

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 21st day
of July, 2003, commencing at approximately 6:30 p.m.

P.O. BOX 544
OHATCHEE, AL 36271
256-892-0591
FAX 256-892-3001

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

CAPTION SHEET	1
REPORTER'S INDEX	2
RESTORATION ADVISORY BOARD	3-90
CERTIFICATE91-92

P.O. BOX 544
OHATCHEE, AL 36271
256-892-0591
FAX 256-892-3001

1 MR. MONTY CLENDENIN: Let's begin
2 with the roll call. If you would, listen up.
3 Dr. Mary Harrington has an excused absence today, and
4 I am acting as moderator in her stead.

5 Mr. Joe Doyle may or may not be
6 here. He's been somewhere and he may be here late.
7 So, we'll see if he shows. Right now, we'll give him
8 an excused absence.

9 MR. RON LEVY: He was down at ADEM
10 and he's on his way back up.

11 MR. MONTY CLENDENIN: Okay.
12 Scott Beckett called earlier, needed an excused
13 absence. James Buford?

14 MR. JAMES BUFORD: Here.

15 MR. MONTY CLENDENIN: I am here.
16 Pete Conroy?

17 MR. PETE CONROY: Here.

18 MR. MONTY CLENDENIN: There you are.
19 All right. Dr. Cox?

20 DR. BARRY COX: Here.

21 MR. MONTY CLENDENIN: David Steffy?

22 DR. DAVID STEFFY: Here.

23 MR. MONTY CLENDENIN: David, you're

1 a new member; is that right? Welcome to this group.
 2 I hope that you understand the language sooner than I
 3 do. I'm still working on a lot of these acronyms.
 4 Jerome Elser?
 5 MR. JERRY ELSER: Here.
 6 MR. MONTY CLENDENIN: Donna Fathke
 7 has asked for an absence. Curtis Franklin?
 8 MR. CURTIS FRANKLIN: Here.
 9 MR. MONTY CLENDENIN: Joe McCary,
 10 he's a new member. Craig Branchfield has asked for an
 11 excused. Ron Hood, is he here? Ron Hood?
 12 Mayor Kimbrough?
 13 MAYOR WILLIAM KIMBROUGH: Here.
 14 MR. MONTY CLENDENIN: Cheryl Bragg?
 15 MS. CHERYL BRAGG: Here.
 16 MR. MONTY CLENDENIN:
 17 Dwight Mitchell.
 18 MR. DWIGHT MITCHELL: Here.
 19 MR. MONTY CLENDENIN: Jim Miller?
 20 Ron Grant has asked for an excused. Ron Levy?
 21 MR. RON LEVY: Here.
 22 MR. MONTY CLENDENIN:
 23 Doyle Brittain?

1 MR. DOYLE BRITTAIN: Here.

2 MR. MONTY CLENDENIN: And

3 Philip Stroud.

4 MR. PHILIP STROUD: Here.

5 MR. MONTY CLENDENIN: Is anybody
6 counting? Do we have a quorum? Does anybody know how
7 much it takes to constitute a quorum?

8 MS. BRENDA CUNNINGHAM: Nine.

9 MR. MONTY CLENDENIN: Nine. Okay, I
10 think we have the quorum. So, declare a quorum is
11 here.

12 I'd like to ask you, if you would,
13 that you're here on the outside, if you would
14 introduce yourself and tell us who you're with just
15 for the record.

16 MS. KAREN PINSON: I'm Karen Pinson
17 with the Transition Force.

18 MS. BRENDA CUNNINGHAM:
19 Brenda Cunningham with the Transition Force.

20 MS. LISA HOLSTEIN: Lisa Holstein,
21 Transition Force.

22 Mr. ART HOLCOMB: Art Holcomb,
23 Foster Wheeler.

1 MR. AL McNEAL: Al McNeal, Corps of
2 Engineers, Huntsville.

3 MR. BILL SHANKS: Bill Shanks,
4 Transition Force.

5 MR. JOHN RAGSDALE: John Ragsdale,
6 Shaw Environmental.

7 MR. JOSH JENKINS: Josh Jenkins,
8 Shaw Environmental.

9 MR. DARRYL STABILE: Darryl Stabile,
10 Corps of Engineers, Mobile.

11 MR. CHIP PARROTT: Chip Parrott,
12 Corps of Engineers, Mobile.

13 MR. SPENCER NELSON: Spencer Nelson,
14 URS Corporation.

15 MR. BOB SCHMITTER: Bob Schmitter,
16 Georgia Tech.

17 MR. MONTY CLENDENIN: Okay. Welcome
18 everyone. Glad that you made the effort though the
19 storm to get here.

20 All right. Members, if you'll look,
21 you'll find the June 16th minutes in your little
22 packet. I'll give you just a minute to look at those,
23 to raise any questions or changes that we need to make

1 to these minutes. I'd entertain a motion to approve
2 them, after you've had a minute to look at them.

3 Are there any questions or any
4 glaring errors? Do I hear a motion we receive them?

5 MR. CURTIS FRANKLIN: I so move.

6 MR. MONTY CLENDENIN: Second?

7 MR. JAMES BUFORD: Second.

8 MR. MONTY CLENDENIN: Any
9 discussion? Okay. Without discussion, everybody in
10 favor say I. Any opposed say no.

11 THE COURT REPORTER: One more time,
12 I need who moved and who seconded. You moved. And
13 you seconded it. Thank you.

14 MR. MONTY CLENDENIN: Okay. The
15 program tonight was scheduled for the Choccolocco
16 Corridor investigation, we have Steve Moran on the
17 docket, but Ron Levy is going to make that
18 presentation. So, Ron, just give us what you got.

19 MR. RON LEVY: Yeah.

20 MS. BRENDA CUNNINGHAM: Ron.

21 MR. RON LEVY: Brenda wants me to
22 put this thing on because I mumble. So, you can here
23 through my mumbling into this. I don't mumble, do I?

1 Unfair.

2 THE COURT REPORTER: It's my fault,
3 it is. Okay.

4 MR. RON LEVY: Okay. It's
5 especially important for Sam to hear me. Can you hear
6 me, Sam?

7 MS. BRENDA CUNNINGHAM: Have you got
8 it on?

9 MR. RON LEVY: Yeah, I turned it on.
10 Can you hear me? It sounds -- now, you can hear me.

11 THE COURT REPORTER: Yeah. All
12 right.

13 MR. RON LEVY: Okay. No snide
14 comments.

15 THE COURT REPORTER: There was none.
16 I was smiling.

17 MR. RON LEVY: Okay. In the past
18 meetings the RAB had asked for information relating to
19 Pelham Range, which we briefed in -- what month did I
20 brief that in?

21 MS. BRENDA CUNNINGHAM: February.

22 MR. RON LEVY: -- briefed in
23 February to the RAB members. Pelham Range sites

1 obviously being retained by the Army. The
2 National Gard will assume control or has assumed
3 control or will assume control at some point with the
4 rest of the investigations and clean up out on
5 Pelham Range. But we did do that.

6 Another request from the RAB was to
7 get an update or to get an understanding of what's
8 going on in relation to this Choccolocco Corridor.
9 For those of you not familiar with the Choccolocco
10 Corridor -- you got your -- this is the installation
11 at the time of closure, Pelham Range not contiguous
12 with main post.

13 MR. MONTY CLENDENIN: Ron, take one
14 step left. Just take one step left so I can see.

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

16 And main post. This piece of
17 property listed -- shown here is the
18 Choccolocco Corridor. It's state-owned land. The
19 State, the Forestry Commission operates the property.

20 It was under lease to the Army for
21 purposes of a corridor. Actually, it's the
22 Talladega National Forest, which is right here. It
23 doesn't really show it on there.

1 But what it essentially did for the
2 Army is it allowed for additional training lands, so
3 that we could go into the federal piece back here and
4 use it for maneuver purposes during times of
5 mobilization.

6 But historically, the
7 Choccolocco Corridor has been used extensively for
8 training purposes by the Army with a number of ranges
9 within this piece of property. It's about forty-four
10 hundred acres of property. We went through several
11 leases on it. We have been in contact with the
12 State Forestry, particularly Kumby (phonetic),
13 Mr. Kumby --

14 MR. CONROY: Richard Kumby.

15 MR. RON LEVY: Richard Kumby, who is
16 the State Forester.

17 MR. CONROY: Assistant.

18 MR. RON LEVY: I stand corrected,
19 Assistant Forester, as recently as the 2nd of May, who
20 is familiar with what we're doing out there, has been
21 involved in some of our meetings.

22 Pete has also been involved in some
23 of the meetings and the terrain walks we've taken with

1 the State folks. So, I want to explain some of what's
2 going on there. Next slide.

3 Okay. So, what's happening? For
4 those of you who don't know, there is two programs
5 that we do here at McClellan, the hazardous toxic
6 radiological waste program, HTRW. Some of you know it
7 as HTW. And then the UXO here, unexploded ordnance.

8 Within the HTRW, for
9 Choccolocco Corridor, there was a total of nine sites
10 that we investigated, nine sites and sixteen parcels.
11 You've probably heard our parcel number designations
12 in the past. So, we looked at these nine sites, we
13 looked at them for contaminants that may be associated
14 with release of an Army activity.

15 And as we went through that
16 investigation, we identified five of those sites or
17 six parcels where we have a no further action. Those
18 were done during an SI phase. And by the way, this is
19 information that both ADEM and EPA are shared with in
20 decisions, as well.

21 Four of those sites, which amount to
22 ten parcels, because of known contamination -- in this
23 case, metals associated with firing from small arms

1 weapons -- are going into a further investigation
2 phase. And I'll show you a little bit of what those
3 sites look like.

4 While we have done a UXO -- while
5 we're undergoing a UXO investigation out there, which
6 is not complete and involves ongoing discussions with
7 ADEM, the preliminary investigation, at least from the
8 feild work now, that we're saying, we have not found
9 any unexploded ordnance items.

10 There are OE-type items that you'll
11 see out there, slap flares, other types of items that
12 were normally associated with military training. But
13 UXO, unexploded ordnance, we did not find anything.
14 And that's actually what's in our soon to be published
15 draft EE/CA, which really has not been shown to the
16 State or to other members outside the Army, still
17 being worked.

18 With that, go on to the next slide.

19 MAYOR WILLIAM KIMBROUGH: When is it
20 due? When will we have it?

21 MR. RON LEVY: Don't know off the
22 top of my head. I'll have to look that up and let you
23 know.

1 Okay. Again. Here is the
2 Choccolocco Corridor. What you see in the green and
3 the red represents those sites that we have no further
4 action. And when I say those sites with no further
5 action from a contaminant standpoint, these sites were
6 all under investigation.

7 We've also looked at them again with
8 the UXO. Most of these sites were the same sites that
9 were investigated from the UXO standpoint where we did
10 not find anything.

11 And again, none of that's validated,
12 none of that's been reviewed by ADEM. So, that's just
13 from the Army's perspective, at this point.

14 The next -- well, again, these are
15 the sites that again dropped out based on our
16 investigation. I believe we've got concurrence on
17 those from the State and EPA. So, what has moved into
18 actual -- the next phase are these sites in the red
19 there. And there's -- as you can tell, you've got
20 sites within sites or parcels on top of sites, so --
21 let me just move into the next slide.

22 Former Range 40, (parcel 94Q), if
23 you'll just quickly go back to -- it's -- that's these

1 sites here. (Pointing.) It's this -- this is former
2 Range 40, and this is Parcel (146Q). Did I say --
3 yeah, (146Q). (94) --

4 MAYOR WILLIAM KIMBROUGH: Where is
5 that in relationship to Highway Number 9 and the
6 Choccolocco Road, is it between those two?

7 MR. RON LEVY: Let's see.

8 MR. PETE CONROY: Yeah --

9 MR. RON LEVY: This road here is --
10 9?

11 MR. JOSH JENKINS: I think it's the
12 one --

13 MR. RON LEVY: This is 9 right here.

14 MR. BILL SHANKS: That's 9 on over.

15 MR. PETE CONROY: It's actually to
16 the west of Choccolocco Road.

17 MAYOR WILLIAM KIMBROUGH: Okay,
18 be --

19 MR. RON LEVY: This one here --
20 Bill, what road is this here?

21 MR. BILL SHANKS: That's a county
22 road, I think. I don't remember what the number is,
23 but it's -- 9 is the one over east of there.

1 MR. RON LEVY: I think it runs up
2 right here, doesn't it? (Indicating.)

3 MR. BILL SHANKS: Yeah, yeah, runs
4 right up by that -- right where you were showing.

5 MR. RON LEVY: Okay. So, with that,
6 this is what I'm focusing on right here, this series
7 of ranges. Go back to the slide again, Brenda.

8 It was known as -- Range 40, or
9 Parcel (94Q) was known as a small-arms range. It was
10 used during the Vietnam era. Approximately,
11 twenty-five acres of it was focused on firing line and
12 impact area or what was thought to be an impact area.

13 And then range -- or Parcel (146Q),
14 a hundred and two acres, was also presumed to be a
15 small-arms range. Again, the contaminants of concern
16 were metals, lead, zinc, I think there was some copper
17 (inaudible) that we saw that -- really all of those
18 are associated with the small-arms firing. But the
19 lead was primarily the issue there. Next slide.

20 Here is a view, a close-up view, of
21 that parcel with the range. Now, as you all know, as
22 we go through the SI phase, an SI phase is essentially
23 just an absence or presence of contamination. It's

1 really not nature and extent. The determination is:

2 Do you have something there?

3 Well, we've got some defined lines
4 in here. Again, they're only based upon a known --
5 what we've got known from the sampling. What you're
6 looking at, in terms of these lines, is concentrations
7 of lead that are above four hundred parts per million
8 or four hundred milligrams per kilogram. This -- is
9 that an orangy color or yellowy color, that's the four
10 hundred milligrams per kilogram, and then the orangy
11 color is over a thousand.

12 So, what you're looking at truly
13 from a standpoint of lead is probably the actual area
14 where the lead went into.

15 Now, It's not complete. We've got
16 an RI going right now. We're working XRF. We've got
17 the area gridded, and we're sampling across with XRF
18 device, which really, it's -- we're trying to
19 determine additional sampling locations.

20 So, what we got here is a first look
21 at what type of contamination may be on the ground at
22 that location, at least from a standpoint of hot
23 spots. And it's also Shaw's interpretation of where

1 those hot spots might lie, as opposed to true extent
2 of contamination. Next slide.

3 Former Range 41, also, Parcel (95Q)
4 and (131Q). If we could go back to -- we're looking
5 at, right here -- (pointing) -- these two. Can you
6 see where I'm pointing out, these two areas right
7 here?

8 This -- go back to the next slide.
9 Again, this was a suspected small-arms range during
10 the Vietnam war era. We also looked at it from a
11 fused ordnance impact area, that (131Q) area. And
12 here again, we're looking at lead, primarily lead in
13 the soils. Next slide.

14 Another representation of what's --
15 from the standpoint of the sampling during the SI
16 phase, what we interpreted may be there from the
17 concentrations of lead. Again, nothing in this area.
18 High concentrations of lead over a thousand parts per
19 million. And then in here, what they're interpreting
20 is over four hundred parts per million. Next slide.

21 Next series of ranges was parcel
22 42 -- or excuse me, Range 42, with Parcels 96, 145 and
23 148 in there. Similar to what we're seeing, again,

1 Vietnam war era, squad defense range, small-arms
2 tactics.

3 Forty-four acres was presumed to
4 have been used for large caliber weapons. And then
5 six acres was potential impact for a range.

6 And let's go back to the corridor
7 now. Right at the bottom. Okay. We're looking at
8 this piece right in here. (Pointing.) That's where
9 the location is.

10 Okay, Brenda, go back and go to the
11 next slide. Okay. Here again, we're seeing
12 concentrations of lead. You're seeing -- and there is
13 an upslope here. Apparently, there was a firing line
14 down here, and there was a series of targets that ran,
15 I guess, north, south along here, and they were firing
16 that general direction.

17 Now again, this is not the complete
18 extent of the look, because we obviously have not
19 fully characterized it, yet. And we'll do that in the
20 RI phase.

21 But what you're seeing here is some
22 concentrations and some plots that Shaw put together,
23 in terms of where we think the higher concentrations

1 are at. In this case, again, this yellowy color is
2 four hundred parts per million, and the orange being
3 over a thousand. Next slide.

4 The last of the four ranges up
5 there, four series of ranges, Range 43, again, another
6 small-arms complex. There was assumed to be some
7 large caliber weapons up there. Parcels (97Q),
8 (144Q-X) and (147Q-X). Go to the corridor (phonetic),
9 that's this series of ranges right here. Go on back
10 into the next slide.

11 Again, what we've seen from the SI
12 sampling data, some concentrations of lead, again, the
13 yellow being at four hundred parts per million, and
14 the orange being at a thousand. The significance of
15 that is that EPA guidance for lead, for residential
16 is -- help me here, Doyle -- four hundred parts per
17 million is residential --

18 MR. DOYLE BRITTAIN: Yeah, but you
19 need to take into consideration ecological risk, also.

20 MR. RON LEVY: Yeah. I'm going to
21 get to that. But that again, I'm only talking
22 residential now. I did want to point out that, as
23 Doyle was stating, in our RI phase, we are looking at

1 ecological risk. We have not determined a number from
2 a clean-up standpoint of what we're going to do on eco
3 risk; that's still being worked.

4 Again, so you're seeing again, some
5 of the lead levels. Can we go to the next slide?

6 Okay. RI, again, we're going to be
7 focusing on the metals and these four parcels that
8 are -- excuse me, four sites, ten parcels that I've
9 just gone through. And the next slide --

10 All right. This is -- again, this
11 is an interpretation from Shaw. And it's not based --
12 it's not completely based on the fact that the RI is
13 still ongoing and we're still doing sampling to
14 determine exactly where we're going to define our
15 limits. But again, it's a look at what we think
16 potentially could be impacted.

17 The green now that we're looking at,
18 as opposed to before, is fifty parts per million,
19 which could -- may or may not be a eco risk level.
20 That's still to be determined.

21 And the yellow -- well, I said, the
22 green is fifty, the yellow is one hundred parts per
23 million and four hundred parts per million, again, in

1 the brown -- what am I calling this color here?

2 So, again, we're getting a better
3 look or feel. But the completion of the investigation
4 is not done. We're probably a year away from
5 completing the -- getting through this entire site, in
6 terms of review and concluding where we're going to
7 go, as far as an action is concerned.

8 And there you have it. That's where
9 we're at, in terms of investigations out in the
10 Choccolocco Corridor. Can I answer any questions at
11 this point?

12 DR. BARRY COX: Ron, would you go
13 back to one of the ones that's got the red, the yellow
14 on it, just put it on there.

15 MR. RON LEVY: Yeah, Brenda, could
16 you back up on one? Is that --

17 DR. BARRY COX: That's not one of
18 the (inaudible) -- one of these.

19 MR. RON LEVY: Okay.

20 DR. BARRY COX: Okay. How do you
21 determine the number of sampling points you have what
22 is red and what is yellow? I mean, it's like from
23 what I'm looking at, there's no sampling points in the

1 yellow part.

2 MR. RON LEVY: Well, in this case,
3 from the XI standpoint, we had concentration at that
4 particular surface sample --

5 DR. BARRY COX: Okay.

6 MR. RON LEVY: -- that exceeded --
7 it was either a thousand or exceeded a thousand parts
8 per million concentration. So, there was an
9 interpretation of where that might -- that line might
10 lie.

11 DR. BARRY COX: I guess that's what
12 I'm asking: How do you decide how to draw the little
13 hotdog (phonetic) over there?

14 MR. RON LEVY: Josh, can you
15 elaborate on that, at all? It's a --

16 MR. JOSH JENKINS: This is just an
17 estimate. As Ron pointed out, this is our perception
18 of what things are right now, going into the RI, based
19 upon just the SI data.

20 The RI is intended to close those
21 uncertainties and with, basically, a three-phase
22 approach. We're using, as Ron said, XRF out there,
23 which is a semiquantitative screening tool, and with

1 that, then we'll go in and locate areas where we
2 actually want to collect soil samples like we did
3 during the SI and send those off to the laboratory.

4 So, right now, again, this is just a
5 first-cut understanding of where the highest
6 concentrations are. We've actually laid an arbitrary
7 grid over that sample area where we're doing XRF.
8 We'll go back in and collect soil samples, based upon
9 that, and then surface and subsurface samples.

10 MR. RON LEVY: It's nothing from a
11 clean-up standpoint, Barry.

12 DR. BARRY COX: Okay. I was just
13 curious, as I was just looking at that one. And I was
14 curious how you come up with the yellow, when I don't
15 see the sampling bore for the yellow.

16 MR. RON LEVY: Again, it's an
17 interpretation. They're making some -- quite a bit of
18 assumptions there.

19 DR. BARRY COX: Okay. I understand.

20 MR. RON LEVY: An SI is an absence
21 of presence of contamination. In fact, we could have
22 just left it off altogether and shown it to you during
23 the RI phase, once we came to an agreement what nature

1 and extent are here.

2 MR. MONTY CLENDENIN: Okay. Any
3 other questions for Ron?

4 MR. DWIGHT MITCHELL: Ron, can you
5 define -- you said "large caliber weapons". Can you
6 define up to what caliber?

7 MR. RON LEVY: Fifty caliber. Fifty
8 caliber or better.

9 MR. DWIGHT MITCHELL: Fifty caliber
10 or better?

11 MR. RON LEVY: Fifty caliber or
12 better.

13 MR. DWIGHT MITCHELL: What would be
14 the max, you think?

15 MR. RON LEVY: 105, 155.

16 MR. DWIGHT MITCHELL: You're talking
17 artillery unit?

18 MR. RON LEVY: Right.

19 DR. BARRY COX: The sampling points,
20 I mean, they almost look -- if you just look, they
21 just look almost random, as opposed to a grid. How do
22 you arrive at where you bore it?

23 MR. RON LEVY: Josh.

1 MR. JOSH JENKINS: What was the
2 question again?

3 MR. RON LEVY: The sampling points,
4 how were they determined?

5 MR. JOSH JENKINS: Well, the
6 sampling points were -- what we did was we looked at
7 the EPS, found the parcel locations, then we went out,
8 and performed site walks, we looked for structures
9 where we would think would be most likely to be
10 impacted by site activities. And those things being:
11 Firing lines and targets, since we -- since this area
12 was identified as -- these areas were identified as
13 small-arms ranges.

14 We focused on those areas where we
15 thought, okay, if we're going to see anything, we're
16 going to see it right here. And that's where we -- we
17 biased our sample locations for the SI, because we're
18 looking for stuff.

19 And if we find it, then it goes into
20 more stringent or a higher level of investigation.

21 MR. RON LEVY: In fact, when you go
22 out there, Barry, you can see -- in a lot of cases,
23 you can see the channels where they've fired into in

1 front of targets, you can see the burns in front. I
2 mean, there's a lot of physical features to include
3 lead, physically seeing lead there, where it went
4 into.

5 MR. PHILIP STROUD: Also, a lot of
6 our field visits, when I go out there and I see where
7 they're sampling, it -- let's say for example, they
8 took a sample in the midst of all these bullets laying
9 on the ground and came back clean, I can say, I kind
10 of suspect it, and I would ask them to, please, go out
11 and resample these areas.

12 And I see these kind of -- mark me
13 if I'm wrong here, Josh -- but, you know, when I went
14 up and saw these areas -- I think Pete, you've been
15 with us a time or two -- and it's almost like bullets
16 scatter, too. It would almost relate to the bullets
17 scatter, am I correct?

18 MR. JOSH JENKINS: In some areas,
19 that is correct.

20 MR. PHILIP STROUD: And, yeah,
21 that's a good question. And to verify this, you know,
22 reports of the field visits, yeah, we have asked to go
23 back and look harder at these areas with bullets lying

1 on the ground.

2 MAYOR WILLIAM KIMBROUGH: What
3 percentage of the overall acreage that you're
4 identifying are you testing? I know, like above
5 Reilly Lake, there was like 10 percent, 20 percent of
6 the total acreage --

7 MR. RON LEVY: Well, in this case,
8 we're -- you don't see it here, but during the RI
9 phase, we've essentially gridded everything that was a
10 range out there.

11 MAYOR WILLIAM KIMBROUGH: Okay.

12 MR. RON LEVY: And they're doing the
13 screening piece through the XRF. So, if it picks up
14 as a yes or no answer, is there something there, then
15 we're going back in there and we're going to be doing
16 sampling based on that.

17 MR. PETE CONROY: What's the latest
18 from THE Alabama Forestry Commission, when you were in
19 touch with Richard?

20 MR. RON LEVY: We sent a letter to
21 them back in May -- 2nd of May, certainly be glad to
22 give you a copy of this letter -- saying that we'd
23 like them to come out and discuss the data that we've

1 got so far, take a site walk with us. We're still
2 waiting to hear back from them on that.

3 MR. PETE CONROY: Now, when was
4 the -- remember Richard and Linda came out --

5 MR. RON LEVY: They wrote us a
6 letter in April, on the 23rd of April, essentially
7 asking us for some more information, but that site
8 walk was prior to that.

9 MR. PETE CONROY: Do you remember
10 when that -- was that in May?

11 MR. RON LEVY: March, wasn't it?
12 Sometime in March.

13 MR. PETE CONROY: And you're still
14 waiting to hear back?

15 MR. RON LEVY: Yeah, we're still
16 waiting to hear back. And I think there's been some
17 verbal discussion between Joe and Mr. Kumby. So,
18 we're staying in touch.

19 MR. PETE CONROY: I would love a
20 copy of the letter. I might help with the follow-up.

21 MR. MONTY CLENDENIN: Okay. Any
22 other questions?

23 Okay. Ron, thank you for this part

1 of the program.

2 Let the record show that Joe McCary
3 walked in, our other new member. Welcome to this
4 group.

5 All right. The next part of our
6 program is the early transfer, and Joe Doyle was going
7 to do that, but we're going to hear from Ron Levy.

8 MR. RON LEVY: I will try to
9 struggle through this and tell you as much as I know.
10 You've seen this briefing before back in February, I
11 think. Was it February, Brenda, that we did an early
12 transfer brief?

13 MS. BRENDA CUNNINGHAM: I don't
14 know.

15 MR. RON LEVY: I think it was
16 February, as well. That Glynn did this -- he kind of
17 gave you an update. Overall the -- I've just got to
18 tell you that things actually are working very well.
19 That we are really tracking well with some of the
20 times lines that were put out there and working
21 through issues. Things are going, as I'm told, very
22 successfully. I think LeAnn will probably mirror
23 that, would you not, LeAnn?

1 MS. LeAnn MESHAL: That's true.

2 MR. RON LEVY: In fact on the --
3 without -- before I -- even on the negotiations on the
4 money, as somebody put it, we're in spitting distance
5 of each other. So, I mean, it's really going very
6 well.

7 In any event, let me just move into
8 the next slide. What is early transfer and
9 cooperative agreement services? Let me see if I can
10 put this in Ron Levy's terms. It's essentially
11 transferring property that's potentially contaminated
12 or contaminated and also giving the clean-up program
13 to the community to operate in a manner that helps get
14 through it quicker and helps also with their
15 redevelopment efforts.

16 So, the objective is to ensure
17 protection of human health and the environment, while
18 giving, in this case, the JPA, the ability to take
19 title to the property and begin development at the
20 same time.

21 There is a couple of options where
22 we can do this. One is you can do early transfer with
23 the Army retaining the clean-up, which is not what

1 we're doing.

2 We're doing early transfer with the
3 Army working an ESCA, which is an environmental
4 services cooperative agreement, essentially grants
5 that provides for the money to the JPA, and they do
6 their own contracting and have their own clean-up
7 company come in and do the work. Next slide.

8 So, what is it that we need really
9 from an early transfer to accomplish this? One, we
10 need agreement upon what restrictions of use of the
11 property will occur; what regulatory requirements are
12 needed to meet closure; what the condition of the
13 property is; the Army has to approve that we do an
14 early transfer. And the key really here is that the
15 Governor, in this case, the Alabama Governor, has to
16 agree with the state regulatory agency, ADEM,
17 endorsing the proposal.

18 And that, as I'm aware of, is going
19 well. All those things are in place or are going to
20 be in place. So, that's how the early transfer works.

21 And again, the privatization or the
22 environmental piece is separate or -- it can be
23 separate. In this case, what's needed for that is

1 that there needs to be some sort of financial
2 assurance. And the financial assurance is essentially
3 the negotiated contract or the negotiated cooperative
4 agreement that provides dollars to the JPA to do that.

5 Technical assurance, ie., are they
6 capable of doing that. Well, in this case the JPA has
7 hired a contractor that does this for a living. So,
8 the technical assurances should be there. Of course,
9 they should be capable of implementing cleanup.

10 And then a mutually agreed upon
11 TSRS, which we're working right now. The TSRS -- I
12 keep forgetting what that acronym stands for --
13 technical specifications and requirement statements,
14 essentially what work is going to be done out there.
15 Which the Army and the JPA agreed to and provides
16 dollars to such a thing.

17 And then, of course, buy in of all
18 parties. Next slide.

19 Here is the process that we're
20 undergoing right now. You can see that there's been a
21 number of steps already completed. We're right now
22 going through some document preparation. One of them
23 is the FOSET and responding to comments from, in this

1 case, the regulatory agencies. There is other
2 documents. There is the ESCA that we're working
3 through, the environmental service cooperative
4 agreement, itself, which the TSRS is part of. So, all
5 that's being worked at this present moment.

6 One of the next steps that we're
7 going to be looking at is to get a review and a
8 sign-off from the FOSET from the Department of the
9 Army level. We'll publish the finding of suitability
10 for early transfer. That's the document that states
11 the condition of the property. Submit that to ADEM,
12 and the Governor's office for their endorsement and
13 the Governor's signature.

14 Once that's through and it's
15 published, then we'll work towards transferring the
16 deed. Again, this is all early transfer stuff. Next
17 slide.

18 So, what are the benefits for
19 transferring environmental cleanup? Certainly, from
20 the Army's perspective, it's of great benefit. It
21 allows the Army to get property off the books. Puts
22 the cleanup impetus -- emphasis, where they think it
23 belongs, with the community. And in the case of the

1 community, it helps integrate the cleanup and
2 redevelopment. And there's some efficiencies to be
3 gained there.

4 Plus it provides funds immediately,
5 to become immediately available for the cleanup. One
6 of the things that's involved with that is some
7 environmental insurance that the JPA will undertake.
8 So, if there's any cost overruns, it's covered by the
9 insurance, and they do their due diligence in the --
10 as most -- as the Army and JPA agree that they believe
11 that the cleanup can be done probably quicker and
12 cheaper within the private sector, as opposed to where
13 the Army can do it. Next slide.

14 What is an ESCA? It's really
15 another federal assistance grant. It's not what you
16 really deem as privatization. We provide money, a
17 grant, grant dollars to the community, so that they
18 can undertake the cleanup. So, as opposed to being --
19 let's compete this out. We actually provide the
20 dollars to the community. They hire the contractor to
21 do the cleanup. And as we pointed out before, it's
22 combined with early transfer and the ability to
23 integrate cleanup and redevelopment.

1 What are the JPA's obligations?
2 Well, they have to obtain regulatory closure. So,
3 there is an agreement also, in this case, a consent
4 agreement that's worked between Alabama Department of
5 Environmental Management and the JPA, in terms of how
6 that's going to be undertaken. That's one of the
7 things that they have to get through. And I know that
8 they're working towards an end of August time frame to
9 get the consent agreement in place. So, that the JPA
10 is doing it in accordance with what ADEM wants and
11 desires from a cleanup standpoint.

12 Plus, they need to be able to follow
13 the technical specification and requirement statement,
14 which is what the Army expects to see done to get
15 cleanup, so that we can give the covenant to them at
16 the end. And they have to acquire some environmental
17 insurance.

18 What's the Army's obligation?
19 Provide funds. We will do some oversight. In this
20 CERCLA covenant, let me see if I can't explain that.
21 When we transfer property under a finding of
22 suitability to transfer, we transfer it with -- let's
23 assume the property is clean, and we transfer

1 property, clean property to the community, it has a
2 covenant that for all intents and purposes says if
3 there is ever a contaminant issue that arises
4 associated with Army activities that was not
5 discovered at the time of transfer, then the Army is
6 responsible, the Department of Defense is responsible,
7 the Government is responsible to come back and do the
8 cleanup.

9 Under a FOSET -- and Doyle, make
10 sure I'm saying this right -- we don't give you that
11 covenant, because we know we're transferring dirty
12 property. We're transferring dirty property with the
13 understanding that it's going to be cleaned up. And
14 at the end of the cleanup, once all parties agree,
15 particularly the State agrees that it's clean, then we
16 provide the covenant.

17 And the covenant is important. The
18 community wants that covenant, because if there is
19 something at some point that's discovered, then the
20 Government is obligated to come back and clean it up.
21 Without that covenant, then obviously you don't have
22 the (inaudible) there to bring DOD or the Army back to
23 do whatever cleanup is necessary. But that assumes

1 that -- also that the cleanup is really done, and
2 there shouldn't be anything to come back to clean up,
3 either.

4 I hope I didn't confuse anybody on
5 that.

6 Well, the ESCA process, next slide.
7 As you can see here, we've gone through quite a bit.
8 Negotiations are real close. In fact today, as of
9 today, the Army went in to brief ADEM, the ADEM
10 director, as well as JPA on the ESCA process. So,
11 that was done just today.

12 And some of the -- one of the next
13 steps is for us to get a signatory between the JPA and
14 the Army on the ESCA, the cooperative agreement, the
15 document that essentially allows for the funding of
16 the cleanup. And then start paying out to the JPA as
17 they move through -- as they move through the cleanup.

18 At some point, after we get through
19 all the cleanup, we would provide the CERCLA covenant
20 that says, if you find anything, we'll come back and
21 clean it up. All right.

22 Next slide. These are the
23 assumptions that go in place or have to occur.

1 Obviously, the Governor has to approve the FOSET. And
2 in this case, the Army expects the FOSET to be
3 completed and then the ESCA to be finalized.

4 There has to be consent agreement
5 conducted between JPA and ADEM, outlining the
6 agreement, essentially what's the schedule, how are
7 you going to do the cleanup, under what standards.
8 One of the other assumptions is obviously, that ADEM
9 support the early transfer and the ESCA, which ADEM
10 does. That's that --

11 This last bullet was there in case
12 there was some problems with the UXO cleanup being
13 able to be turned over. There was some questions. We
14 think that's going to happen no matter what. But if
15 it does -- if for some reason there wasn't any
16 agreement, particularly on the Army's side or on the
17 ADEM's side, we would have pulled that out and the
18 Army would have had to have been responsible for doing
19 the UXO cleanup, themselves.

20 The next slide shows some of the
21 time lines. And again, we're moving towards a
22 September -- end of September time frame to complete
23 all of this. You can see items that have been

1 completed. Although the ESCA negotiations have not
2 been finalized, they're very close, because we are
3 close on the dollars, at this point. We expect that
4 to happen fairly soon.

5 The FOSET, we're working response
6 right now to regulatory comments. So, we're hoping
7 some time in August we can still get that document up
8 to Department of Army level for approval. And then in
9 September, it would go, ADEM and the Governor's office
10 to try and make a end of September deadline for
11 turning the deed over and completing the early
12 transfer and then the privatization or the cooperative
13 agreement piece to the community.

14 Now, I hope I didn't confuse
15 anybody. And this is tough stuff to track. But
16 essentially it says, you take on property immediately,
17 you take on the cleanup, and we'll fund it. And there
18 is a number of sites -- I'll just point out that plan
19 for those of you -- the Army is working this in two
20 phases.

21 And if you'll look at the UXO map up
22 here, Charlie area is obviously Fish & Wildlife
23 property that is being worked, and will still continue

1 to be worked by the Army, because it's our cleanup,
2 and we'll work with U. S. Fish and Wildlife on that.
3 And that includes this piece out here in
4 Choccolocco Corridor. So, that will stay.

5 Most of this property here has
6 already been transferred. There are landfills and
7 other pieces up there that have not. And there's two
8 phases; phase one, which consists of what's left in
9 the cantonment area, the property that's not been
10 transferred and the Alpha area is part of phase one.
11 And it's under this ESCA agreement right now that
12 we're working on.

13 All other cleanup activities that
14 are associated with Bravo, which is the UXO,
15 small-arms ranges, and other sites that are down here
16 will go in phase two. And that's expected to go in
17 the fourth quarter of fiscal year '04.

18 So, right now, what you're going to
19 see, in terms of going to the community is all this
20 property up here to include Alpha and what's in the
21 cantonment area, and then this piece going at a later
22 date, at the end of the fiscal year, end of fiscal
23 year '04.

1 Somebody from the JPA tell me
2 that -- if they understand that (inaudible)?

3 MR. PETE CONROY: That's right.

4 MR. RON LEVY: What else can I tell
5 you about the process and what's happening here?

6 DR. DAVID STEFFY: You admitted that
7 the cleanup level (inaudible) depend upon (inaudible).

8 THE COURT REPORTER: Dr. Steffy, I'm
9 sorry. I can't hear you.

10 DR. DAVID STEFFY: You kind of
11 hinted earlier that the cleanup level is dependant
12 upon future use of the property. But does the future
13 use of the property have to be determined before you
14 have the JPA (inaudible)?

15 MR. RON LEVY: Yes. In fact, that's
16 part of what we're negotiating on. The JPA has told
17 us what their intended future use is, and we're
18 negotiating based upon that intended future use.

19 DR. DAVID STEFFY: What if they
20 change their idea of how to use the property?

21 MR. RON LEVY: Prior to the end of
22 the negotiations, we'll continue to negotiate with
23 them on that. If it changes at that point, after that

1 point, if they change, and we have transferred the
2 property based on that intended reuse, then the Army's
3 policy is that it's, essentially, on your dime.

4 DR. DAVID STEFFY: So, it'd be who,
5 the JPA, to say, okay, everything is residential?

6 MR. PETE CONROY: You're absolutely
7 right, but that's not practical, so, in the
8 negotiations we have to be somewhat reasonable.

9 MR. RON LEVY: Certainly. And I'm
10 not part of that --

11 MR. PETE CONROY: Of course, I
12 should say, entirely.

13 MR. RON LEVY: So, yeah, the point
14 is well taken, and that's part of the thought that
15 goes into the negotiation. And in some cases like
16 that, in the UXO pieces, it's very difficult. DDSB
17 recognizes that where we once fired UXO in, that we
18 may never be able to get to a residential standard --
19 help me out here, Spencer -- where we can say,
20 absolutely, we've cleaned it up to a level that's
21 residential.

22 That's a tough thing to say, because
23 really the technology and the ability to say,

1 100 percent assurance that there's just nothing there,
2 isn't quite at that standard, yet.

3 MR. PETE CONROY: And, David,
4 through the evolution of the JPA, starting with the
5 FMDC, you remember it was called the Fort McClellan
6 Redevelopment Commission, and then later the JPA,
7 there was a previous reuse plan. And for a long time,
8 it seemed as though we were going to be stuck in that
9 earlier -- having to abide by that earlier plan, which
10 was not a well thought out plan.

11 And through the negotiations, we've
12 been able to raise the bar to the JPA's more current
13 lists of intended uses. So, we're much more
14 comfortable now than we would've been if we were stuck
15 back in the FMDC reuse plan phase.

16 MR. JOHN McCARY: Is it possible
17 that there will be some areas that will be off limits?

18 MR. RON LEVY: Yes.

19 MR. JOHN McCARY: Perpetually?

20 MR. RON LEVY: Well, there is
21 definitely property that we expect will have land-use
22 controls on them that will restrict its use, to the
23 point where it may be a groundwater issue, no use of

1 groundwater, no digging.

2 MR. JOHN McCARY: But that would be
3 up to the City of Anniston, I guess, to maintain --

4 MR. RON LEVY: Well, there will be
5 layers involved, in terms of how that will be
6 monitored and controlled. So, it could fall on a
7 number of agencies, to include even the Army. Our
8 intent is to try to have third parties or other folks
9 manage any restrictions associated with that.

10 But we may be involved in having to
11 fund those restrictions, if there is a monitoring
12 requirement. In fact that's part of the negotiations.
13 So, if there is a long-term monitoring requirement or
14 restrictions on the property that are involved, some
15 sort of monitoring, then the Army is negotiating on
16 what those costs would be.

17 Our intent is not to be here, at
18 all. My job is to go away.

19 MAYOR WILLIAM KIMBROUGH: The JPA
20 has hired an engineering firm that is looking at the
21 reuse, also, and where they think that it might be
22 possible -- a greater need for cleanup, then they're
23 negotiating that in the package, at this time.

1 And you know, there is going to be
2 some give and take on that. But hopefully, you know,
3 we'll get to where we'll have a little --
4 (inaudible) -- that's the difference in going to
5 privatization of cleanup, is that we can determine the
6 properties -- if an industry comes in, where the Army
7 has a set pattern of cleanup, and they really can't
8 vary -- is my understanding -- and we can. We can put
9 it as a priority one, and we need it cleaned up right
10 then. And so, we'll have that -- that flexibility to
11 do those things (inaudible).

12 MR. RON LEVY: I do want to point
13 out one thing: As we look at this from a clean-up
14 standpoint, from the standpoint of HTRW, we're really
15 looking at it residential. So, if there's cleanup
16 associated with the site, we're really shooting for
17 residential.

18 Where the problem comes in is on the
19 UXO side, where it's difficult to get to residential
20 in a lot of cases, just because of the technology, the
21 ability to find things, the ability to get to zero
22 risk, that's really where we see a lot of
23 restrictive -- the restrictive nature come in.

1 MAYOR WILLIAM KIMBROUGH: But isn't
2 it, Ron, lots of UXO, as far as the firing ranges and
3 everything, that's in a lots of the land that has been
4 already transferred to the forestry, which you know,
5 we will -- we won't have any say-so in the
6 development. We can't go in there and develop that.
7 That's now National Wildlife Refuge.

8 MR. RON LEVY: Yeah. For a passive
9 recreation scenario, where you're talking about
10 surface use, because it's mainly just, you know,
11 hiking, you know, those types of things that are just
12 surface, and then the levels of cleanup maybe
13 negotiated differently.

14 MAYOR WILLIAM KIMBROUGH: So, we'll
15 be looking at development -- I believe I'm right --
16 looking at basically Alpha, Bravo and then the area --
17 the yellow and the brown and then the white is where
18 really the development will take place.

19 MS. LeAnn MESHAL: That's correct,
20 uh-huh.

21 MR. PETE CONROY: And to me, the
22 most positive thing, and what makes early transfers
23 really fantastic in my mind is the money. There's a

1 finite pot of money to clean up military bases and
2 through this contractual agreement with the Army, we
3 have to get -- we will be prioritized above and beyond
4 the other military installations that would like to
5 use those same dollars for their cleanups.

6 And because we've been so effective
7 so far in getting close to the early transfer
8 deadline, the other installations probably won't be
9 getting the money that we will be getting. So, at the
10 end of the day, we'll be able to raise the bar and not
11 have to lower it, and we'll be getting end use.

12 And there is a declining pot of
13 money nationwide. BRAC clean-up dollars, every year,
14 going down, getting smaller and smaller. So, that's
15 why we wanted to strike while the iron was hot and the
16 pot was bigger.

17 MAYOR WILLIAM KIMBROUGH: If we
18 don't sign a contract by October 1, then we lose the
19 known for this fiscal year. So, we've got to have
20 everything ready to go, you know, end of September and
21 sign everything off. If we go past that October 1
22 date, then we lose -- my understanding is -- we lose
23 the ability to tap that pot for this fiscal year.

1 So, it's very essential that we have
2 all agreements and everything in place, if not, we --
3 it will continue as is, probably.

4 MR. PETE CONROY: And I'm not sure,
5 but I think there was seven military installations
6 that were looking at early transfer, and I believe
7 five or six of them have already dropped out.

8 Do you remember those numbers,
9 LeAnn?

10 MS. LeAnn MESHAL: I think you're
11 right on that.

12 DR. DAVID STEFFY: Why did they drop
13 out?

14 MR. PETE CONROY: Because they
15 couldn't meet their deadlines.

16 DR. DAVID STEFFY: Okay.

17 MR. PETE CONROY: And they hired
18 contractors that were reputable and -- this is 24/7
19 work we're in the midst of right now.

20 MR. RON LEVY: It takes a lot of
21 agencies to come together and agree to get here. And
22 when you have an agency that has some real misgivings,
23 then it could throw the whole time table off or not

1 happen, at all.

2 MR. PETE CONROY: A good question
3 for this group to ask -- which is somewhat rhetorical
4 for Ed and I, because we've talked about this a lot --
5 but what will happen to the RAB? And do you want
6 to --

7 MR. RON LEVY: Well, as I know, the
8 Army is presently scheduled to maintain the RAB as we
9 know it, and where the pieces that the JPA are doing,
10 come in, they will bring in that discussion to the
11 RAB. So, we're on the hook to continue with the RAB
12 since we still have ongoing work with Fish & Wildlife
13 and the Choccolocco Corridor area and even the Bravo
14 area for the near future.

15 So, the RAB is to stay, and, you
16 know, from a funding standpoint, the Army will
17 continue to fund that.

18 MR. MONTY CLENDENIN: Okay. Any
19 other questions on early transfer? Thanks, Ron.

20 New business, we have agency
21 reports. Who is going to report to us from ADEM?

22 MR. PHILIP STROUD: I will.

23 I think Pete hit it on the head, and

1 that is, we've been busy. I was out of pocket for
2 about half the month, but we were able to move forward
3 on some of the comments for the FOSET, and you know,
4 I'm glad to say that thing is moving, the FOSET is
5 moving very quickly now.

6 We're reviewing several critical
7 reports. And I know they're -- down here -- I'm going
8 to quickly pass this around one way or another. I've
9 only got a couple more of these.

10 And we've had numerous conference
11 calls, meetings, related to privatization going on at
12 ADEM. And these are some of the major reports that
13 have been coming into us the last month. As you can
14 see, a lot of these are -- we're making final on some
15 of the investigative reports. And we're doing quite a
16 bit on RIs, remedial investigations.

17 And if you look at the reports out
18 right now, the main -- our main objective at ADEM was
19 to get out the FOSET, which we have done for the
20 comments. And we're looking at the Reilly Lake,
21 LUCIP, that's been completed. And the draft RI
22 investigation for former A-1, where a millimeter
23 mortar range, Parcel (137Q-X).

1 These are fairly large reports.
2 They're voluminous and time consuming. We do have a
3 nice task force working at ADEM. Any of y'all have
4 questions, please, call. It's real tedious, what
5 we're going through now, and I want to help y'all get
6 through this best I can.

7 There's a lot of high-level
8 meetings -- there are a lot of high-level meetings
9 going on at ADEM, and I'm not necessarily involved in
10 all of those, so, I can't give you all of that
11 information, but I'll sure get you in contact with
12 persons involved with that.

13 Very much an open-door policy right
14 now. Because we want to make it also happen, this
15 transfer, and we're all willing -- and there's a --
16 there's a glow at ADEM, there seems to be, but we're
17 all working for that same goal.

18 Bottom line in my mind, when I'm
19 going through this, is to make sure that when the
20 Governor signs this, we're giving a good quality
21 product at the end of this, and that we minimize the
22 adversity after that impact, so -- of that signature.
23 So, I'm asking y'all's cooperation, also.

1 That's basically all I have to say.
2 I do want to say one thing, I did come back from
3 China, I brought a little girl back with me. That's
4 why I'm kind of worn out and frizzled, too, on that,
5 and going through this FOSET and then having -- I'm
6 not sure which one is harder.

7 But she's doing fine. We just had
8 the checkup today.

9 MR. RON LEVY: You didn't tell me it
10 was your daughter.

11 MR. PHILIP STROUD: That's my
12 daughter.

13 MR. PETE CONROY: I had the high
14 honor of receiving an e-mail photograph, and she is
15 the cutest little girl on the planet.

16 MR. MONTY CLENDENIN: Where are the
17 cigars?

18 MR. PHILIP STROUD: They're in
19 China. They don't taste too good over there. That is
20 some kind of trip, being around the world, and
21 interesting to be in a communist country. I don't
22 know if y'all have ever been to a communist country,
23 but they are really trying to be more like us. It's

1 interesting. We were able to talk to the locals in
2 the cities and also in the countryside. What a
3 remarkable experience that was.

4 MR. RON LEVY: You didn't come back
5 with SARS, did you?

6 MR. PHILIP STROUD: No SARS.

7 MR. PETE CONROY: The trip was
8 delayed because of it, though, right?

9 MR. PHILIP STROUD: Yes. But
10 anyway, glad to be back.

11 MR. MONTY CLENDENIN: Okay. Well,
12 good report. EPA, Doyle.

13 MR. DOYLE BRITTAIN: You have in
14 your package there a two-page memo from me on the
15 front page there of the reports that we have reviewed
16 and commented on. Not had a project team meeting in
17 June.

18 The other thing that comment on is
19 that the grant for technical assistance has -- TOSC,
20 T-O-S-C, grant has been finalized, as y'all are aware
21 that were at the RAB meeting last month. And
22 Dr. Harrington is coordinating this.

23 One of the things that I'd like to

1 suggest is that the RAB make use of this grant. I'm
2 trying to stay out of the way of this. I'm still
3 responsible for managing it, for seeing to it that it
4 happens, but as long as it is happening and I don't
5 hear any complaints, I'm going to leave it alone.

6 But I don't want it to just be there
7 on paper. I want it to be used.

8 So, we have with us Bob Schmitter,
9 hiding here somewhere. Where are you, Bob?
10 Bob Schmitter is our contractor, Georgia Tech, on this
11 grant. And I have basically given him cart blanche to
12 meet with the RAB, to answer questions for you all, to
13 review documents for you all, to work with you.

14 And if all he's going to do is show
15 up here at the RAB meetings and listen to fussing,
16 it's going to be a waste of money. So, what I would
17 ask the RAB to do is: Y'all need to meet with Bob,
18 separate from EPA and ADEM and Fort McClellan and --
19 meet with Bob, and y'all ask the questions there, make
20 your comments, let Bob work with you, and make that a
21 useful grant. Spend some money, get some use out of
22 it.

23 Bob, do you have anything you want

1 to add to that?

2 MR. BOB SCHMITTER: I think that's
3 an excellent idea, you know. My schedule is flexible
4 enough to meet with you in small groups, in a large
5 group, even individually, and just try to get some
6 ideas of what your priorities are, what your concerns
7 are, and go from there.

8 I spent most of today over at the
9 library, digging through some of the documents over
10 there, landfill three documents and the groundwater
11 documents. So, exciting day for me, but certainly, I
12 wanted to get up to speed and get familiar with what
13 your concerns are and help you that way, to start
14 delving into some of the other documents, some of the
15 new documents coming out, and helping y'all out with
16 some of the questions you want to ask and need to ask
17 to be informed.

18 So, please, call me any time. And
19 like I said, I can come over here and meet with you
20 and keep going on this.

21 MR. DOYLE BRITTAIN: The burden is
22 on you to use that grant. Enough said.

23 One of the things that we're doing

1 as we see the home stretch coming down the road is EPA
2 is going back and taking a look at all of the reports,
3 making sure we've dotted all the Is, crossed all the
4 Ts, doing a record review, a file review, and let's
5 just make sure that everything is in order.

6 That's all that I have on my report.

7 MR. MONTY CLENDENIN: Okay. Any
8 other questions for --

9 MAYOR WILLIAM KIMBROUGH: Doyle,
10 with privatization then, will y'all be out of the
11 picture, as far as that property?

12 MR. DOYLE BRITTAIN: I don't know
13 that that's been determined. Up front, EPA supports
14 privatization, and we really have no real preference
15 with which way it goes, whether y'all do privatize
16 over here or whether you don't. I mean, that's
17 y'all's call.

18 And there are advantages to
19 privatization and there are disadvantages to
20 privatization. And, you know, is a gas tank -- I
21 mean, is a gas tank half empty or is it half full?

22 I don't know that we're going to
23 gain anything by arguing that. Frankly, I don't care.

1 MAYOR WILLIAM KIMBROUGH: No. My
2 question --

3 MR. DOYLE BRITTAIN: But the main
4 thing is, my concern is that the environment be
5 cleaned up so that it is protective of human health
6 and the environment. And I don't care whether it's
7 done by JPA, I don't care whether it's done by the
8 Army.

9 EPA ain't going away. We're going
10 to be around in some form or fashion. The degree to
11 which we will be involved here in the future has not
12 been determined, yet.

13 MAYOR WILLIAM KIMBROUGH: That
14 was --

15 MR. DOYLE BRITTAIN: But we will
16 still be around, overseeing whatever is done.

17 MAYOR WILLIAM KIMBROUGH: I knew
18 that ADEM was an integral part and that's one of
19 the --

20 MR. DOYLE BRITTAIN: ADEM is going
21 to be playing a very close role, but they've been
22 delegated authority by EPA. But when a state is
23 delegated that authority, EPA still has oversight

1 authority. So, we ain't going away. We'll be here,
2 one way or another.

3 MR. PETE CONROY: Before we close
4 this out, I want to just, Doyle, on behalf of this
5 group, thank you for pursuing that grant. And I know
6 that was a personal interest of yours, and you went
7 after it and you got it and we appreciate that.
8 That's a very positive thing.

9 MR. DOYLE BRITTAIN: Just do me a
10 favor, use it.

11 MR. PETE CONROY: Well, I would like
12 to take a step beyond that and actually start, you
13 know, schedule something with Bob. And could we get a
14 show of hands here right now of who might be
15 interested in sitting down and kind of feeling our way
16 through, you know, the beginning of where we want to
17 go with this opportunity?

18 Seems like pretty much everyone.
19 So, how about if we just do a RAB-wide e-mail and try
20 to tie down a couple of dates and we'll -- it looks
21 like we'll have a full house.

22 Thank you. Glad you're here.

23 MR. BOB SCHMITTER: Glad to be here.

1 MR. MONTY CLENDENIN: Okay. Very
2 good.

3 Let the record show that Joe Doyle
4 has arrived.

5 MR. JOE DOYLE: I'm sorry. I was
6 down at ADEM today, working on early transfer and
7 privatization with all the interested parties.

8 MR. MONTY CLENDENIN: Okay. We're
9 glad you're here.

10 MR. DOYLE BRITTAIN: Sorry for that,
11 Joe.

12 MR. RON LEVY: Wait 'till you see
13 the transcript, how bad we talked about you, on and on
14 and on. No.

15 MR. MONTY CLENDENIN: JPA report,
16 LeAnn is here tonight from JPA. Would you like to say
17 anything?

18 MS. LeAnn MESHAL: No. I'm just
19 sitting in for Miki. She apologizes. She was with
20 Joe down in Montgomery, so, she apologizes for not
21 being here. I'm just sitting in for her.

22 MR. MONTY CLENDENIN: Okay. Y'all
23 are excited about the early transfer, I'm assuming.

1 MS. LeAnn MESHAL: Yes.

2 MR. MONTY CLENDENIN: Very good.

3 TRC report, who is that?

4 MR. PETE CONROY: Technical review
5 committee.

6 MR. RON LEVY: Which you're trying
7 to organize right now, right?

8 MR. PETE CONROY: Yeah, enough said.

9 MR. MONTY CLENDENIN: Trying to get
10 organized.

11 Action summary sheet.

12 MR. RON LEVY: That would be me. In
13 your package you should have a copy of the action
14 summary sheet. For David and Joe, just to bring you
15 up to date -- and I can't take credit for this, this
16 was Barry Cox's idea -- but this really is a summary
17 of what has gone or transpired or an update of what's
18 transpired over the previous month. So, from your
19 perspective, it's a good sheet to look at. It goes
20 out by e-mail. Brenda puts it out with the minutes
21 and the agenda. So, it gives you a good feel of what
22 we're trying to do -- what we're doing at the present
23 moment on site.

1 As far as landfill three is
2 concerned, we have completed groundwater sampling of
3 the wells around landfill three. We did that in
4 March. We got another sampling of that coming up. I
5 think it says on your schedule that that's projected
6 for next month, upcoming for well -- I don't know if
7 it's on your schedule, but it's on the agenda for the
8 next month.

9 We'll look at the results of the
10 groundwater monitoring from the first and second
11 quarter for the ten newly installed wells out there.
12 And Shaw will present that. Josh, in the back, will
13 present that information at the next meeting.

14 Reference the Alpha area. We're
15 still working -- it's in the FOSET as part of the
16 early transfer, as I mentioned to you before, and
17 we're still working through comments with ADEM. But I
18 got to tell you, there is a real positive effect going
19 on here now. I think we've come quite a bit of
20 distance.

21 We're moving towards additional
22 characterization that ADEM deemed is appropriate, as
23 well as some change as it relates to the reuse plan.

1 It's all part of the ESCA and the negotiations. So,
2 there is some good things coming out of that.

3 The Bravo area, that's still being
4 worked. A lot of the decisions and what's going on as
5 relates to Alpha is probably going to carry over into
6 Bravo. So, as we, you know, near our understandings
7 between our agencies, we're going to probably have to
8 make some changes as we move into the Bravo. And
9 eventually, Bravo will be a negotiated piece in the
10 phase two.

11 So, although we've completed the
12 field work out in the Bravo area, you know, we're
13 still working that EE/CA, because of just the ongoing
14 negotiations that's going on with the regulatory
15 agencies and what's happening with the privatization
16 piece.

17 The Y area removal, there has been
18 some delays. It's really associated with some of the
19 weather. But we did begin intrusive field work back
20 in July. And for those of you who don't know what the
21 Y area is, see this area between the eastern bypass up
22 in this area -- (indicating) -- that was an interim
23 removal action to expedite the removal, so that the

1 community could get in there and do some work as it
2 related to the northern part in the cantonment area of
3 where they've got some housing. So, we moved to get
4 to that as quick as possible.

5 So, we're in the field. We're
6 working it and it's going well, other than the fact
7 that we've had weather delays. Foster Wheeler, got
8 anything to add to that?

9 MR. ART HOLCOMB: No, that's fine.

10 MR. RON LEVY: Again, the Bravo
11 area's in the FOSET and will be part of the phase two
12 negotiations.

13 Charlie area, again, another piece
14 that is going on with ongoing discussions with ADEM.
15 There is some potential changes that may be coming
16 out, so, we're still working on that internally, we're
17 still working with the State internally, in terms of
18 that document. And we've got another player in there,
19 Fish & Wildlife has got input to it, too, so, we're
20 working it, and I think it's going to be successful at
21 some point.

22 MAYOR WILLIAM KIMBROUGH: Ron, on
23 that first bullet up there, it said the plan was

1 submitted; is that correct, October 31st, 2001?

2 MR. RON LEVY: Yes, that is. What
3 happened --

4 MAYOR WILLIAM KIMBROUGH: What are
5 the main, major issues that you're dealing with on
6 that?

7 MR. RON LEVY: You would hit me
8 blind on that one, wouldn't you? It's similar to the
9 same kind of issues that we're seeing with Alpha, the
10 amount of characterization, the type of clearance --
11 help me out here, ADEM, guys.

12 MR. PHILIP STROUD: It's very
13 related to the same issues with Bravo and Alpha. This
14 is a huge piece of property. It's far more complex
15 with the hilly terrain. It's going through a
16 different type of transfer to Fish & Wildlife. So,
17 there seem to be quite a few issues.

18 MR. RON LEVY: Yeah, the reuse is
19 obviously different. But the good news here is that
20 what's coming out from the Alpha negotiations and
21 whatnot are certainly having a positive impact on how
22 we're going to go on the Bravo and Charlie. And
23 really, we're almost kind of waiting to see how we

1 conclude all that, so that we can move on the others,
2 as well.

3 But I think it's positive, I really
4 do. And I think you guys would agree with me on that,
5 from ADEM's side.

6 The M-101 piece, that's in the
7 FOSET. There is still issues with that. Again,
8 that's going to have some fall-outs, as it relates to
9 the Alpha, but we did do a cleanup in that area. We
10 did sign a letter of clearance, and I know ADEM's
11 still got some issues with that. But we're still
12 talking with them and short of where that's going to
13 end up, because I can't tell you, yet. It's still an
14 open issue that we're working.

15 And the eastern bypass, the EE/CA
16 report is final. And we did submit that report to
17 ADEM. So, I know with all the other stuff that you've
18 got going on -- or that draft report to you on the
19 16th of June.

20 MR. PHILIP STROUD: Is this that
21 removal report?

22 MR. RON LEVY: Yeah.

23 MR. ART HOLCOMB: I think that's

1 what he's talking about.

2 MR. PHILIP STROUD: Yeah. I'm
3 through commenting on it. You should get those any
4 day now.

5 MR. RON LEVY: Okay. Well, we
6 haven't actually seen what those comments are. So,
7 we're waiting to see how that comes out.

8 On the landfill side, talk to you a
9 little bit about what's going on there. Most of those
10 fill areas are in the phase one -- in fact, they're
11 all in the phase one on negotiations, except for one
12 that's in the Charlie area, which we're talking
13 separately with Fish & Wildlife on.

14 MR. MONTY CLENDENIN: Ron, near
15 landfill three, on 21, they're punching a hole
16 under -- is that something that --

17 MR. RON LEVY: No, that's the
18 Anniston Water and Sewer Board --

19 MR. MONTY CLENDENIN: Water going to
20 connect --

21 MR. RON LEVY: -- working to connect
22 the city of -- Jacksonville to the Anniston lines.

23 MR. MONTY CLENDENIN: Okay. It

1 looked like they were fixing to drill under, going --
2 you know, I guess, they're going to cross over there.

3 MR. RON LEVY: I think that's a
4 terminus right there. That's probably --

5 MAYOR WILLIAM KIMBROUGH: They're
6 going to cross over, go down, and then cross back
7 over.

8 MR. MONTY CLENDENIN: Okay. But
9 that has nothing to do with -- it's right here
10 landfill three.

11 MR. RON LEVY: Yeah. Well,
12 actually, it's above landfill three. (Inaudible.)

13 MR. PETE CONROY: That's a good
14 point, though, public perception is probably that
15 it's --

16 MR. MONTY CLENDENIN: Something
17 that's going on with this --

18 MR. RON LEVY: I'm sure they're
19 working in their easement area, and it's really got
20 nothing to do with the Army.

21 FOSTs that are out there, eastern
22 bypass, tract two, three, that's been submitted to the
23 Department of Army level. That's inclusive of the

1 flying (phonetic) J, this yellow area and this piece
2 right in here.

3 Super FOST three is also out there.
4 That's being worked -- continues to be worked. A FOST
5 for the GSA Warehouse area. Piece of the cantonment
6 area that's not been transferred, which would be down
7 here.

8 Essentially, this piece in here is
9 working. We're still -- well, it's up at -- it's
10 up -- it's up at the field office for their submission
11 to the Army.

12 And then the FOSET, which you heard
13 about, we closed out the public comment period on
14 that. So, we're working -- and by the way, we did not
15 receive any public comments on that particular
16 document. We did receive regulatory comments, and we
17 had some comments from the JPA. We're not aware of
18 any public comments that we received. So, that's --
19 so, that's -- that continues to work. And I talked to
20 you a little bit about those time lines.

21 Deed nine, which is really the
22 PX Mart, that's been signed by the Army. It's in
23 escrow pending completion of a lease between AAFES and

1 JPA. I don't know if LeAnn can talk to that, but I
2 know it's being worked.

3 And deed ten, which is really the
4 golf course and tennis courts, that's already been
5 delivered to the JPA for their signature, so, that
6 should be pretty much a done deal. Anything about
7 that, Joe, that --

8 You can see there the list of
9 contractors that are on site. It continues to go down
10 as the cleanup goes in the other direction, towards
11 the privatization piece.

12 And as always, we want to make sure
13 folks just don't wonder around out there, because
14 there is still ordnance to be dealt with, and we don't
15 want the general public picking things up and walking
16 out of the area.

17 If I can answer any questions?
18 That's all I've got.

19 MR. PETE CONROY: Philip, do you
20 remember what your remaining issues were on that M-1
21 site?

22 MR. PHILIP STROUD: They've been
23 long-standing issues and still with depth of clearance

1 and then the fragmentation. I think -- and Spencer,
2 is there anymore issues --

3 MR. SPENCER NELSON: Those are the
4 big ones, and we've just got the reports. So, we can
5 take a look at them and see what's shakes out. We'll
6 do it as quickly as we can.

7 MR. MONTY CLENDENIN: Okay. Any
8 other action summary responses?

9 Okay. The TAPP report. I think
10 we're going to hear from Ron Levy.

11 MR. RON LEVY: Yes. Ron Grant
12 couldn't be here because he had family plans. But at
13 this point, let's say, we've been billed for -- we
14 were billed recently last month for a total of
15 twenty-seven point five hours. There should be in
16 your packet his review of the Alpha area EE/CA. Is
17 that -- did you pass it out, Brenda? Which is the
18 majority of those hours. There's still a total of
19 three hundred and seventy-five hours -- three hundred
20 seventy-five point -- and a quarter hours left under
21 his contract. And we've been counting down since the
22 five hundred hours that was initially established
23 under his contract.

1 He, just like Bob down there, is a
2 resource to be used by you all, in terms of reviews
3 and to be talked to -- talk to you about his
4 interpretation or his understanding of, you know,
5 what's out there and what's being done. Certainly, we
6 want you to use him.

7 MR. MONTY CLENDENIN: Okay. Any
8 other questions?

9 MAYOR WILLIAM KIMBROUGH: I got --
10 Ron, with the large amount of rain that we have
11 received, you know, this spring and part of this
12 summer, has there been any sampling to see about the
13 water levels? What -- a concern that I have, an issue
14 that was brought up at one time was when the water
15 level gets high, which I understand the term is
16 washing -- and the recommendation on landfill three
17 was to cap it. But have there been any noticeable
18 increase as far as the water level coming up under the
19 landfill by the groundwater coming in, and has there
20 been any type of monitoring done to see if that is --

21 MR. RON LEVY: I know Shaw is
22 tracking water levels. And certainly, you have seen
23 the water levels rise, right, Josh?

1 Impacts to contaminant levels, have
2 you seen any delusion?

3 MR. JOSH JENKINS: Water levels,
4 since October of 2002, are up approximately eleven
5 feet, around landfill three. We -- next month the
6 Army is going to present the results of the last two
7 quarters of monitoring out there. What I can say now,
8 is we saw a spike at one well, we saw contaminant
9 level rise, and now we're seeing it go back down.

10 So, it appears to be -- from what I
11 can tell at this point in time -- and I'm still
12 looking at it -- is that there could be some flushing
13 going on there, an initial spike where it flushed
14 something through and now it's moved away. And
15 disseminated in the formation.

16 MAYOR WILLIAM KIMBROUGH: So, what
17 alternative -- if that were a problem -- what
18 alternative method would there be if washing was
19 identified as a possible problem to correct or to
20 provide protection from the groundwater?

21 MR. RON LEVY: I think -- you're
22 more concerned about migration as opposed to, you
23 know, whether or not it's pushing it further? Is that

1 what you're saying?

2 MAYOR WILLIAM KIMBROUGH: Well, if
3 capping doesn't keep -- yes, migration -- if you've
4 got the wash, my understanding, if the contamination
5 is left in the landfill, and we cap it, and then the
6 water level comes up and washes and then comes out --
7 of course, I know what y'all have said, but our
8 geologist doesn't agree with what y'all say.

9 MR. JOSH JENKINS: I understand --

10 MAYOR WILLIAM KIMBROUGH: We got a
11 conflict. And my concern is then, with the
12 probability that that could come in our direction,
13 then is there any way to prevent that or remove that,
14 besides the recommendation of capping of the landfill?

15 MR. JOSH JENKINS: I guess, at this
16 point in time -- you know, I can just say that we
17 haven't delved into a lot of remedial alternatives,
18 simply because we focused upon identifying the nature
19 and extent.

20 MAYOR WILLIAM KIMBROUGH: Okay.

21 MR. JOSH JENKINS: You know, what --
22 the capping, that was -- that's been -- that's been an
23 initial recommendation that goes back, based upon what

1 we know to date. Once we get all the pieces pulled
2 together, that can be better addressed.

3 MR. PETE CONROY: And just to put it
4 into perspective, the water level has gone up eleven
5 feet in a well that's how deep?

6 MR. JOSH JENKINS: Well, I think
7 eleven feet site wide. I think we've got wells out
8 there that are now in excess or around four hundred
9 feet deep, and we've got wells twenty feet deep.

10 You've seen a rise more in the
11 deeper wells. Well, I guess twenty feet is just -- it
12 tends to be shallow but -- (inaudible) thirty feet.

13 MR. PETE CONROY: On a twenty foot
14 well, eleven feet matters.

15 MR. JOSH JENKINS: Yeah.

16 MR. PETE CONROY: On a four hundred
17 foot well, it doesn't. And so, I guess the concern
18 would be on those shallow wells then, be interesting
19 to know how much the shallow wells have come up,
20 specifically, because that's where the washing takes
21 place.

22 MR. JOSH JENKINS: Yeah. And I
23 can't -- I don't have that information available.

1 MR. PHILIP STROUD: That's a big
2 concern of mine, too, and I'll be tracking that very
3 closely. There are remedial technologies that could
4 stop flow when there is slurry walls or pull-out
5 water. I mean, there are technologies --

6 MAYOR WILLIAM KIMBROUGH: I know the
7 ultimate would be total removal, wouldn't it? I
8 understand that, on expense, is out of the question,
9 so, you know, besides that, are there other methods
10 that are --

11 MR. PHILIP STROUD: There are other
12 technologies. If you put the cap on, you still get
13 washing. Things like -- projecting, things like
14 slurry walls or recovery of groundwater, keep it to a
15 cone (phonetic) of depression in an area. There are
16 technologies.

17 MR. DOYLE BRITTAIN: Josh, did you
18 say that that's going to be briefed at the RAB meeting
19 next month?

20 MR. JOSH JENKINS: That's my
21 understanding of what's on the schedule.

22 MR. RON LEVY: The quarterly
23 groundwater sampling will be briefed. I don't know

1 that you were going to talk specifically about well
2 levels.

3 MR. DOYLE BRITTAIN: No, I mean
4 about the data from landfill three, the last two
5 quarters on landfill three.

6 MR. PHILIP STROUD: Yeah.

7 MR. DOYLE BRITTAIN: Did I
8 understand --

9 MR. JOSH JENKINS: That's the plan.

10 MR. RON LEVY: That's the plan.

11 MR. DOYLE BRITTAIN: All right. I
12 would like to make a suggestion then. One of the
13 things that we've done is we have formed a
14 sub-committee of hydrogeologists, people that
15 specialize in this field of science, studying
16 groundwater. And they have frequent conference calls
17 with each other, that includes Philip, who is a
18 hydrogeologist, some of my people -- some of the
19 Army's contractor people, and they have worked
20 together now for over a year, trying to analyze these
21 data and get a handle on this.

22 Josh just said that next month,
23 they're going to brief these data at the RAB meeting.

1 What I would like to suggest is: Mayor, that you get
2 your hydrogeologist, let him come over earlier that
3 day. I'll have my hydrogeologist here. I assume that
4 the Army is going to have theirs. I assume Philip is
5 going to be here.

6 What I would like to suggest is:
7 That let those people sit down and talk about these
8 things, because if there are questions that are out
9 there, one way or another, we need to get them
10 answered. If he's seeing something that we're not, we
11 need to know.

12 MR. PETE CONROY: Makes sense.

13 MR. DOYLE BRITTAIN: If he's not
14 seeing something that we are, then, you know, we need
15 to show him. But when we walk away, we all need to
16 have a meeting of the minds on this.

17 Can we arrange that then, Josh, Ron?

18 MR. RON LEVY: Certainly, we'll be
19 prepared to talk about it from the Shaw's -- I mean,
20 Josh is really going to be the -- Josh and Chip, maybe
21 Darryl over there, will be here. They're part of the
22 Army team. So, if you want --

23 MR. DOYLE BRITTAIN: I'll have Ben

1 here.

2 MR. RON LEVY: And, Philip, I guess,
3 you're going to be the only person from ADEM. So, the
4 discussion that you can ask questions for -- I mean,
5 all the right folks will be here, if you're going to
6 have Ben.

7 MR. DOYLE BRITTAIN: So, let me
8 suggest that that morning, you know, 9:00 o'clock,
9 10:00 o'clock, something like that, that morning, set
10 up a time, let the hydrogeologists talk about the data
11 and these very concerns that you have right here, and
12 then we'll probably have the regular pre-brief, talk
13 about the -- you know, what are we going to talk about
14 at the RAB meeting that afternoon.

15 DR. DAVID STEFFY: Can I be invited
16 to that early meeting?

17 MR. DOYLE BRITTAIN: Which one?

18 DR. DAVID STEFFY: The one you're
19 talking about, (inaudible).

20 MR. DOYLE BRITTAIN: Are you a
21 hydrogeologist?

22 DR. DAVID STEFFY: Yeah.

23 MR. DOYLE BRITTAIN: Sure, be glad

1 to have you.

2 Now, you know, I ask that in all
3 fairness, because I don't want, you know, just
4 everybody coming. But if you have expertise in that
5 area, come ahead, be glad to have you.

6 DR. DAVID STEFFY: You could e-mail
7 me when -- you're meeting where and --

8 MR. DOYLE BRITTAIN: Can somebody do
9 that, Ron?

10 MR. RON LEVY: Josh, you and I will
11 talk about that. Brenda will get an e-mail out to
12 you.

13 MR. DOYLE BRITTAIN: And it will be
14 say 9:00 or 10:00 o'clock that morning. And then
15 we'll have our regular RAB meeting that night.
16 They'll break it down into things that I can
17 understand and maybe everybody else can understand,
18 Mayor Kimbrough can understand.

19 MAYOR WILLIAM KIMBROUGH: I can't
20 understand; That's why I keep asking the same
21 questions.

22 MR. RON LEVY: Doyle, maybe part of
23 the prebrief that we do in the afternoon might be a

1 better point than trying to do it early in the
2 morning.

3 MR. DOYLE BRITTAIN: Well, you
4 know --

5 MR. RON LEVY: Cause some people --

6 MR. DOYLE BRITTAIN: I don't want
7 to -- people like me and you that don't understand
8 this stuff interfering with people that know what's
9 going on. I'd rather that the experts meet and talk
10 this out.

11 MR. RON LEVY: I don't disagree. I
12 was just talking about the times, because we generally
13 do them around 1:30, 2:00 o'clock.

14 MR. DOYLE BRITTAIN: I don't care, I
15 don't care what the time is, but I would just want a
16 time when just the experts sit down and talk it out.

17 MR. RON LEVY: It just gives people
18 a chance to travel, if they're coming from --

19 MR. DOYLE BRITTAIN: That's fine.
20 Y'all work the time out. I would just like to suggest
21 that we have that meeting of just the experts.

22 MR. PETE CONROY: Good idea.

23 MR. MONTY CLENDENIN: Where are we,

1 we finished with the TAPP report?

2 MR. RON LEVY: We are.

3 MR. MONTY CLENDENIN: Okay. The
4 TOSC report, which is attached, does anyone --

5 MR. DOYLE BRITTAIN: We've already
6 talked a lot about that. I don't know if there's
7 anything extra on that here or not.

8 MR. RON LEVY: There was a request
9 from Scott.

10 MR. MONTY CLENDENIN: Scott Beckett?

11 MR. RON LEVY: Yeah.

12 MR. MONTY CLENDENIN: Is he asking
13 for action from this committee? You see the note from
14 Scott and Mary?

15 MR. RON LEVY: I don't think he's
16 got it with him. You might want to read it.

17 MR. MONTY CLENDENIN: Okay. Let me
18 just read this to you. This was from Scott Beckett to
19 Mary, "if no one else has already requested this
20 officially to you, I submit the following: Will you,
21 please, request that the people with the technical
22 outreach service to the community's program review the
23 most current ADEM activities list and the most current

1 EPA document status list and flag the ones most
2 critical for the RAB to examine most carefully.

3 Then, would the TOSC and Ron Grant,
4 please, examine those studies carefully and inform the
5 RAB in plain language that we can communicate to our
6 constituents, what about those particular activities
7 makes them critical and what actions, as a RAB, we
8 should take in the best interest of our community".

9 Do all the RAB members have this
10 letter?

11 MR. DOYLE BRITTAIN: I don't have
12 it.

13 MR. RON LEVY: It was e-mailed out
14 to everybody.

15 MR. DOYLE BRITTAIN: It's that kind
16 of request that is the reason that I said, not
17 thinking in terms of that specific request, but you
18 know, when I said that I think the RAB needs to meet
19 with Bob and y'all talk these things out and find out
20 what you really want.

21 So, I don't know how you want to
22 handle this request right here, but I'm sure that
23 every RAB member has got their own specific questions

1 or thoughts.

2 MR. JOE DOYLE: Now, correct me if
3 I'm wrong, and there seems to be an issue out there
4 with regard to Mary as the chairperson for this
5 committee. The direction has to come from Mary as the
6 signatory to the agreement to Scott for what the
7 raters are?

8 MR. DOYLE BRITTAIN: Well, she is
9 the signatory, but, you know, the contract is for the
10 entire RAB. The grant's for the entire RAB.

11 MR. JOE DOYLE: Okay. And I raise
12 that from the standpoint -- okay. This was sent to
13 Brenda -- and Brenda correctly, in my opinion, because
14 it wasn't any direction from you or the RAB, said,
15 well, Mary, you need to send that directly to the
16 technical outreach services personnel with this
17 request, if that's what you want to happen. We're
18 not -- the Army is not in a position -- you know,
19 we're not a signatory to that -- to direct Scott what
20 to do. So, that's why, since we've got just about
21 everybody here -- I wish Mary was here -- we need some
22 clarification as to who is sending the work to you or
23 the requests or whenever. Does it go through Doyle --

1 MR. DOYLE BRITTAIN: It needs to go
2 through Mary.

3 MR. JOE DOYLE: And from Mary --
4 now, in this case, this one, Brenda said, forward it
5 to Mary when she received it. Should she be CC'ing
6 you or do you take it from there, Doyle, since it's --

7 MR. DOYLE BRITTAIN: I'm not going
8 to do anything with it as long as everybody is happy.
9 You know, unless I have a complaint somewhere, I'm
10 going to leave well enough alone.

11 MR. JOE DOYLE: Okay.

12 MR. DOYLE BRITTAIN: The only thing
13 is, you know, that I -- I think that the RAB,
14 themselves, need to work with Mary, rather than just
15 forcing Mary to make all these decisions on her own.
16 And I think that it's -- it would be in everybody's
17 best interest if the RAB meets with Mary sometime,
18 talk about this concern, talk about any of the other
19 concerns. The Mayor had the concern here a minute
20 ago, you know. Let's get them all out on the table,
21 talk to Bob about those, put him to work.

22 That's my thinking, Joe.

23 MR. JOE DOYLE: Okay.

1 MR. MONTY CLENDENIN: I'm still --
2 I'm kind of confused. I don't know what this letter
3 is requiring of the RAB. Do we have to take an action
4 on this or is it properly referred?

5 MR. RON LEVY: What happened was
6 that Scott was told that he had to send everything
7 through Mary, so he sent the note to Mary to get her
8 to initiate what he wanted to see done. And if
9 Mary -- I don't know if Mary did anything with it,
10 myself, I don't. But essentially, what he's wanting
11 to see you all do is just that, ask Bob to review EPA
12 and ADEM's list of documents and look at what he
13 thinks is important, which, to me is kind of an
14 open-ended question. It should be the RAB who thinks
15 it's important, not what Bob, who is an outsider,
16 trying to figure out what's important for the RAB.
17 But, you know, so be it. That's the question that
18 he's asked.

19 DR. BARRY COX: One thing that the
20 RAB may want to consider possibly is have the TRC work
21 with Bob, as far as the direction.

22 MR. RON LEVY: I think that's a
23 great idea. Y'all should form a separate group and

1 sit down with him and start expressing your concerns.
2 And maybe he can figure out from what you're telling
3 him what's important to review.

4 But there was some documents in
5 here, if I remember correctly, that was a focus of
6 review. Was there not three documents in here that --
7 yeah, landfill three, firing ranges, Reilly Lake --

8 MS. BRENDA CUNNINGHAM: You all each
9 have a copy of the letter of agreement in your
10 packets, so, you'll know what --

11 MR. RON LEVY: Which was already
12 crafted for him to focus on.

13 And, Bob, my question to you is: Do
14 you have that information? Are you looking at that?

15 MR. BOB SCHMITTER: Those three
16 bullets and items?

17 MR. RON LEVY: Yes.

18 MR. BOB SCHMITTER: I don't have all
19 of it.

20 MR. RON LEVY: I'm the person who is
21 prepared to give it to you all. So, if you don't --

22 MR. BOB SCHMITTER: I'm not sure --
23 like I said, I spent some time over at the library

1 this afternoon, and there is some many documents over
2 there, it's hard to figure out -- you know, put --

3 MR. RON LEVY: What's what.

4 MR. BOB SCHMITTER: -- put pieces
5 together.

6 MR. RON LEVY: You might want to
7 come here. We've got -- and Lisa can direct you, if
8 you come here and sit down with the administrative
9 record we've got here, and Lisa can direct you
10 specifically to documents that might relate to that,
11 because we've got it all here, as well.

12 MR. BOB SCHMITTER: Okay.

13 MR. JOE DOYLE: Bob, just from a
14 housekeeping standpoint -- and I'm not worried about
15 what the RAB decides in this meeting as to what they
16 want you to take a look at, because I mean, you got
17 the vote and all the people are here -- but if in the
18 middle of the month a RAB member makes a request, is
19 only Mary authorized to give you a project or --

20 MR. BOB SCHMITTER: No, I mean --

21 MR. JOE DOYLE: It's your agreement.
22 And I'm not going to sit here and interpret it for
23 you, and I don't presume to do so.

1 MR. BOB SCHMITTER: What we're
2 trying to avoid is having different requests from an
3 individual come in, you know, early in the month,
4 somebody else send one in middle of the month, I'm
5 inundated with a bunch of different requests and that
6 may overlap or may not be representative of what the
7 entire board is looking for.

8 Trying to -- I want to keep out
9 personal agendas, but really serve the entire board.
10 It's going to be a lot easier for me to do that, as
11 opposed to handling fifteen or twenty different
12 requests coming in. And again, you guys can
13 prioritize what you want to do, it will make my job a
14 lot easier.

15 You know, like I said, going
16 through document after document, over at the library,
17 certainly isn't very efficient. I try to boil it down
18 to some easier -- or some things that were specific to
19 landfill three, this afternoon. But again, there is
20 so much in there, is the issue of the fish in
21 Lake Reilly, is that really an important issue for
22 you? Maybe not.

23 So, if we need to sit down and

1 reprioritize or add some things to the letter of
2 agreement, we can certainly do that. It's an
3 open-ended, informal machine, just gives me some idea
4 of where to start from. It's easier to come through
5 one person.

6 MR. PETE CONROY: When we have this
7 meeting that I had mentioned earlier, clearly, Mary
8 needs to be at that meeting and we'll prioritize --
9 and I'm not concerned.

10 MR. MONTY CLENDENIN: Okay.
11 Anything else on this?

12 I think that's our last report.

13 As we mentioned, upcoming program is
14 the groundwater monitoring for next month. Any
15 comments, questions from the audience or contractors?
16 In my business, I say speak now or forever hold your
17 peace, until next month, at least.

18 Do I hear a motion that we adjourn?

19 MR. PETE CONROY: So moved.

20 MR. MONTY CLENDENIN: Second?

21 MR. JAMES BUFORD: Second.

22 MR. MONTY CLENDENIN: Any
23 discussion? Everybody in favor say I. See you.

1 Thank you.
2 (Whereupon, the meeting was adjourned.)
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23

1 C E R T I F I C A T E

2 STATE OF ALABAMA)

3 CALHOUN COUNTY)

4

5 I, SAMANTHA E. NOBLE, a Court

6 Reporter and Notary Public in and for The State of

7 Alabama at Large, duly commissioned and qualified,

8 HEREBY CERTIFY that this proceeding was taken before

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

10 transcribed upon a computer, and that the foregoing is

11 a true and correct transcript of the proceeding to the

12 best of my ability.

13 I FURTHER CERTIFY this proceeding

14 was taken at the time and place and was concluded

15 without adjournment.

16

17

18

19

20

21

22

23

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

IN WITNESS WHEREOF, I have hereunto
set my hand and affixed my seal at Anniston, Alabama,
on this the 6th of August, 2003.

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

MY COMMISSION EXPIRES: 11-19-2005.