
8 have a printed copy of those time lines that I made up  
9 from the LUCAP. If anybody is interested, I'll be  
10 glad to give you a copy.

11 Now, I wanted to talk about the  
12 interim LUCIP for CERFA parcel 186. We mailed the  
13 LUCIP to you. And you may want to take a look at your  
14 copy right now, because I wanted to go over the map  
15 briefly.

16 CERFA parcel 186 is this entire  
17 area that's sort of a rust colored. And the rust  
18 color indicates that it's a category -- a CERFA  
19 category six parcel. CERFA is Comprehensive  
20 Environmental Response Facilitation Act.

21 MR. RON LEVY: Hang on a second,  
22 Karen.

23 MS. KAREN PINSON: These parcels,

1 numbers and labels, were set up in the environmental  
2 baseline survey, so --

3 MR. RON LEVY: Karen, hang on a  
4 second. We've got a lot of new members, so you're  
5 probably not familiar with these parcel designation  
6 numbers. But just to go back for you briefly, in  
7 terms of what the Army's done, the Army created an  
8 environmental baseline survey, most members, at least  
9 the older members, have had copies, have had access to  
10 that document.

11 But it identifies property that  
12 either is known contamination or some level of  
13 clean-up has been done and it's at a certain level of  
14 -- it's at a certain level of clean-up or it's been  
15 remediated already or it's unknown. And there is  
16 certain CERFA categories that are defined in the law  
17 that we have to identify property based upon these  
18 categories one through seven.

19 A category seven parcel is one  
20 where we -- it's unknown. Category six is a parcel  
21 where we have contamination, known contamination.  
22 T-38 happens to be one of those sites where we have  
23 known contamination, ground water contamination. And

1 it's identified in the environmental baseline survey.

2 So, when you hear the word CERFA  
3 parcel, every single parcel on Fort McClellan where  
4 we're investigating or have known contamination, has a  
5 parcel number. And you can track those parcel numbers  
6 and you can cross-reference them in documents. It  
7 helps to identify what's been done. And you'll see  
8 all of our reports are tracked based on a parcel, as  
9 well.

10 Now, be careful, because you'll  
11 hear a parcel talked about also from a real estate  
12 term in terms of transfer. So, a CERFA parcel is  
13 different from a parcel of property that may be  
14 transferred. And they're almost going to be two  
15 different terms there.

16 But what Karen's reflecting here is  
17 a parcel that's been designated 186, bowleg 6, also  
18 known as T-38, where we've got contamination, where an  
19 interim LUCIP is in place.

20 Sorry, Karen.

21 MS. JOAN McKINNEY: May I? Would  
22 most of this documentation be in our repositories?

23 MR. RON LEVY: Yes.

1 MS. JOAN MCKINNEY: For use by the  
2 public? I wanted to kind of remind them that --

3 MR. RON LEVY: Absolutely. The  
4 documentation is in the repositories. And in some  
5 cases where we're looking for, we're asking the RAB to  
6 comment on, you also get copies of those documents.  
7 So, in the past, for those of you who are new members,  
8 the RAB had decided to create a technical review  
9 committee, to help review documents that were very  
10 technical in nature. And there were several members  
11 that were designated on that technical review  
12 committee.

13 So, the information is there.  
14 Certainly, anybody who wants to see anything outside  
15 of the technical review committee, just needs to ask  
16 and we'll provide it to them.

17 Go ahead, Karen.

18 MS. KAREN PINSON: Okay. Back to  
19 this map. This entire area is the CERFA parcel 186.  
20 It's about a hundred and sixty acres. There is a  
21 little rectangle inside that's about a six acre site  
22 that we call training area T-38.

23 Just to point out a couple of other



1 things on this map real quick, we're showing some JPA  
2 real estate parcels, also. The M-5, this is what the  
3 JPA has designated as M-5 parcel on this side of the  
4 -- on the CERFA parcel, and then M-1.11 is on the  
5 other side of the CERFA parcel.

6 One more thing I wanted to tell  
7 you, because we'll -- I'll bring this up in the  
8 discussion. The northern part of this parcel, CERFA  
9 parcel, falls in the land that is proposed to be  
10 transferred to the Department of Justice. And so  
11 we've got a little piece of our CERFA parcel 186 right  
12 up here that actually falls in the proposed property  
13 for the Department of Justice.

14 And that just comes into play when  
15 we talk about land use controls. T-38 was -- the Army  
16 used it to store and train and reportedly dispose of  
17 some chemical warfare material, decontamination  
18 solutions, and other types of training chemicals.

19 There is also a probable low  
20 unexploded ordnance density area within this CERFA  
21 parcel, due to the proximity of a World War I  
22 artillery impact area. I don't think we know the  
23 boundaries of that, yet. But we are conducting an

1 ordnance and explosives investigation under our Alpha  
2 area EE/.CA.

3 We're going to, I think, briefly,  
4 talk about OE EE/CA again tonight and show you on a  
5 map the areas that are involved. But we'll be  
6 investigating ordnance and explosives for a couple of  
7 areas right down here known as smoke areas R and S.  
8 And within the OE investigation for these areas, these  
9 two areas here, we'll try to determine any -- if there  
10 is any UXO within the area up here. But again, it's a  
11 low probability for UXO to be found up in this area.

12 The goals of the interim land use  
13 controls that we're -- again, the Army is retaining  
14 control of this piece of property, so these are  
15 interim land use controls. The goal is to restrict  
16 public access to protect the public, human health, and  
17 the environment, and to restrict redevelopment during  
18 the Army's investigations of the sites.

19 The interim land use controls are  
20 instituted pre-remedy decisions. Means there's not --  
21 a CERCLA investigation is not yet complete. These  
22 interim land use controls are not required to be based  
23 upon anticipated future land use. They are just, as I

1       said before, mostly, they are land use controls that  
2       the Army already has in place. The final remedy  
3       decision for the site may change the land use controls  
4       that we're -- that we have instituted at this point.

5                       This LUCIP for the CERFA parcel 186  
6       just documents the interim land use controls that are  
7       in place. There are physical -- the physical controls  
8       are fence, there is a fence around the former T-38  
9       training area. T-38, that's that six acre parcel  
10      right inside. There's a fence around that site.  
11      There has been a fence for a long time. I don't know  
12      how long.

13                     There are signs posted on that  
14      fence. There are UXO -- what we call UXO gates,  
15      unexploded ordnance gates, around the installation to  
16      keep people from inadvertently going into some of the  
17      range areas where we're doing OE, ordnance and  
18      explosive investigations.

19                     One of our UXO gates is right here,  
20      indicated right here on this map. But there are  
21      others around the post that would prevent people from  
22      entering the site from another route.

23                     There are wooden barricades on the

1 post, just these sawhorse-type barricades, that are  
2 put there to keep people out. They're there for a  
3 reason. And there is a dirt barricade down here at  
4 this lower portion of this road. There's a dirt  
5 barricade to keep people out. And then we have  
6 security guards who constantly inspect the UXO gates  
7 and the barricades and the site and so, we -- those  
8 are our physical land use controls.

9 We have -- the legal land use  
10 controls that we have is the Army is retaining  
11 ownership of the site, except for the small portion I  
12 showed you that's going to be -- that is planned for  
13 the transfer to the Department of Justice.

14 Are there any questions on the  
15 LUCIP for T-38 or the land use control assurance plan?

16 MAYOR KIMBROUGH: How does this  
17 play with the zoning laws? Since this is in the City  
18 of Anniston, then is this coordinated with the City of  
19 Anniston, as far as their zoning laws? And number  
20 two, when the JPA is gone and everybody is gone -- I  
21 know it says in there who will be responsible, but who  
22 will be responsible for making sure if any of this is  
23 left -- is enforced?

1 MR. JOE DOYLE: I'll answer that,  
2 if it's okay. When we're ready to transfer, if as  
3 part of the final remedy, there is a restriction  
4 that's placed on the land, then we will approach the  
5 City of Anniston, asking for -- if that is a method  
6 that we determine it to be appropriate to restrict the  
7 use on that land, we will go in and ask them for a  
8 zoning or ordinance with regard to that piece of  
9 property.

10 But again, that's only -- we are  
11 not going to go the zoning route with regard to any of  
12 the interim LUCs, at this point in time. There is no  
13 reason to. It's under our control, so we can -- you  
14 know, we'll manage it and we'll take care of it.

15 Now, with regard to monitoring it,  
16 that's an open-ended question, at this point, sir.  
17 Obviously, from the Army's perspective, we think that  
18 the land owner is the appropriate party to do the  
19 monitoring, self-policing with regard to it.

20 Now, of course, JPA takes a  
21 different position on that. They feel that that  
22 impinges on their ability to market the property. And  
23 understandably so. So, there is a divergence there.

1 But we haven't reached that point. You know, while we  
2 can say, well, we've got a difference of opinion  
3 there, we're not to the point where we've got to final  
4 remedy selection, so we're not sure.

5 And, of course, we can't say that  
6 the U. S. Army Garrison is going to be the one,  
7 because obviously, six, five, four, however many  
8 years, we're going to be gone. So now we -- but there  
9 is different alternatives that we're presented with.

10 Assuming for the moment if the Army  
11 were to do it, well, maybe the Corps of Engineers,  
12 maybe contracting out, maybe paying -- ADEM has  
13 already stated that under certain circumstances, they  
14 are -- they are managing land use controls at other  
15 sites. That's a potential there, so -- but the bottom  
16 line is, is that with the implementation of a LUC as a  
17 final remedy on a piece of property, we can't walk  
18 away from it. Somebody is going to have to pick up  
19 that responsibility.

20 Now, the bottom line is is that the  
21 Army will probably -- talk to Doyle -- will have the  
22 ultimate responsibility. You know, from the  
23 perspective of monitoring it, well, obviously, if

1 we're not physically present here, we would much  
2 rather see that report coming from a land owner or  
3 whatever, whether it be -- for example, let's say we  
4 cap a landfill. Well, it might be nothing more on  
5 that land use control than quarterly, somebody go out  
6 and visually inspect to make sure nobody is punching  
7 any holes through that cap.

8 And whether or not the land owner  
9 does that, reports back to the Army, who ultimately  
10 reports it to the EPA, we're not quite sure. But the  
11 bottom line is, we -- obviously, initialize some of  
12 your fears is that we can't walk away from it.  
13 Somebody has to have that responsibility. And the  
14 ultimate responsibility is most likely, from EPA and  
15 ADEM's perspective, is going to fall upon the Army.

16 MR. JERRY HOPPER: Wouldn't that  
17 also become a -- a land use restriction, as a  
18 permanent remedy, become a condition of the deed, a  
19 deed requirement --

20 MR. JOE DOYLE: Yes.

21 MR. JERRY HOPPER: -- on the  
22 transfer?

23 MR. JOE DOYLE: Yes.

1 MR. DON CUNNINGHAM: Joe, how would  
2 that compare with the Solutia storage site on 202,  
3 somewhat similar?

4 MR. JOE DOYLE: You know, I really  
5 -- I can't answer that question.

6 MR. CUNNINGHAM: That's  
7 (inaudible). Somewhat similar.

8 MR. JOE DOYLE: But, you know, the  
9 whole concept behind a land use control is is that you  
10 don't have one control out there, that it's layered.  
11 So, for example -- and I'll pick on -- we'll pick on a  
12 landfill. Let's say there is a cap up there. Well,  
13 obviously, beyond a restriction in the deed, we would  
14 also like to see a zoning restriction on that, so it's  
15 layered, okay, as well as a reporting requirement, so  
16 that when we feel that, okay, worst casing it,  
17 somebody does go out there and do something stupid,  
18 well, with the layering concept, we have a bunch of  
19 enforcement mechanisms, as well as hopefully,  
20 mechanisms that will quickly find out that somebody is  
21 doing something in contravention to the deed or zoning  
22 or whatever it might be.

23 DR. BARRY COX: Anybody else?



1 MS. KAREN PINSON: I just wanted to  
2 quickly go over one more thing that you have handed  
3 out tonight. It's the LUCAP final initial appendix A.  
4 I told you the appendix A would be a list of the sites  
5 that require land use controls. And this appendix A  
6 will change from time to time. Right now our initial  
7 appendix A includes only the sites that require  
8 interim land use controls, those controls that are put  
9 in place pre-remedy decision that the Army will  
10 manage. The Army will manage these controls.

11 The first twelve sites are landfill  
12 areas or fill areas. And we anticipate at this point  
13 the interim land use control for those sites would be  
14 signs. We have one fill area that is fenced, but the  
15 rest of them we anticipate only signs at this point.

16 We have not written the land use  
17 control implementation plan for those, yet. So, we'll  
18 -- and, of course, we will provide you a copy of that  
19 draft plan when we write it.

20 The next four sites are our ranges  
21 where we are conducting ordnance and explosive  
22 investigations. And this map over here on the far  
23 right wall shows you the areas where the UXO or OE

1 EE/CAs, engineering evaluation cost analyses --

2 MR. RON LEVY: Bill is going to --  
3 we're going to get into that, Karen, further on.

4 MS. KAREN PINSON: Right. And I'm  
5 not going to talk about it. But we're dividing up our  
6 LUCIPs into the four areas that we'll have that -- as  
7 the EE/CA is divided. I think they've actually put  
8 another EE/CA area in now for the bypass. So, those  
9 -- we'll have for more interim land use control plans  
10 based on those areas in that EE/CA.

11 And then we've got another training  
12 area where we've had some chemical training. It's  
13 area T-24-A. So, we'll have a land use control plan  
14 on that for interim land use controls.

15 As the BRAC clean-up team goes  
16 through the investigations and as the -- as remedies  
17 are reached for some of these investigations, we will  
18 possibly have some sites, most likely we'll have some  
19 sites that will require some final land use controls.  
20 We will add those sites to this appendix A, as they  
21 occur. That's about all I have.

22 DR. BARRY COX: Any questions or  
23 comments? Karen, we appreciate that.

1                   And I guess we'll go now on to the  
2 agencies report. Philip, you want to start with  
3 ADEM's?

4                   MR. PHILIP STROUD: Pass these out  
5 here. I was gone a lot this last time and Shannon  
6 filled in for me last time, vacation, but also I  
7 attended an unexploded ordnance conference down in New  
8 Orleans. And I felt pretty good getting out of that  
9 conference and feeling like we're not too far off the  
10 mark in any direction we're going with unexploded  
11 ordnance.

12                   There are sixteen reports there  
13 have come in since March 21st. Now, this is before  
14 drafts and the rest are finals. I think we have five  
15 that are still pending here.

16                   Those are pretty substantial  
17 reports that are pending. And a lot of the ones that  
18 are marked April 13th were decided on during the BCT.  
19 We have a real crunch course for two days here, really  
20 pounding these reports out during the BCT. And we  
21 made decisions that go to final here, which is really  
22 helped speed up the process of some of this review.  
23 That's why you see so many on -- well, on April 13th.

1                   But these finals are reviewed and  
2           looked at, for any other grammatical errors or things  
3           like that may go out. But you can see that we're just  
4           pumping out a report a day here, just about it. It's  
5           real intense and a lot's going on. And again, with  
6           Parsons being here, really kicking in gear. We are  
7           busy. We're swamped.

8                   And also the eastern bypass kicking  
9           in full gear. And now we're seeing these reviews of  
10          the draft -- the draft work plans for -- and final  
11          work plans for Alpha, Bravo, and Charlie.

12                  So, yes, this is intense. If y'all  
13          have any questions, please, feel free to E-mail me or  
14          call me, and then we can discuss them one at a time  
15          or, you know, I can pull them out. But this still  
16          shows the sheer load we're dealing with.

17                  I didn't get these on -- I was  
18          absent since last time and I was very busy. I  
19          apologize for not getting these on the map, but we'll  
20          have these on the map again next time. I didn't want  
21          to burden the Army. They were extraordinarily busy in  
22          last month, also. They're doing me a favor by putting  
23          this on the map. We'll have it next time.

1                   Anything else? Any questions on  
2           this? If you didn't get any, we'll make another copy  
3           here.

4                   DR. BARRY COX: Any comments?  
5           Appreciate that.

6                   Doyle, you want to go for EPA?

7                   MR. DOYLE BRITTAIN: I've been the  
8           EPA representative here now for about four months, and  
9           a lot of my time has been spent trying to come up to  
10          speed, myself, as far as to basically -- what the  
11          situation is here. But anyhow, I feel like that  
12          during this period of time, we have done a lot of  
13          work. The first page there is basically a summary of  
14          everything that's in the rest of this. And this shows  
15          for each month the number of times that I've made a  
16          trip over here for meetings. And I think I have April  
17          down there, showing some additional meetings. I'm not  
18          sure that that's correct. I think those should be  
19          May. But we've got project team meetings and on-board  
20          review meetings and RAB meetings that trying to go to.

21                   As Phil mentioned there a minute  
22          ago, there has been a lot of documents come through.  
23          Some of these are not necessarily very short. Center

1 of the page there shows the number of documents that  
2 we've either reviewed and commented on or approved  
3 each month.

4 And again, the documents on hand  
5 for review, it shows that I've got twenty-eight. I  
6 think that shows that we're going to have those later  
7 in April. Again, I think that's a mistake. I think  
8 that should be May.

9 The next page there actually shows  
10 the specifics, as far as the meetings that I have come  
11 to. And then the rest of this document basically  
12 shows you the documents that have been reviewed or  
13 commented on each month. And then on the last page  
14 there shows the documents that I have on hand or I  
15 guess -- starting on page five, bottom of the page  
16 there, these are documents that I hope that we'll get  
17 to during this on-board review that we have coming up.

18 And even though I said in this  
19 right here I think it's April, I think it's going to  
20 be in May that we'll sit down and do the review around  
21 the table on that and then follow it up with letters  
22 later on.

23 So, I get these out of the way, we

1       should be caught up. But this basically is not  
2       intended to make sense to you, because a lot of these  
3       are just specific documents or specific areas. But  
4       basically, to show you the volume of the work that we  
5       are doing here, give you a little bit of appreciation  
6       for that.

7                               So, that's all that I have.

8                               DR. BARRY COX: Any questions of  
9       Doyle? Anybody have any questions?

10                              You going to be next?

11                             MR. RON LEVY: All the stuff we do  
12       -- we're going to have to start taking our name out of  
13       there, because all of the stuff we do is what's  
14       actually in the new business.

15                             The documents obviously that EPA  
16       and the State are reviewing are put together by the  
17       Army and submitted to them for review, so the same  
18       work that's being done by EPA and ADEM, is actually  
19       coming from the Army. And there is a lot of material  
20       they're having to go through. I mean, it's  
21       significant, in terms of clean-up.

22                             So, it takes a lot of time and a  
23       lot of effort to focus on reviews and make sure that

1 the Army, either from a sampling standpoint or from a  
2 procedural standpoint, is doing what they're supposed  
3 to be doing. And that's what the State and, I guess,  
4 ADEM and EPA are doing for -- to us from an oversight  
5 standpoint.

6 A lot of comments that come in, we  
7 have to -- as we get the comments and they come in, we  
8 have to address the comments. If it means changing  
9 the document or changing a plan or some sort of work,  
10 then we do that and then we respond. Generally, we  
11 respond in the meetings. Or through -- and through a  
12 formal process of what we did or what we're attempting  
13 to do to meet their comments. All their comments are  
14 generally from a regulatory nature, but they'll --  
15 we'll look at other things, as well, to ensure what  
16 we're doing is in accordance with the law.

17 I think what I would like to point  
18 out to you here is that a lot of documents are going  
19 back and forth between the regulatory agencies and the  
20 Army. A lot of these documents you haven't seen,  
21 because there has not been -- in a lot of cases,  
22 there's not been -- we're not getting to a decision on  
23 documents, yet. Or we're getting to a decision, but



1       it's a no-further-action decision, which means it just  
2       drops out. So, from a community's perspective, there  
3       isn't a contaminant there to look at. And you're not  
4       looking at what the Army is going to propose from a  
5       remedy standpoint.

6                       We will shortly be showing you  
7       documents for review, because we are required by law  
8       to comment on and to participate in, in terms of your  
9       thoughts and your views about clean-up. The documents  
10      that we've been talking about that are still coming  
11      are the EE/CAs for remedies that we're taking for  
12      ranges along Iron Mountain Road and other EE/CAs,  
13      which are required by law for us to present to the  
14      public, which the RAB is part of the public, to  
15      comment on.

16                     Landfills or fill areas, there is  
17      an EE/CA being done on that. The EE/CAs that you're  
18      going to hear about, which are not complete, yet, but  
19      on the Alpha, Charlie, and Bravo areas, those are  
20      EE/CAs that will be open for the public to review and  
21      the RAB to comment on. And we'll try to present  
22      formal presentations done in a manner which you can  
23      understand the technical nature of what it is we're

1 showing. The CWM EE/CA will become a public document.

2 And we'll ask for comments and review, as well.

3 Those things are still coming.

4 They're down the line. We briefed time lines on some  
5 of those in the past, but we're not prepared to bring  
6 you into that process.

7 So, a lot of what you're seeing  
8 here from document reviews on the part of EPA and the  
9 State, some of those will move forward. A lot of  
10 these are dropping out, in terms of what we're  
11 finding. We're not finding a whole lot.

12 The big ones that I just mentioned  
13 to you are significant and we'll be looking for  
14 reviews and comments back to us from the community and  
15 from the RAB.

16 DR. BARRY COX: Any comments?

17 MS. MIKI SCHNEIDER: What's the  
18 deadline on the landfill EE/CA?

19 MR. RON LEVY: There isn't a  
20 deadline. We just came through a review, an internal  
21 Army review on that document. It just went out to --  
22 or actually, it hasn't even gone out to the regulatory  
23 agencies. We're still internally reviewing the



1 document.

2 We expect to get it out to the  
3 regulatory agencies. Once they get their chance to  
4 comment and respond back to the Army, then we'll get  
5 it out to the public for their input. And we'll do a  
6 formal presentation to the RAB to talk about all the  
7 fill area sites on the installation and what we're  
8 proposing to do to those fill area sites and then take  
9 your comments back.

10 So, like I said, EPA and the State  
11 have not seen that. We're still internally working  
12 it.

13 MS. MIKI SCHNEIDER: For some  
14 reason I had in the back of my mind it was April, and  
15 I was just trying to see if we were still --

16 MR. RON LEVY: It's been pushed.

17 MS. MIKI SCHNEIDER: It's been  
18 pushed?

19 MR. RON LEVY: Yeah, it's been  
20 pushed. We're still not done with it, internally.  
21 We've got a lot of internal comments to address that  
22 we're still working on.

23 DR. BARRY COX: Anybody else have a

1 question?

2 MR. RON LEVY: I guess the answer  
3 is: I don't have a specific date for you, Miki.

4 DR. BARRY COX: Anybody else?  
5 Miki, do you want to go on for the JPA?

6 MS. MIKI SCHNEIDER: Sure. We have  
7 a new executive director at the JPA. He was going to  
8 come with me tonight, he had a conflict. He's being  
9 pulled in many different directions, as you can well  
10 imagine, being the new man, but I hope to bring him  
11 with me next month. His name is Dan Cleckler. He  
12 came to us from the Office of Economic -- he worked  
13 for the governor in economic development. He had been  
14 at East Alabama Regional Planning.

15 We're real excited. He's, so far,  
16 hit the ground running and trying to learn the list of  
17 acronyms. I was pleased to see this list here  
18 tonight. I'm going to take that and share that with  
19 him. I'm sure he'll appreciate it.

20 The other good news at the JPA is  
21 the lawsuit which we had been encumbered with since  
22 the end of the year is now settled and we are on our  
23 way to moving property. And we did so just last week

1       when we sold M-2.

2                       Thanks to the Army, EPA, ADEM, for  
3       all your hard work on that. It paid off. It was the  
4       first property, twenty-three acres sold back -- put  
5       into the community to create jobs.

6                       As all of you know, The Anniston  
7       Star will be building a fifty-six thousand square foot  
8       state-of-the-art printing press and putting all of  
9       their other offices in that one location. So, we're  
10      real excited about that.

11                      This week at our board meeting, our  
12      board -- we hope to be finalizing the sale of Buckner  
13      Circle and the Capehart Housing, which is the housing  
14      that you see along Highway 21. We're excited about  
15      that opportunity. And when we do that, I think you'll  
16      start to see a lot of -- you'll see a lot of  
17      construction happening.

18                      We've been working, closely keeping  
19      up with what's going on in the eastern bypass and the  
20      work that's going on there. I don't know about the  
21      Army's phone, but our phone has been ringing about  
22      who's cutting those trees and why. Our answer is  
23      progress. I don't like to see the trees cut, either,



1 but this is something this community has waited on for  
2 a long time. So, I think that's all for JPA.

3 DR. BARRY COX: Where are we on  
4 privatization, Miki?

5 MS. MIKI SCHNEIDER: Privatization  
6 was on hold, just as everything else was, until the  
7 lawsuit, until we had finalized all of that.

8 Set a meeting up today, as a matter  
9 of fact, with our lawyers from Boston. And they'll be  
10 coming down here the first week in May. And we're  
11 going to get back on track with that.

12 DR. BARRY COX: What about ALDOT,  
13 are they on track as far as when the environmental --  
14 if the bypass, whenever it's finished with  
15 environmental issues, are they ready to phase in then  
16 or does it still look like a hold on that?

17 MS. MIKI SCHNEIDER: Everything I  
18 know -- Paul may know more or Ron -- everything I  
19 know, ALDOT's where they need to be. Do y'all know  
20 something I don't know?

21 MR. RON LEVY: No. We still hold  
22 monthly meetings with them. We continue to coordinate  
23 --



1 MS. MIKI SCHNEIDER: Right.

2 MR. RON LEVY: -- our clean-up and  
3 our efforts. They're out there -- they've been out  
4 there doing coring and sampling and we've tried to  
5 work around that so that they can get in and do what  
6 they need from a geophysical standpoint. We issued  
7 them a right of entry for the tract one property.

8 In fact, I'm going to let Bill talk  
9 about -- a little bit about some of this stuff in just  
10 a moment here, in terms of the EE/CAs, which is  
11 inclusive of the eastern bypass, if you just want to  
12 wait.

13 DR. BARRY COX: Sure.

14 MR. RON LEVY: But the coordination  
15 is ongoing. In reference to the action summary sheet,  
16 which is on the agenda -- are we ready to move on?

17 DR. BARRY COX: No, no. We need to  
18 see if anybody else had a question.

19 MR. RON LEVY: Okay.

20 DR. BARRY COX: Anybody else have a  
21 question of the JPA? Thank you, Miki.

22 Okay, go ahead on. The action  
23 summary sheet then.

1 MR. RON LEVY: Well, Karen already  
2 briefed the draft interim LUCIP for the training area  
3 T-38. And all of you should have gotten copies of  
4 that in the mail. The action summary sheet actually  
5 states that we're looking for comments by the 28th of  
6 April. Is that the date, Karen?

7 MS. KAREN PINSON: 23rd.

8 MR. RON LEVY: Excuse me. 23rd of  
9 April?

10 MS. KAREN PINSON: Yeah, 23rd.

11 MR. RON LEVY: So, if any member of  
12 the RAB has comments, please, send them in. We've  
13 already received EPA's reply. And they've concurred  
14 with the document --

15 MS. KAREN PINSON: Yes.

16 MR. RON LEVY: -- as it is. So, if  
17 anybody else has any comments, just let us know.

18 OE EE/CA, Bill Shanks, who has been  
19 involved in reviewing of the EE/CAs, is going to talk  
20 to you a little bit about the EE/CAs. If you would,  
21 Bill, bring that map up or you can talk off the one on  
22 the wall.

23 MR. BILL SHANKS: There is a hard

1 copy of the same map over on the wall, some of you may  
2 be able to see better.

3 Karen mentioned that we had five  
4 EE/CAs. And that's what we actually have is five  
5 EE/CAs. One is already -- the EE/CA itself, has been  
6 completed. And that's for the eastern bypass.

7 What I am showing on the slide is  
8 tract one, which is this portion -- (demonstrating) --  
9 of the eastern bypass; tract two, which is the little,  
10 yellow section in between the room; and then tract  
11 three, which is the light green.

12 The reason why we're showing those  
13 as three different sections, as three different tracts  
14 is, when we got into the EE/CA in the analysis, they  
15 decided that basically tract one didn't require any  
16 removal action. So, we've proceeded on with a  
17 transfer action to ALDOT so they can go ahead and get  
18 started on construction.

19 Right now, we've done what they  
20 call a finding of suitability to transfer or a FOST.  
21 That's at TRADOC AG right now, waiting for TRADOC to  
22 sign it. And once that's done, it will go to Mobile  
23 and then they can transfer the property.

1                   We've already given ALDOT the right  
2           of entry, we call it, so they can go ahead and start  
3           work on tract one. And as of last week, they had  
4           received bids for the -- what they call the clearing  
5           and grubbing portion of the tract one. And that also  
6           includes putting a fence around it.

7                   And they said the first thing they  
8           were going to do was putting a fence up. And that  
9           would probably take about thirty days. And then they  
10          will get into actual clearing and grubbing of that  
11          area.

12                  On tract two and tract three, we  
13          had identified tract two as a high priority area for  
14          the JPA, because of their need for access to get to  
15          the other parcels and other locations where they were  
16          going to be transferring property. So, we're going to  
17          be trying to move that along.

18                  Right now, we're looking at  
19          probably starting the field work for the actual  
20          removal about the middle of June for tract two and  
21          tract three.

22                  The pink or the maroon that's on  
23          either side of the eastern bypass, right around

1 Summerall Gate, is a separate EE/CA. That's the one  
2 we call the M-101. We're not basically going to have  
3 to go through the full process on the M-101 because of  
4 the previous work that's been done in that area. And  
5 we're proceeding on to do an EE/CA report on it. And  
6 we expect to have the EE/CA report by the middle of  
7 May for the M-101 parcel.

8 Alpha, which is the reddish area,  
9 includes M-5, which is real property, or the property  
10 transfer designation includes M-5, M-6, and M-8. Most  
11 of you are probably not able to specifically identify  
12 it, but that -- those go along with the real property  
13 transfers.

14 The UXO contractor has started the  
15 EE/CA work in that area. It began that about the 12th  
16 of March. And I think we expect to finish that about  
17 the end of June.

18 The blue area is the Bravo EE/CA.  
19 And we expect to start that this week and then we'll  
20 finish some time around the end of August, September  
21 time frame, as far as the EE/CA goes.

22 MR. RON LEVY: For those of you  
23 that don't know, the EE/CA is just the investigative

1 piece now --

2 MR. BILL SHANKS: Right.

3 MR. RON LEVY: -- it's not the  
4 clearance.

5 MR. BILL SHANKS: Right. What  
6 they'll do basically in the EE/CA is what we call  
7 characterize the site, identify what kind of UXO is  
8 there, look at the risks, do a cost analysis, select  
9 or recommend an alternative, and then this will go  
10 forward for approval that this is the alternative that  
11 the Army wants to proceed with on this area.

12 Once they've done that, then we  
13 have to go back and prepare work plans for the actual  
14 removal.

15 MR. RON LEVY: And as I pointed out  
16 before, those are open to public scrutiny and will be  
17 briefed for the RAB, once we complete the EE/CA and  
18 define what we think our remedies are going to be in  
19 that area.

20 MR. BILL SHANKS: The green area is  
21 what we're calling the Charlie area EE/CA. It's  
22 primarily the Fish & Wildlife Service area. It also  
23 goes over and picks up the areas in the Choccolocco

1 corridor where we have some work to do, and the area  
2 that was formerly leased from the State, there is some  
3 -- actual installation boundary is this line.  
4 (Demonstrating). And this falls within the  
5 Choccollocco corridor. And there is some isolated  
6 places, four, that are further on out into the  
7 corridor. Not really expecting to find any type of  
8 heavy UXO there. That would be something minor, but  
9 we still need to investigate it and determine what we  
10 need to do, if anything.

11 Expect to finish the field work on  
12 that around the end of January of 2001 or '2, should  
13 be.

14 MR. RON LEVY: Go on back to the  
15 eastern bypass, the area that Bill mentioned that's  
16 tract three. Bill, do you want to point that back out  
17 again?

18 MR. BILL SHANKS: That's the middle  
19 portion.

20 MR. RON LEVY: Right. Final  
21 clearance on that -- that means we're ready to  
22 transfer property -- is projected to May, to be  
23 completed in May of 2002, 2002. So, that's, you know,

1 over a year away. And that's what we've told ALDOT.  
2 Actual transfer is August -- based on getting through  
3 the real estate piece, we're talking about August of  
4 2002. So, that's -- again, that's over a year away  
5 from -- in terms of getting to the clearance on that.

6 We can't give you dates on final  
7 clearance for the Alpha, which is the red; the Bravo,  
8 which is the blue; and the Charlie, which is the Fish  
9 & Wildlife area, C, until we can get through the  
10 characterization and be able to say what it is we're  
11 going to clear. And also, finish up on the M-101  
12 piece, which is that magenta color. Is that what it  
13 is --

14 MR. BILL SHANKS: Yeah.

15 MR. RON LEVY: -- up there?

16 MR. BILL SHANKS: Yes.

17 MR. RON LEVY: But that is our UXO  
18 program, covering a lot of area and separate EE/CAs.  
19 And those EE/CAs were really designed along the line  
20 of what the JPA wanted in around the cantonment around  
21 from a priority standpoint.

22 DR. BARRY COX: Any questions?

23 MAYOR WILLIAM KIMBROUGH: Let me



1 ask a question: One thing that kind of concerns me  
2 that might not be -- as we see this in process, if we  
3 turned to privatization of the clearing, then is this  
4 going to continue in this manner or are we going to  
5 have to stop the process as it goes and then transfer  
6 it over to JPA and then start over, as far as  
7 contracts with private contractors to do this and all  
8 like this?

9 MR. JOE DOYLE: We don't know the  
10 answer to that question. We're waiting for the  
11 proposal to be submitted by the JPA, so we really  
12 don't know what they're proposing to do and how much  
13 -- or all of Fort McClellan that their proposal is  
14 going to encompass.

15 DR. BARRY COX: Comment, Miki?

16 MS. MIKI SCHNEIDER: That's right.  
17 You did a good job, Doyle.

18 MAYOR WILLIAM KIMBROUGH: Well, it  
19 concerns me if it does delay any progress that we're  
20 making.

21 MS. MIKI SCHNEIDER: Mayor,  
22 obviously, progress is why we're even looking at this,  
23 and we will not do anything that is going to cause us

1 to delay anything. Our goal is to move faster on  
2 everything.

3 MAYOR WILLIAM KIMBROUGH: I just  
4 know when we transferred from the last organization to  
5 the new organization, you know, we kind of started all  
6 over with some of the process, as far as the plan, the  
7 economic development plan and everything, we kind of  
8 redid that, and with the personnel, you know, changes  
9 and everything, that caused some natural delays. And  
10 that's -- you know, that -- I think that's what we've  
11 all seen. And I know -- I understand there is some  
12 bases that have gone to that, but that's one of my  
13 concerns.

14 MS. MIKI SCHNEIDER: And part of  
15 the delay that you saw back then was the fact that  
16 this base was still operating and was not closed and  
  
17 nothing could take place, property couldn't be sold,  
18 property could not be transferred out of the Army's  
19 hands, because it had not been cleared and it was  
20 still an active military base until September 30 of  
21 '99.

22 I came on board in July of '99.  
23 So, you know, there was a period in there where --



1 between the old organization and the new organization,  
2 when it wouldn't have mattered if it had been one or  
3 the other, we were still an active training base and  
4 we weren't going to be -- the community was not going  
5 to be able to get the property.

6 But our goal in this is to make  
7 things move quicker. We give the standard response my  
8 board gives to -- that they give to me when we say,  
9 why should we do this? What are the pluses? What are  
10 the minuses?

11 They go to M-2. And although the  
12 Army and the EPA and ADEM did everything they could to  
13 move that process along at break-neck speed, it was  
14 almost a year on the twenty-three acre piece. And,  
15 you know, understanding everything they did, the  
16 politicians that I work for say, that's too long.  
17 We've got to move this process.

18 DR. BARRY COX: Anybody else have a  
19 question?

20 MAYOR KIMBROUGH: I would like to  
21 some time -- not tonight -- but some time, you know,  
22 have a little bit better understanding presented to us  
23 on the difference. You know, I have a lots of

1 questions. Will ADEM, EPA, will they still be  
2 involved? Will they still be subjected to the reviews  
3 as we're having now? To the plans that we're having  
4 now?

5                   You know, I have a lots of  
6 questions about that, because, you know, I've got some  
7 concerns. I don't oppose it and I don't support it,  
8 at this time, because I think there is a lots of  
9 questions out there that -- I've got concerns about  
10 the RAB. Are they going to have -- and I've talked to  
11 you about that, Miki. Are they going to have an  
12 advisory committee like this with the citizens  
13 involved? Will that continue?

14                   So, I don't think we have time  
15 tonight, but I would like, Ron, for us to have some  
16 discussion on what that would consist of, so that  
17 maybe we could have a little bit better understanding  
18 of what --

19                   DR. BARRY COX: There are a lot of  
20 people, experts we could bring in, that could tell us  
21 how it was done at other bases, how it worked, the  
22 pluses and the minuses. Why don't we think about  
23 scheduling a meeting when Miki think's it's



1 appropriate, schedule a meeting, and we'll devote the  
2 entire meeting to bringing some experts from outside  
3 and be my suggestion that you discuss privatization.  
4 Would that be --

5 MS. MIKI SCHNEIDER: That's fine.

6 MAYOR WILLIAM KIMBROUGH: I don't  
7 know. They might not -- that's a concern of mine. If  
8 the RAB doesn't -- that's what I would like to see.

9 DR. BARRY COX: And we could ask  
10 that to be one of the requirements, if indeed  
11 privatization occurs, that a citizen's advisory group  
12 still remain in place.

13 MS. MIKI SCHNEIDER: And it would.

14 DR. BARRY COX: Donna?

15 MS. DONNA FATHKE: Quick question,  
16 I hope.

17 In the red area and the green area  
18 there are some little white places. Does that mean  
19 they are known to be clean?

20 MR. BILL SHANKS: This is an area  
21 that the National Guard has. This is the CDTF that  
22 D.O.T. has.

23 MR. RON LEVY: They're federally

1 retained.

2 MS. MIKI SCHNEIDER: Do you want to  
3 clean that up, Barry?

4 DR. BARRY COX: Let's nix that  
5 puppy right there.

6 MS. DONNA FATHKE: The area by the  
7 part of the green, right there, yeah.

8 MR. BILL SHANKS: That's CWM.

9 MR. RON LEVY: Some of that will  
10 also go --

11 MR. BILL SHANKS: Some of it will  
12 be covered in UXO. But basically why that's shown  
13 white there is it's CWM, chemical warfare material.

14 MR. RON LEVY: It was one of the  
15 sites we briefed at the last RAB meeting on the CWM  
16 work. In all actuality, the site's a lot smaller than  
17 what you see there, in terms of what we're  
18 investigating from CWM. But we will pick up the rest  
19 of it from an OE or ordnance and explosive standpoint  
20 or UXO standpoint. So, it will be covered.

21 I think it's the uniqueness to the  
22 GIS system, in terms of how it printed it out. But it  
23 will be covered.



1 DR. BARRY COX: Philip, do you have  
2 a comment?

3 MR. PHILIP STROUD: No, I was just  
4 more along the lines of what Mayor Kimbrough was  
5 saying.

6 DR. BARRY COX: Anybody else?

7 DR. BARRY COX: Okay, Ron, what's  
8 next?

9 MR. RON LEVY: Well, Bill, did you  
10 want to talk a little bit about the work plans for the  
11 Bravo area EE/CA? That was also listed on the --  
12 actually, we covered that.

13 DR. MARY HARRINGTON: We did.

14 MR. RON LEVY: We might could talk  
15 a little bit about the timber that was removed. Miki  
16 pointed that out, that she's been getting a lot of  
17 calls.

18 The Army has in fact let a  
19 contract, and the contractor has been out there  
20 working on timber removal for about two hundred and  
21 eighty acres, which is in that tract three and the  
22 tract two parcels up there.

23 And the reason the timber is being

1 removed, it's really -- the intent is not for purposes  
2 of the bypass construction, it's for our clean-up.  
3 And that's what came out in the newspaper. It's to  
4 allow us to get in there and do the geophysical work  
5 we need, because the trees present a problem. So, we  
6 had to remove the timber. And the Army let a  
7 contract.

8 I think the good news to what was  
9 said, came out in the newspaper, and I believe over  
10 the radio, was that the dollars associated with that  
11 are not lost to the community. 40 percent of those  
12 dollars actually come back to the community, as it has  
13 been historically on McClellan, as it does on the  
14 Guard side, as it does on what's left of Fort  
15 McClellan, the active side, 40 percent. And I think  
16 it was -- what was the figure, two hundred and twenty  
17 --

18 MR. JAMES BUFORD: Two hundred and  
19 twenty thousand.

20 MR. RON LEVY: Yeah, actually goes  
21 back for the county for use in schools and roads and  
22 whatnot. So, I think that's an important point.  
23 People think that that's a loss of revenue, it's not,

1 necessarily.

2 The rest of the dollars go to  
3 support the contracting efforts to pay for the timber  
4 removal and any other oversight that's needed to  
5 ensure that they meet best management practices, so,  
6 that they're not just denuding the area.

7 DR. BARRY COX: Any comments?

8 Joan, do you want to go to the new member selection  
9 for us, please, ma'am?

10 MS. JOAN MCKINNEY: Yes, thank you.

11 We have one vacancy on the RAB. And we have  
12 currently, in our applicant pool, three names. Two  
13 are engineers from Solutia, also citizens in the  
14 community, and one is Colonel Matteson.

15 I would encourage all of you to try  
16 to find us a few more applicants. I would like to  
17 keep about a half a dozen in the files and then  
18 present them all to you at the same time, much like we  
19 did the last time, where you can vote on a couple of  
20 folks at one time. And then the number one person  
21 would be the one to be the immediate replacement, the  
22 number two person would be then the person on standby,  
23 as soon as we have another vacancy. And I dare say

1 we're going to have a couple more vacancies after this  
2 meeting, because we have folks, you know, will fall  
3 into that category of missing six meetings.

4 So, what we need you all to do,  
5 please, is what you've been doing for the past year,  
6 is beating the bushes and trying to find us a few more  
7 applicants so that we can build the pool up again, so  
8 that we have a more diverse group to select from.

9 MR. RON LEVY: So, what you're  
10 saying is: We would like to get some more applicants  
11 in before we actually make a presentation to the RAB  
12 and --

13 MS. JOAN McKINNEY: Yes. I mean,  
14 I'm prepared to offer to you tonight to vote on one  
15 member out of the three, but I would highly recommend  
16 we try and find more diversity.

17 DR. BARRY COX: What is the  
18 comments of the RAB? What is your feeling on that?

19 MR. CUNNINGHAM: I agree with it.

20 MS. DONNA FATHKE: Wholeheartedly.

21 MS. JOAN McKINNEY: Okay. Thank  
22 you.

23 DR. BARRY COX: Appreciate it.

1 Any other new business that we need  
2 to address?

3 At this point then, we'll go to the  
4 audience comments. Do we have any audience comments?

5 MS. WANDA CHAMPION: My name is  
6 Wanda Champion. I've got a question that brings us  
7 back to when he was talking about the eastern bypass.  
8 And since some of y'all are talking to members of the  
9 Department of Transportation, I live down in Oxford  
10 and travel a lot on Coldwater Pump Road. And this  
11 might be something that could be brought up with the  
12 eastern bypass with the possibility to take into  
13 account, because -- in other words, there is Turner  
14 Road that goes out to Highway 202, okay. And like I  
15 told Jennifer McCullers with the Anniston Star, is  
16 that the fact, why did Alabama D.O.T. State Highway  
17 Department and Calhoun County not come together and  
18 have somebody go out and ride Turner Road and see how  
19 it's tore up on the edges.

20 They went out and patched it up,  
21 since people have started riding it with the detours.  
22 So, to keep things like this from happening with the  
23 eastern bypass going through, this needs to be

1 something to be looked at and brought up. In other  
2 words, when the eastern bypass starts going through  
3 with roadways that they would be detours.

4 So, my point here is, is the reason  
5 why I'm bringing it up, is that any of y'all -- and  
6 everybody goes different places and you talk to  
7 different people -- is the fact that with  
8 Calhoun County needing money -- and I guess this would  
9 probably go to Miki with the JPA, since you probably  
10 deal with a lot of people with the Calhoun County  
11 Commission. The Calhoun County Commission needing  
12 money, then therefore with the State Highway  
13 Department being the one basically why the road was  
14 closed, then why did they not get together and help  
15 repave this road to benefit the people of Calhoun  
16 County, instead of waiting until the road was actually  
17 closed for -- to tear the bridge out and put the  
18 detour sign up?

19 Now, people are having to travel on  
20 a road that has got potholes and bad shoulders on it.  
21 So, in other words, I wanted to bring this up because  
22 this is something that I'm having her check into and  
23 possibly a future story in the Anniston Star.

1 DR. BARRY COX: But does this have  
2 any relevance, I guess, I'm asking, to --

3 MS. WANDA CHAMPION: Yes. To the  
4 eastern bypass.

5 DR. BARRY COX: -- Fort McClellan  
6 bypass?

7 MS. WANDA CHAMPION: To the eastern  
8 bypass.

9 DR. BARRY COX: Is that type of  
10 situation going to occur here?

11 MR. BOB DAFFRON: No roads.

12 MAYOR KIMBROUGH: No roads.

13 MS. WANDA CHAMPION: What I'm  
14 saying is: The eastern bypass, in other words, the  
15 whole, from point A to point B.

16 DR. BARRY COX: But it doesn't  
17 cross any roads.

18 MS. MIKI SCHNEIDER: The western  
19 bypass she's talking about.

20 MS. WANDA CHAMPION: I'm talking  
21 about like coming from Oxford across Golden Springs,  
22 coming through. My point for making this statement is  
23 the fact that a lot of y'all here and myself talk to

1 people every day, okay, and you meet people and you go  
2 to different meetings.

3 We're all not in the same meetings.  
4 But yet, if you bring it up to the Alabama D.O.T.,  
5 okay, they're responsible, the State Highway  
6 Department, for the detours on the western bypass.

7 Okay, let's bring it to the  
8 attention with Calhoun County, because I think the  
9 Alabama D.O.T., State Highway Department, should have  
10 to give some money to Calhoun County for having to  
11 repave Turner Road. So, if we're going to have  
12 something come up in the eastern bypass, we need to go  
13 ahead and address the issue before -- if you follow  
14 what I'm saying.

15 MR. RON LEVY: Wanda, just -- the  
16 reason why you're probably getting some looks, it's  
17 completely out of the scope of what the purpose of  
18 this RAB is. This RAB is to advise the Army on  
19 environmental restoration at Fort McClellan.

20 The fact that the eastern bypass is  
21 coming through Fort McClellan is completely  
22 irrelevant. It's just that we've got to clean up.

23 And if your comment is related to



1 the clean-up of Fort McClellan and the eastern bypass,  
2 then it would be appropriate. But this RAB's not  
3 responsible for discussing or going through other  
4 issues outside of the environmental restoration.  
5 That's the purpose of this RAB.

6 You're getting into something  
7 that's completely out of the realm of what we're here  
8 for in the first place.

9 MS. WANDA CHAMPION: Okay. Then  
10 let me ask you another question. You mentioned  
11 something awhile ago about the landfill number three.  
12 Is it to my understanding that y'all are in the  
13 process of cleaning up landfill number three, that was  
14 discussed at a former RAB meeting?

15 MR. RON LEVY: It's to your  
16 understanding that we are addressing landfill number  
17 three. It will be defined in terms of a remedy in an  
18 EE/CA that's upcoming. But that's not been presented  
19 to the community, other than to say that we are  
20 investigating and will define what we believe to be a  
21 remedy for landfill number three.

22 At that point, once we do define  
23 it, then it will be open to discussion as to what we



1 intend the remedy to be, to the RAB and to the rest of  
2 the community. But we haven't said that, yet. It's  
3 coming.

4 MS. WANDA CHAMPION: Okay.

5 MR. RON LEVY: That would be an  
6 appropriate question. That does fit in with what  
7 we're dealing with.

8 MS. WANDA CHAMPION: Another thing  
9 that I have heard mentioned is the cap, the capping.  
10 Okay. Could you possibly explain that to me and  
11 others that are here?

12 MR. RON LEVY: Well, again, we  
13 haven't presented any information really into those  
14 landfills. That -- I will say that the cap is a  
15 consideration we're looking at. But short of saying  
16 specifically what we've defined, yet, for those  
17 landfills, I can't do that until we've concluded, you  
18 know, our reviews within the Army and externally with  
19 the EPA before we present it to the community for  
20 their discussion and input.

21 MS. WANDA CHAMPION: So that would  
22 be --

23 MR. RON LEVY: As I did mention to



1       you, though, that is a consideration.

2                       MS. WANDA CHAMPION:   So, there will  
3       be future briefings and stuff about the landfill?

4                       MR. RON LEVY:   Yes, ma'am, there  
5       sure will be.

6                       MS. WANDA CHAMPION:   Okay.

7                       DR. BARRY COX:   Anybody else have a  
8       question?   Do I hear --

9                       MS. WANDA CHAMPION:   I've got  
10       another one here that was not addressed or whatever,  
11       that was brought up.   But I've got a question about,  
12       too, the thing about the zoning of the city -- and the  
13       City of Anniston and so forth here.

14                      DR. BARRY COX:   But is that an  
15       environmental issue?

16                      MR. RON LEVY:   Can you tell me what  
17       your question is and I'll tell you whether or not it's  
18       related to what --

19                      MS. WANDA CHAMPION:   Does it have  
20       to be an environmental issue?

21                      DR. BARRY COX:   Yes, for it to come  
22       before this board, yes, it does.

23                      MS. WANDA CHAMPION:   I'll take it

1 under consideration, put it that way.

2 DR. BARRY COX: Okay. Any other  
3 questions? Do I hear a motion for adjournment?

4 MR. FERN THOMASSY: So moved.

5 DR. BARRY COX: Second.

6 MS. DONNA FATHKE: Second.

7 DR. BARRY COX: All in favor?

8 Meeting adjourned.

9 (WHEREUPON, the meeting was adjourned.)

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C E R T I F I C A T E

STATE OF ALABAMA)  
CALHOUN COUNTY )

I, SAMANTHA E. NOBLE, a Court  
Reporter and Notary Public in and for The State of  
Alabama at Large, duly commissioned and qualified,  
HEREBY CERTIFY that this proceeding was taken before  
me, then was by me reduced to shorthand, afterwards  
transcribed upon a computer, and that the foregoing is  
a true and correct transcript of the proceeding to the  
best of my ability.

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

1                               IN WITNESS WHEREOF, I have hereunto  
2       set my hand and affixed my seal at Anniston, Alabama,  
3       on this the 23rd of April, 2001.

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SAMANTHA E. NOBLE

10

Notary Public in and for

11

Alabama at Large

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14       MY COMMISSION EXPIRES: 11-14-2001.

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