

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
Jacksonville Community Center, Jacksonville, Alabama,
on the 17th day of March, 2003, commencing at
approximately 6:30 p.m.

P.O. BOX 544
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1 DR.. MARY HARRINGTON: By my watch,
2 it is 6:30. Does someone differ? The RAB meeting
3 will now come to order. Before I do our roll call,
4 our excused absences are Scott Beckett,
5 Craig Branchfield, and Jerome Elser. Harrington and
6 Ryan are here. Mr. James Buford?
7 MR. JAMES BUFORD: Here.
8 DR. MARY HARRINGTON:
9 Mr. Monty Clendenin?
10 MR. MONTY CLENDENIN: Here.
11 DR.. MARY HARRINGTON: Mr. Pete
12 Conroy?
13 MR. PETE CONROY: Here.
14 DR. MARY HARRINGTON: Dr. Barry Cox?
15 DR. BARRY COX: Here.
16 DR. MARY HARRINGTON:
17 Ms. Donna Fathke? Mr. Curtis Franklin?
18 MR. CURTIS FRANKLIN: Here.
19 DR. MARY HARRINGTON:
20 Mr. Ronald Hood?
21 MR. RON HOOD: Here.
22 DR. MARY HARRINGTON:
23 Mayor William Kimbrough?

1 MAYOR WILLIAM KIMBROUGH: Here.

2 DR. MARY HARRINGTON:

3 Ms. Cheryl Bragg?

4 MS. CHERYL BRAGG: Here.

5 DR. MARY HARRINGTON:

6 Mr. Dwight Mitchell?

7 MR. DWIGHT MITCHELL: Here.

8 DR. MARY HARRINGTON:

9 Mr. Jim Miller? Mr. Donald Cunningham resigned

10 effective this month, March. And Mr. Lamar Freeman

11 resigned effective February. We have Mr. Grant.

12 MR. RON GRANT: Here.

13 DR. MARY HARRINGTON: Mr. Levy?

14 MR. RON LEVY: Here.

15 DR. MARY HARRINGTON: Mr. Brittain?

16 MR. DOYLE BRITTAIN: Here.

17 DR. MARY HARRINGTON: Mr. Stroud?

18 MR. PHILIP STROUD: Here.

19 DR. MARY HARRINGTON: Okay. At this

20 time, we'll ask our guests to introduce themselves.

21 And we'll start here -- (pointing) -- and then do the

22 back row and go around.

23 MR. ART HOLCOMB: Art Holcomb with

1 Foster Wheeler.

2 MS. SUZANNE MURDOCK:

3 Suzanne Murdock with the Corps of Engineers in
4 Huntsville.

5 MR. DAN COPELAND: Dan Copeland,
6 Corps of Engineers, Huntsville.

7 MR. STEVE NEILL: Steve Neill,
8 Foster Wheeler.

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

11 MR. JIM GRASSIANO: Jim Grassiano,
12 ADEM.

13 MR. BOB DAFFRON: Bob Daffron,
14 National Guard Training Center.

15 MS. BRANDI LITTLE: Brandi Little,
16 ADEM.

17 MR. EMERY HOYLE: Emery Hoyle,
18 U.S. Fish & Wildlife Service.

19 MR. BILL GARLAND: Bill Garland,
20 U.S. Fish & Wildlife Service.

21 MR. BILL SHANKS: Bill Shanks,
22 Transition Force, Environmental Office.

23 MS. LISA HOLSTEIN: Lisa Holstein,

1 Transition Force, Environmental Office.

2 MR. PAUL JAMES: Paul James,

3 Transition Force, Environmental Office.

4 MR. PORTER MORGAN: Porter Morgan,

5 Corps of Engineers, Huntsville.

6 MS. BRENDA CUNNINGHAM:

7 Brenda Cunningham, Environmental Office,

8 Transition Force.

9 MS. KAREN PINSON: Karen Pinson,

10 Transition Force, Environmental.

11 MR. JOE DOYLE: Joe Doyle,

12 Transition Force, Fort McClellan.

13 MR. (INAUDIBLE): (Inaudible),

14 Anniston Star.

15 MR. TODD BIGGS: Todd Biggs,

16 Foster Wheeler.

17 MR. SPENCER NELSON: Spencer Nelson,

18 URS, consultant to ADEM.

19 MR. JOHN KROWITZ: John Krowitz,

20 URS, consultant to ADEM.

21 MR. JOE MCCARY: Joe McCary, I'm a

22 school teacher, Jacksonville.

23 DR. MARY HARRINGTON: Okay.

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1 MR. GLYNN RYAN: Thank you.

2 DR. MARY HARRINGTON: We'll just go
3 right into our old business. I think each of you have
4 a signature page of the bylaws for you to update.

5 MR. GLYNN RYAN: This was based on
6 the approval of the bylaws at our last meeting. And
7 this is just the signature page to update your copy of
8 the bylaws that you already have. I believe that's
9 correct, isn't it, Brenda?

10 MS. BRENDA CUNNINGHAM: It is. It
11 should be in the back of their packet.

12 MR. GLYNN RYAN: The very back?

13 MS. BRENDA CUNNINGHAM: Yes.

14 DR. MARY HARRINGTON: Okay.

15 MR. MONTY CLENDENIN: Is this it?

16 DR. MARY HARRINGTON: Yes, I

17 think --

18 MR. RON LEVY: That's it.

19 MR. GLYNN RYAN: Yes.

20 DR. MARY HARRINGTON: Okay. While
21 we rummage through it, we will go on to our program
22 part.

23 MAYOR WILLIAM KIMBROUGH: May I ask

1 a question on the old business?

2 DR. MARY HARRINGTON: Yes, sir.

3 MAYOR WILLIAM KIMBROUGH: Under the
4 bylaws, did we amend the agenda portion in our bylaws
5 to remove the reading and approval of the minutes from
6 our bylaws?

7 DR. MARY HARRINGTON: We have not
8 amended the agenda.

9 MAYOR WILLIAM KIMBROUGH: Then how
10 can we not have minutes and withdraw minutes if it's
11 in our bylaws to have approval for them?

12 MR. GLYNN RYAN: We had a question
13 at the last RAB meeting, which was a discussion of the
14 minutes as provided. Those minutes were prepared by
15 the Army staff. We also pay for a set -- a transcript
16 of the meeting, which we'll provide in lieu of the
17 minutes.

18 MAYOR WILLIAM KIMBROUGH: Do we not
19 have --

20 MR. GLYNN RYAN: And the transcript
21 has been provided to all members of the RAB, I believe
22 you all have those.

23 MAYOR WILLIAM KIMBROUGH: Do we not

1 have to amend our bylaws then?

2 MR. GLYNN RYAN: Joe, I mean, I --
3 that's really a rule that --

4 MR. JOE DOYLE: You know, in lieu of
5 the minutes, the transcript, which is a verbatim
6 presentation of everything that occurred at the
7 previous meeting, could be offered and accepted by the
8 RAB.

9 Nowhere in the bylaws is minutes
10 defined. And my personal position would be that since
11 you have a transcript, that's -- that serves the same
12 purpose as the minutes.

13 DR. BARRY COX: Well, it seems to me
14 there is a place where it is defined and that is the
15 restoration and advisory board implementation
16 guideline. We just passed a copy of that out. It's
17 got the first section (inaudible).

18 MR. GLYNN RYAN: Do we have a
19 proposal from the RAB members on the minutes of the
20 meeting, as to who will provide those minutes? As I
21 read this, it says the RAB will do that.

22 DR. BARRY COX: Sure. And --

23 MR. GLYNN RYAN: We will provide

1 that transcript to the member who is going to do the
2 minutes and let them do the summarization of it.

3 DR. BARRY COX: Okay. Will you
4 provide funding for a person to transcribe that --

5 MR. GLYNN RYAN: No.

6 DR. BARRY COX: You will not --

7 MR. GLYNN RYAN: We provide funding
8 for a transcript, already. It is a transcript of the
9 minutes.

10 MR. PETE CONROY: My concern, Glynn,
11 is that somehow or another we need to -- we don't need
12 to, I guess, it's optional -- but somehow or another,
13 as a RAB member, I would like a summary to be sent to
14 the Pentagon level, because Lord knows no one in the
15 Pentagon is going to take the time to read this kind
16 of transcript.

17 And so, some sort of summary is a
18 useful tool. And like it says right here, you know,
19 "RABs should prepare" -- doesn't say we have to, but
20 it says we should prepare a summarize -- minutes
21 summarizing the topics, blah, blah, blah. And that's
22 for obvious, good reason.

23 If we're sending transcripts to

1 Washington, ain't nobody going to know what we're
2 doing.

3 MR. GLYNN RYAN: We are not --

4 MR. PETE CONROY: But that, you
5 know --

6 MR. GLYNN RYAN: We are not sending
7 transcripts to Washington nor a summary. It is a part
8 of the record that is filed in the repositories and it
9 stays there.

10 DR. MARY HARRINGTON: Are you saying
11 that the minutes that we get now, they just only go to
12 the repository?

13 MR. GLYNN RYAN: Yes. They're a
14 part of the minutes of the RAB. They are a part of
15 the RAB meeting.

16 MS. DONNA FATHKE: Well, I, for one,
17 don't think that any of us has time to read eighty or
18 ninety pages of transcripts. And I know that it's
19 probably at least a six-hour job to write minutes from
20 those transcripts. And it's hard to ask somebody to
21 volunteer to give that kind of time to do that tedious
22 a task.

23 DR. MARY HARRINGTON: Let the record

1 reflect that Ms. Fathke did come in.

2 MR. MONTY CLENDENIN: Minutes
3 usually only describe action taken by the board. It's
4 not verbatim or even a summary of the meeting.
5 Minutes usually have to do with actions taken.

6 So, we don't need a whole lot,
7 because we take very few actions. But I don't think
8 it's necessary to have an eighty-page summary, but we
9 don't also have to have just somebody's reflections of
10 what went on.

11 In other words, legally, minutes
12 should be only taken by actions that this board takes.

13 MS. DONNA FATHKE: Well, my point
14 is: We paid for somebody to do the minutes before,
15 why can't we do that again?

16 MR. GLYNN RYAN: One of the Army
17 staff provided a summary based on the transcript,
18 period.

19 DR. BARRY COX: But before that, you
20 had somebody that was paid to do that.

21 MR. GLYNN RYAN: That's exactly what
22 they were doing. That person was doing a summary
23 based on the transcript.

1 MS. DONNA FATHKE: Well, what was
2 Joan McKinney doing? She was writing the minutes.

3 MR. GLYNN RYAN: Based on -- as far
4 as I know, based on the transcript.

5 DR. BARRY COX: Correct.

6 MS. DONNA FATHKE: Right. And she
7 was being paid to do that.

8 MR. GLYNN RYAN: Yes.

9 DR. BARRY COX: As a contractor,
10 correct?

11 MR. GLYNN RYAN: Yes.

12 MS. DONNA FATHKE: Well, why can't
13 we do that again?

14 MR. GLYNN RYAN: We chose not to go
15 in-house -- or to go in-house with that contract
16 because of the time involved. And we pay Noble --

17 MS. SAMANTHA NOBLE: & Associates.

18 MR. GLYNN RYAN: -- & Associates to
19 do a transcript.

20 MS. DONNA FATHKE: Well, you've
21 always done that, but you paid extra to have an
22 outside contractor then write the minutes.

23 MR. GLYNN RYAN: And we have been

1 doing that since Joan McKinney left, also --

2 MS. DONNA FATHKE: Right. And why
3 can't --

4 MR. GLYNN RYAN: -- with in-house
5 staff.

6 MS. DONNA FATHKE: Why can't we go
7 back to doing it -- why can't we use the money to go
8 back to doing something similar to that?

9 MR. GLYNN RYAN: We are using that
10 money to pay an employee and do other things, also.

11 MR. PETE CONROY: I guess it seems,
12 to some small extent, that there's elephant in the
13 room, because it was at the last meeting that we said,
14 hey, listen, the minutes are not consistent with the
15 transcripts, and then poof, they disappear.

16 MR. GLYNN RYAN: We understand that.

17 MR. PETE CONROY: And there is
18 coincidences in the world, and then there is --

19 MR. GLYNN RYAN: No.

20 MR PETE CONROY: -- something -- you
21 know, sometimes --

22 MR. GLYNN RYAN: No.

23 MR. CONROY: -- things smell a

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1 little funny and --

2 MR. GLYNN RYAN: No. Excuse me,
3 Pete. There is no coincidence. We -- because of
4 clarity -- you requested clarity in the minutes --

5 MR. PETE CONROY: Yeah.

6 MR. GLYNN RYAN: We are unable to
7 take the transcript and put in there every thought
8 that someone might want to see in the minutes. So,
9 we're going to provide you a transcript.

10 MR. PETE CONROY: Okay.

11 MR. GLYNN RYAN: I mean, now
12 everything is in the minutes, it's in the transcript,
13 they are the minutes of the meeting.

14 MAYOR WILLIAM KIMBROUGH: I guess --
15 I guess, my concern is basically that as a RAB, we
16 have had no input in this decision that's been made.
17 You know, we're -- as I pointed out, the agenda was
18 supposed to be set by both co-chairs.

19 There are certain things that both
20 co-chairs are supposed to be involved in. And this
21 decision, I don't know if Dr. Harmon -- OR Harrington
22 was involved in the decision to do away with the
23 minutes, but to me, we weren't asked for any input.

1 It was a decision that was made from
2 one source.

3 MR. GLYNN RYAN: Yes, sir --

4 MAYOR WILLIAM KIMBROUGH: And what's
5 the use of having a RAB if we don't have any input
6 on -- we got it in our bylaws, we felt like it was
7 necessary, and yet somebody has taken it upon
8 themselves to decide, well, they didn't approve those
9 and so we're going to take our ball and go home if you
10 don't play the way we want to.

11 MR. GLYNN RYAN: No, sir. We are
12 providing you a transcript that is -- has captured
13 everything that you said in every meeting. What else
14 can I provide you that does a better job at capturing
15 what you say?

16 MR. PETE CONROY: I guess we'd refer
17 back to the sentence that says, "the RAB should
18 prepare minutes of the meeting, summarizing the
19 topic."

20 MR. GLYNN RYAN: And as I
21 understand, those are not defined, and this transcript
22 meets that requirement.

23 DR. BARRY COX: It says,

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1 "summarizing". Would you define that transcript as a
2 summary?

3 MR. GLYNN RYAN: That's the best I
4 can do.

5 DR. BARRY COX: Well, that's --

6 MR. GLYNN RYAN: I could not find --

7 DR. BARRY COX: You want to check
8 your dictionary, I would think.

9 MR. GLYNN RYAN: -- anything to
10 leave out, in fear of leaving out something Mr. Conroy
11 or the Mayor or yourself might have wanted to say in
12 there, Dr. Cox.

13 DR. BARRY COX: Okay.

14 MS. DONNA FATHKE: Well, that's the
15 whole purpose of having the tool of the minutes, is to
16 read them and make sure that some comments may need to
17 be clarified or put in. And there's no reason to take
18 offense at people saying --

19 MR. GLYNN RYAN: No offense taken --

20 MS. DONNA FATHKE: -- this is not
21 quite what happened at that meeting.

22 MR. GLYNN RYAN: No offense taken,
23 at all. We spend a lot of time to prepare for these

1 meetings, and why would we not want to capture
2 everything that's said here? That is the purpose of
3 this. I mean, everyone, whatever you need to say at
4 this meeting, we want that to be on the record.

5 MS. DONNA FATHKE: That's not the
6 impression you've given us.

7 MR. GLYNN RYAN: I apologize for
8 giving you a wrong impression. But we are trying to
9 provide you in detail everything that you need.

10 MS. DONNA FATHKE: Let me ask you
11 this --

12 MR. GLYNN RYAN: Yes.

13 MS. DONNA FATHKE: -- there's a
14 certain amount of money that's put aside that's
15 budgeted to run the RAB --

16 MR. GLYNN RYAN: No.

17 MS. DONNA FATHKE: -- correct?

18 MR. GLYNN RYAN: We are -- we moved
19 that money to hire a person to do that, versus letting
20 a person go.

21 And I will make one other comment,
22 if you notice the refreshments are getting quite slim,
23 it's because we can no longer spend those monies,

1 either, which is money to do --

2 MS. DONNA FATHKE: Wait, what did
3 you -- I didn't understand what you said.

4 MR. GLYNN RYAN: We have a person we
5 have hired we are now paying, rather than letting a
6 person go, rather than contract out, an internal
7 person that has other duties.

8 DR. BARRY COX: Sure. Was the money
9 allocated for the RAB?

10 MR. GLYNN RYAN: No.

11 DR. BARRY COX: In your budget,
12 there's no money allocated for RAB?

13 MR. GLYNN RYAN: Let me ask -- let
14 me ask Ron to explain how his money is allocated in
15 the RAB.

16 MR. RON LEVY: There is a set amount
17 of money that's allocated to support the RAB.

18 DR. BARRY COX: Okay --

19 MR. RON LEVY: What Glynn is saying,
20 though, is part of that money is being used internally
21 because we were drawn down -- we had people on the
22 staff that essentially didn't have work. And instead
23 of paying a contractor to do it, we were -- we pulled

1 that work in-house.

2 So, coordinating this RAB, instead
3 of Joan McKinney doing it, we've got Brenda doing it.
4 It's in her job description now.

5 DR. BARRY COX: I guess the next
6 question is: Is all the money that was allocated to
7 the RAB being used directly for the RAB, yes or no?

8 MR. RON LEVY: Your question is: Is
9 all the money being spent -- that's being -- it's
10 being asked for for the RAB?

11 DR. BARRY COX: Right. In other
12 words, all the money that was allocated for the RAB,
13 is it being spent strictly to support the RAB or does
14 it support other functions?

15 MR. GLYNN RYAN: We have -- we
16 actually -- I mean, I can answer part of that. We
17 only get one appropriation of money, and it is for
18 BRAC support --

19 DR. BARRY COX: Okay.

20 MR. GLYNN RYAN: -- and that's for
21 myself, for Ron, and everybody else. It's -- it's the
22 justification rather than the appropriation of the
23 money.

1 DR. BARRY COX: Okay.

2 MS. DONNA FATHKE: Well, I have a
3 concern because -- and, please, take this the way that
4 it's meant -- the RAB serves as an oversight body to
5 make sure that what the Army is doing is going to be
6 satisfactory to the community and to convey the
7 information on what the Army is doing with the
8 restoration effort to the community.

9 MR. RON LEVY: Donna --

10 MS. DONNA FATHKE: -- having the
11 Army do the minutes is like having -- putting the fox
12 in the hen house.

13 MR. RON LEVY: Well, Donna, let me
14 just mention this: The RAB is an advisory board.
15 Their job is as an advisory. They're not oversight.

16 MR. GLYNN RYAN: If you'll look at
17 the bylaws, it's paragraph 1.2 it's, "the purpose of
18 the RAB shall be to advise the United States
19 Government on issues related to" -- it's not an
20 oversight. It's advisory.

21 MS. DONNA FATHKE: Either way, my
22 end statement remains the same.

23 MR. GLYNN RYAN: I understand.

1 MS. DONNA FATHKE: Because that --
2 the minutes are put in the libraries so that the
3 public has access to them. And --

4 MR. GLYNN RYAN: We --

5 MS. DONNA FATHKE: And if they're
6 reading minutes that aren't reflecting what the RAB
7 feels happened at the meeting, then we're not serving
8 the purpose of getting the information out to the
9 community.

10 MR. GLYNN RYAN: We understand. The
11 transcript is also being put into the repository.

12 MS. DONNA FATHKE: I'm sorry?

13 MR. GLYNN RYAN: The transcript is
14 also being put into the repository.

15 MS. DONNA FATHKE: I know, but
16 that's an eighty, ninety page document. There's not
17 too many people that are going to read that.

18 The purpose of the transcript should
19 only be to back up with details what is in the
20 minutes, if somebody wants further details. The
21 transcript is not minutes, unless you're using a
22 different dictionary than I am.

23 DR. BARRY COX: Well, if you read --

1 and I have a manual -- on page fifty-two it talks
2 about distributing copies of the minutes to the
3 public.

4 And certainly, I don't think you'd
5 want to be distributing copies of the verbatim
6 transcripts. I think that clearly, what is released,
7 in the guidelines, is minutes and not verbatim
8 transcripts.

9 MR. GLYNN RYAN: We have been
10 providing the transcript to the RAB for a number of
11 months at the request of the RAB members.

12 DR. BARRY COX: Uh-huh.

13 MR. GLYNN RYAN: And putting them in
14 the repository. And that in fact is putting them to
15 the public.

16 DR. BARRY COX: Okay.

17 MR. JOE DOYLE: Also note that these
18 are merely guidelines is all they are. A suggested
19 way of doing business. It is not mandatory in nature.

20 DR. MARY HARRINGTON: I didn't hear
21 what you said.

22 MR. JOE DOYLE: It's a suggested way
23 to do business. It's not mandatory in nature.

1 MAYOR WILLIAM KIMBROUGH: Right.
2 And we accepted those suggestions until lately. I'm
3 through.

4 MS. THE COURT REPORTER: I'm sorry.
5 I hate to interrupt everybody. But they're awfully
6 loud over there. So, if everybody down that way could
7 speak up for me, or if we could shut them up one.

8 DR. MARY HARRINGTON: Let me say as
9 chairperson, we have a quagmire, a muddy mess with our
10 minutes. And I apologize for being absent, what,
11 three RABs ago, because I found out last RAB that
12 there was a problem with the minutes. And it still
13 has not washed itself out.

14 You know as chairperson I have no
15 power. Everything I do is wishes of the board, to
16 serve at your pleasure. And I don't want us to spend
17 all night talking about the minutes. So, can we have
18 some suggestions where there can be a compromise or --
19 because I do understand your concerns, I do understand
20 the restoration advisory board implementation
21 guidelines, but you must know I have no power as
22 chairperson.

23 MR. GLYNN RYAN: Let me offer -- and

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1 I believe I heard Monty mention that the minutes
2 should only reflect those actions taken by the board.
3 If a summary was provided that only those votes and
4 the number of parties that voted on them, would
5 that -- the general discussions that we do would then
6 be reflected in the transcript.

7 DR. MARY HARRINGTON: Can I
8 suggest --

9 MR. GLYNN RYAN: Certainly.

10 DR. MARY HARRINGTON: -- that
11 Mr. Conroy, Mr. Clendenin, Ms. Fathke, and you two
12 come up with a satisfactory solution and bring it to
13 us at the next RAB.

14 MR. PETE CONROY: There is a good
15 cochair.

16 MR. GLYNN RYAN: That's a good one.

17 MR. MONTY CLENDENIN: If you make
18 that in the form of a motion, then we can vote on it
19 and it can go in the minutes.

20 DR. MARY HARRINGTON: I don't get to
21 make motions, I get to make suggestions.

22 MR. GLYNN RYAN: Neither of us make
23 motions.

1 DR. MARY HARRINGTON: Yeah, I don't
2 get to make motions, I get to make suggestions.

3 MR. CURTIS FRANKLIN: I so move.

4 DR. MARY HARRINGTON: Okay. And
5 Mr. Miller just came in for the record. Okay,
6 Mr. Kimbrough, you can help us out now.

7 MAYOR WILLIAM KIMBROUGH: Second.

8 DR. MARY HARRINGTON: I don't get to
9 make the motion, somebody has to.

10 MAYOR WILLIAM KIMBROUGH:
11 Mr. Franklin made the motion. I'll second the motion.

12 DR. MARY HARRINGTON: I'm sorry.
13 I'm with her, now, that noise. You got that?

14 THE COURT REPORTER: Yes.

15 DR. MARY HARRINGTON: Okay. It has
16 been motioned and seconded that those persons named
17 would come up with a solution and bring to us next
18 time.

19 Are you ready for the question? Any
20 discussion? All in favor of said motion let it be
21 known by I. Opposes, same opportunity.

22 Okay, there being none, motion does
23 pass. Now, we will move --

1 DR. BARRY COX: One other on old
2 business, though.

3 Reading over the minutes, for
4 clarification, Ron, on the role of Mr. Grant, is he
5 allowed to provide us with comments and assessments of
6 the documents that we provide to him?

7 Last time you said he was able to
8 explain them to us, but is he allowed to review them
9 and say here is the issues? I think you ought to
10 look -- interpret the documents for us?

11 MR. RON LEVY: The intent of the
12 TAPP contract was to provide technical assistance to
13 the RAB. In other words, to be able to take documents
14 and other technical subjects and be able to explain
15 them back to the RAB, in terms that are not -- in
16 terms that are understandable.

17 His contract doesn't allow him to
18 write comments for you against documents. That's not
19 the intent of TAPP. It's to give you technical
20 assistance to understand the documents. And what that
21 means, essentially, is to boil that document down so
22 you can understand what it says in there.

23 DR. BARRY COX: But not provide any

1 comments to us on the document?

2 MR. RON LEVY: It's not written that
3 way in his contract.

4 DR. BARRY COX: Is there a reason
5 it's not written that way? Can it be amended to?

6 MR. RON LEVY: Because I don't have
7 the leeway to put it in that contract. That's the
8 guidance I've got to go by. It's technical assistance
9 for public participation, that's what TAPP stands for.

10 So, it helps you to understand what
11 the Army wrote. He should be able to get up here and
12 explain things, and I think he's going to do that with
13 one of the documents in terms of what we said. But
14 actually going through and finding comments to write
15 about is not the intent of TAPP.

16 DR. BARRY COX: Okay. Then I guess
17 the follow-up question I'd have for Mr. Brittain, as
18 far as the -- under the EPA side of the TAPP, do we
19 have the same limitation there?

20 MR. DOYLE BRITTAIN: EPA has what we
21 call a TAG grant, technical assistance grant, and I'm
22 not aware that that would be a limitation.

23 DR. BARRY COX: Okay. Is that a

1 (inaudible) -- what would be the chance of us getting
2 one of those?

3 MR. DOYLE BRITTAIN: Probably pretty
4 good.

5 DR. BARRY COX: Okay.

6 MR. PETE CONROY: How would we
7 pursue that?

8 MR. DOYLE BRITTAIN: Send me a
9 letter in writing, tell me that you want a technical
10 assistance grant, for us to allow you to hire a
11 technical advisor to advise you on technical aspects
12 of the documents or the environmental investigation
13 clean-up.

14 DR. BARRY COX: Okay.

15 MR. DWIGHT MITCHELL: Does that mean
16 the technical assistance can then provide some input,
17 as far as his opinion or what or no? I don't --

18 MR. DOYLE BRITTAIN: From the EPA?
19 Are you talking about if this technical assistance
20 grant that he's asking about now from EPA -- restate
21 your question please.

22 MR. DWIGHT MITCHELL: The technical
23 assistance offers no opinion, they just interpret, is

1 what I'm understanding; is that right?

2 MAYOR WILLIAM KIMBROUGH: This --

3 MR. DOYLE BRITTAIN: They would --

4 they would read the documents, explain them to you,
5 answer any questions that you have. I mean, they
6 would supposedly be experts in that area, entitled to,
7 if you ask their opinion, to offer their opinion.

8 DR. BARRY COX: In other words, if
9 we said, what in this document would you be concerned
10 about, then he's allowed to do that?

11 MR. DOYLE BRITTAIN: That's right.

12 DR. BARRY COX: Okay.

13 MR. PETE CONROY: That sounds pretty
14 good.

15 DR. MARY HARRINGTON: Yes. For some
16 of you --

17 MR. RON LEVY: I think you need to
18 look hard at that, because I think if the Army is
19 already providing a TAPP contract, I'm not sure EPA
20 goes and provides additional assistance, if it's
21 already being offered.

22 DR. BARRY COX: But it's not being
23 offered, that's the whole point.

1 MR. RON LEVY: It is, Barry, it is.

2 DR. BARRY COX: He can't interpret
3 the documents for us. He can just simply say --

4 MR. RON LEVY: He sure can interpret
5 them.

6 DR. BARRY COX: I mean, he can
7 interpret, but he can't comment on them. And it is my
8 understanding that that is -- if you go to the TAPP
9 program, you can do that -- TAG program.

10 MR. RON LEVY: Barry, you've been
11 briefed several times on this. And we brought folks
12 in, and they said the same thing that I said to you.
13 So, I'm not sure why -- I don't understand that's a
14 problem.

15 I mean, we're not hiding anything
16 here. I'm telling you straight up what my
17 requirements are.

18 DR. BARRY COX: Okay. Well, we're
19 going to EPA then. That's --

20 MR. RON LEVY: And I will also
21 caution Doyle in that, if the Army is providing TAPP
22 assistance, I'm not absolutely sure that the EPA is
23 going to come back and give additional assistance over

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1 something you're supposed to be getting in the first
2 place.

3 DR. BARRY COX: Well, (inaudible),
4 it's a different assistance. One is for -- one is
5 for, as you said, interpreting the documents, and the
6 other one is commenting on them.

7 MR. GLYNN RYAN: Ron, we should let
8 them explore that, if that's --

9 DR. BARRY COX: Okay.

10 MR. GLYNN RYAN: That makes sense.

11 MR. MONTY CLENDENIN: What is the
12 prohibition on Mr. Grant doing that? Why can't he do
13 that?

14 MR. RON LEVY: Why can't he write
15 comments? That's the job of the RAB, to review the
16 document and comment on it. Now, he's there for
17 technical assistance, exactly what the title says.

18 So, interpretation of the document
19 is certainly allowable, and that's what he does.

20 If you have a -- if you have an
21 issue, you should bring it up. If you don't
22 understand something, you should ask him. He should
23 be able to explain it to you.

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1 DR. MARY HARRINGTON: But that's, I
2 think, from talking with Mr. Conroy, a concern,
3 that -- not knowing what to ask, you're looking for
4 somebody to tell you what you should be concerned
5 about. Because if you knew the right questions, as he
6 put it, you wouldn't need the technical assistance,
7 you could -- you could do it, yourself.

8 MR. RON LEVY: Well, like I said,
9 the other part is that you've got other resources
10 here; you've got our contractor, you've got the
11 regulatory agencies that are doing that for you, too.

12 I mean, my point is: That you're
13 asking to do something that's already being done. And
14 the Army doesn't recreate -- doesn't pay for and
15 recreate things that are already being done.

16 MAYOR WILLIAM KIMBROUGH: Well,
17 we're not going to ask for the Army -- and as far as
18 what you're saying is, the EPA and the ADEM comments,
19 when y'all are in your groups, we don't have access,
20 that's confidential, as far as if they --

21 MR. RON LEVY: No, sir --

22 MAYOR WILLIAM KIMBROUGH: -- if they
23 have questions. And we have not, as far as I know --

1 MR. RON LEVY: Mayor Kimbrough,
2 that's an untrue statement. We have provided you with
3 comments.

4 MAYOR WILLIAM KIMBROUGH: Not
5 during -- not when you're in the meeting. After.
6 You're providing us the comments after they have been
7 submitted.

8 MR. RON LEVY: We in fact --

9 MAYOR WILLIAM KIMBROUGH: We haven't
10 gotten any comments on the latest landfill, as far as
11 your response to the questions that were submitted.

12 MR. RON LEVY: They are -- they are
13 out there now. We agreed at several of the meetings
14 that we would release them at the time we responded
15 back to the regulatory agencies. So, I --

16 MAYOR WILLIAM KIMBROUGH: But we --
17 last time -- excuse me, I'm going to -- after this --
18 I asked -- I went back to my notes for over a year
19 ago, and I asked for a response, you know, to those
20 questions that Matrix and EPA and JPA submitted to the
21 Army on -- it's been approximately a year ago.

22 You told us at that time -- I went
23 back in my notes the other day looking -- and I had

1 written in there that you said that we would receive
2 those comments from the Army on their comments in the
3 March meeting.

4 They're not on the agenda. And we
5 haven't received them. That is -- that is what I'm
6 saying.

7 MR. RON LEVY: In fact, they're out
8 there. We -- we have released those comments, we've
9 released them to the JPA. You have them,
10 Mayor Kimbrough. You are a part of the JPA. Miki, do
11 you have the comments?

12 MAYOR WILLIAM KIMBROUGH: I'm not
13 functioning as a member of the JPA tonight. I'm
14 functioning as a member of the RAB.

15 MR. RON LEVY: Just trying to make
16 sure the record is complete.

17 MR. GLYNN RYAN: Can we go forward.

18 MS. MIKI SCHNEIDER: Are you asking
19 me if I have the comments on the landfill --

20 MR. RON LEVY: EE/CA --

21 MS. MIKI SCHNEIDER: -- EE/CA.

22 Those were given to my contractor at that -- at our
23 last work meeting that we had, and I was told those

1 were draft documents, and we were not to release them.

2 So, my contractor has them. I have
3 not provided them to my board. If there is another --
4 if I can do something different, please, tell me.

5 DR. MARY HARRINGTON: At this point,
6 we're going to the program. Are you going to
7 introduce our program?

8 MR. GLYNN RYAN: Yes, I am.

9 DR. MARY HARRINGTON: And we're
10 going to hash that out in the new business.

11 MR. GLYNN RYAN: Before we introduce
12 Mr. Doyle, who is going to talk about the
13 Fish & Wildlife ECOP and the land use intermittent
14 control plan, I want to ask Emery Hoyle, who is the
15 assistant refuge manager at Wheeler, who is here,
16 along with Bill Garland, representing
17 Fish & Wildlife -- while Emory has agreed that he
18 doesn't want to present the program tonight, he will
19 be here to answer questions, as it relates to Fish &
20 Wildlife piece of this.

21 And for those of you who are sitting
22 right in the line of fire, I would ask that we move
23 around. We're going to have this presentation and one

1 more. So, we try to make it where everybody can see
2 and get back. This is not the most conducive room for
3 this type of presentation.

4 MR. JOE DOYLE: Good evening.
5 That's all right. I can talk (inaudible). But I
6 think most you know me here; I'm Joe Doyle for the
7 Transition Force at Fort McClellan.

8 I just want to give you a quick
9 background or overview. As you're all aware, seven
10 thousand acres of -- plus acres of what I consider to
11 be some of the choicest forested land in the
12 State of Alabama is soon to become a reality as a
13 wildlife refuge under the
14 U.S. Fish & Wildlife Service.

15 As you -- just as a little overview.
16 As most of you recall, back when the Fort was closed
17 and the closure, environmental impact statement was
18 put together, it was at that time a proposal was first
19 floated to make at least a portion of Fort McClellan a
20 wildlife refuge. It's got the support of the
21 community, as well as the Fish & Wildlife Service.
22 And the next slide, please.

23 In December of this -- next slide --

1 in December of this year, it became a reality, through
2 the fine work of Senator Sessions. Pete was -- pushed
3 on this a little bit to make this a reality.

4 This is the first time we're going
5 to transfer this amount of acreage in such a short
6 time. We have six months to make this a reality. And
7 we have two cultures that sometimes speak different
8 languages. Starting with our acronyms aren't even the
9 same thing as what Fish & Wildlife Service is.

10 So, we've had lots of formal
11 meetings in the last couple of months, and it's a slow
12 and painful process, but we're making progress.

13 Just as a quick overview, as you can
14 see, in February the ECOP was put out on the street
15 for review. I'll get into that a little bit in a few
16 minutes.

17 That's the environmental condition
18 of the property. It's an overview of what the status
19 of the property is today, or actually as of the date
20 of the transfer, which will be in May of this year.

21 At the same time that we're doing
22 the ECOP, environmental condition of the property,
23 we're also doing an MOA. This is something new for

1 the Army, but this is something that the
2 Fish & Wildlife Service requires.

3 So, we're finding that some things
4 we put into an ECOP, Fish & Wildlife wants in an MOA
5 and vice versa. We're working on it. We're getting
6 there. Sometimes it takes some long -- very long
7 meetings, but we're making progress.

8 Also, at the same time -- and as
9 part of the environmental condition of property, we're
10 working on interim land use controls because the
11 property we are transferring, unlike if we were to
12 transfer it to, for example the JPA, it is certainly
13 not completely remediated, at this point.

14 We hope sometime next month to be
15 getting final approvals -- next slide, please -- from
16 both Fish & Wildlife Service / Department of Interior,
17 their higher headquarters, as well as from
18 Department of the Army.

19 But I'll tell you, time -- time is
20 moving fast because April is right around the corner,
21 and we're looking at some time about May 5th, having
22 the secretary of level (phonetic), both Fish &
23 Wildlife Service and -- as well as the Department of

1 the Army, giving their seal of approval to the
2 documents so that on May 25th -- that's our projected
3 date -- and the week of Memorial Day -- or week --
4 yeah, that week of Memorial Day, we're looking at --
5 we're already working with congressional offices in
6 getting a formal ceremony set up here at
7 Fort McClellan to actually do the signing ceremony.
8 And there will be more to follow on that, shortly.

9 But I guess that's good news. We're
10 looking at putting a date together for a signing
11 ceremony. That means we are all starting to speak on
12 the same sheet of music. Next slide, please.

13 This is as good a time as any to
14 take a look at this. You can tell this is
15 Fort McClellan. This is the -- (demonstrating) --
16 wildlife refuge that you see outlined on this side in
17 purple and then out here to the easternmost boundary.

18 Right now, from our initial data,
19 from our EE/CA, our Charlie EE/CA, looking at UXO,
20 we're good to go in everything that you see in the
21 yellow area.

22 We're working on getting appropriate
23 documentation to reflect that, even ahead of

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1 publication of the EE/CA, that basically gives us a
2 letter of clearance saying that there is no UXO there.

3 The other half of this, this does
4 not mean, the blue area, that we have all UXO in that
5 area. In fact, it's several small locations. The
6 problem is -- (demonstrating) -- and just to the
7 north -- this is Bains Gap Road right here. The
8 problem is is that we have to limit access to those
9 areas. And we can't just draw (phonetic) -- it's too
10 costly, number one -- and fences aren't the most
11 effective barrier in the world anyway. We can't just
12 fence what we say is the UXO area, plus we haven't
13 completely defined those boundaries.

14 The safest thing we can do and the
15 best thing we can do is: The area that you see in the
16 purple is the area that we plan on placing appropriate
17 markers and warning signs, telling the public to
18 stay -- stay out of those areas. We also will run
19 signage along Bains Gap Road, through the Alpha area
20 and the Bravo EE/CA, up to this point.

21 Also, we have -- we'll have a
22 barrier gate system in place at strategic places that
23 will keep people out of those areas, and then we'll

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1 berm other dirt roads and whatever to keep vehicles in
2 the public out there and appropriately mark it.

3 That does not -- what it means is is
4 that at least for the timebeing, access to the public
5 in the blue area will not be allowed. It does not
6 mean that access will not be allowed for
7 Fish & Wildlife Service employees.

8 Also, keep in mind that we have not
9 even published the EE/CA on that. And then after
10 publication of the EE/CA, the expectation is is that
11 there will be some UXO remediation in those areas.

12 Also, as a -- we are working
13 currently on clearing all of the -- it's not every
14 road that you see here, but it's a good many of them.
15 This is -- Fish & Wildlife Service are looking
16 forward, what was it, eighteen months ago, Mr. Garland
17 put together a plan where -- which fire road -- or
18 which roads are necessary for fire breaks, for fire
19 suppression, for access into the refuge.

20 We're going to go ahead and do a
21 clearance to depth on those areas, as an early removal
22 action, as well as certain areas which are going to be
23 high-use areas, such as parking lots, visitor centers,

1 and areas of -- that we see that people would be
2 using, such as look-out areas or whatever. So, we're
3 going to push forward on getting that done as soon as
4 possible.

5 We're not going to make the June 1
6 timeline with regard to this early clearance. We will
7 make the timeline with regard to appropriately fencing
8 and doing the appropriate barrier gates.

9 See, the problem is: We keep the
10 public out of there right now, but that's because our
11 system of gates and barriers are way back here in
12 Alpha and Bravo, and we just don't let anybody in
13 there, unless it's appropriate officials or whatever,
14 and they've gone through the appropriate safety
15 briefings and everything else. That's our plan as
16 what we call interim land use control.

17 Now, also, interim land use controls
18 do not only address -- or not only address UXO, but
19 they also address things -- such things as HTRW and
20 other things, to keep -- and they just happen, thank
21 goodness, to be in these areas, as well.

22 So, it's not just UXO, it's
23 two-fold, it also addresses HTRW. Next slide, please.

1 The environmental condition of
2 property -- slide, please -- this is an Army
3 requirement. It's required of all fed-to-fed
4 transfers. And that's why we've got -- we've also now
5 have memorandum of agreement that we're doing with
6 Fish & Wildlife Service, because that's what they
7 require in accepting property. Even though we have
8 legislation that says, we will transfer it and
9 Fish & Wildlife Service will accept it, how we get
10 there is causing us a few growing pains along the way.

11 It is -- you're all familiar with
12 the finding of suitability to transfer. It's almost
13 an identical document here. We'll look at the
14 formatting and how it reads.

15 This document, though, is different,
16 in that this -- well, I think this is -- the first
17 document recognizes, in this particular transfer, that
18 all environmental investigation and remediation is not
19 complete. The Army will retain responsibility for
20 doing all that even after the transfer. Slide,
21 please.

22 Land use control implementation plan
23 or LUCIP. Slide, please. We have a signed agreement,

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1 four-party agreement, land use control assurance plan,
2 as it applies to Fort McClellan. The parties to that
3 are EPA, ADEM, Fort McClellan, the U.S. Army, and the
4 JPA. We're all signatories to that agreement.

5 The good news is: In negotiations
6 and discussions with Fish & Wildlife Service,
7 Fish & Wildlife Service has indicated a willingness to
8 also sign up to that agreement. I think it's a good
9 thing for all parties concerned. It's a good
10 document. A lot of time, sweat, and tears were put
11 into it to get agreement amongst all the parties.

12 It sets out the responsibilities,
13 not only for an interim land use control, but what we
14 call a final land use control, which is part of a
15 remedy -- a final remedy that's put into place in the
16 remediation process.

17 The LUCIP, in this particular case,
18 the land use control implementation plan, as it
19 applies to the Fish & Wildlife -- to the refuge area,
20 is part of the environmental protection divisions,
21 which are part of the ECOP, and that's why the LUCIPs
22 were sent out simultaneously with the ECOP for
23 regulatory review.

1 And in a perfect world we might have
2 done that a little -- put that -- done that first, but
3 because of the time limitations placed on it to us by
4 the legislation, we are taking a process that normally
5 takes some eighteen months to two years and
6 compressing it into a six-month-time period. And the
7 regulators have thirty days to review. Under -- EPA's
8 comments have already been received. And I understand
9 from ADEM that we should be receiving them in the
10 next -- very shortly.

11 And if we get that in the next week
12 or two that -- or week or so, we should be okay on our
13 time, on our timetable. Slide please.

14 Okay. Again, I emphasize, the LUCIP
15 provisions are restrictive. But again, they are
16 interim land use controls. Our expectation, our hope,
17 is that when final remediation is complete, that there
18 would be few land use controls that still would have
19 to be in place on the wildlife refuge.

20 What we did receive from the
21 Fish & Wildlife Service -- I don't know, Emery, Bill,
22 about two months ago, and which really got
23 negotiations on a roll, we got their operational plan,

1 how they envision their day-to-day operations, which
2 assisted us in putting together appropriate land use
3 controls so that we can be protective of human health
4 and the environment, we can -- and at the same time,
5 we can allow the Fish & Wildlife Service to perform
6 their mission and get as much of the Fort -- or the
7 refuge open to the public as we possibly can within
8 safety limitations. Slide, please.

9 Now, as -- as cleanup progresses, I
10 envision that these land use controls will change.
11 Interim -- maybe we have an interim land use control
12 right now that says you can't enter. Perhaps,
13 enter -- as the remediation process for UXO
14 progresses, we might find out, well, in this
15 particular area, there is none. So, maybe we can speed
16 the time table along and in certain areas we may be
17 able to allow further public access deeper and deeper
18 within the refuge.

19 And then finally, when the process
20 is complete, when the removal action -- any removal
21 actions have been completed, we may end up with a
22 final land use control. Maybe access open to the
23 public everywhere, but there may be a no dig land use

1 restriction in certain areas.

2 Obviously, EPA and ADEM plays in all
3 of this. Any time there's a change to the land use
4 control plan, they get to comment upon it.

5 And Fish & Wildlife Service will be
6 provided an opportunity for input. Right now we
7 have -- we're negotiating on that. As to --
8 Fish & Wildlife Service wants a little bit more than
9 just consultation. We're negotiating on who will be
10 responsible for the final land use controls, once the
11 remediation is complete.

12 In my opinion, if they sign up to
13 the land use control assurance plan, that answers a
14 lot of questions as to who is responsible for what.

15 And we've got to remember, we're
16 getting out of -- once the land is transferred, it is
17 Fish & Wildlife Service's land, so, they are a player
18 in this, obviously. They own it. On the other hand,
19 we're a player in that we still have the
20 responsibility to do the environmental remediation.

21 Slide, please. Subject to any
22 questions --

23 MR. MONTY CLENDENIN: I have a

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1 question.

2 MR. JOE DOYLE: Sure.

3 MR. MONTY CLENDENIN: On top of
4 Skeleton Mountain and adjacent to the property that's
5 being transferred to the Fish & Wildlife is a native
6 American snake effigy. It falls right on the line, it
7 seems.

8 MR. JOE DOYLE: Yes.

9 MR. MONTY CLENDENIN: What is being
10 done to protect that and preserve it?

11 MR. JOE DOYLE: Okay. Well, number
12 one, it's still on -- it's Fort McClellan property
13 right now. And then, Ron, I'm going to let you fill
14 in all the details. Ron's been working this issue.

15 MR. RON LEVY: It is still
16 Fort McClellan property, although it's slated, at some
17 point, to go to the JPA. Based on our programmatic
18 agreement with the advisory counsel and the SHPO
19 (phonetic) office, when we transfer historical
20 properties, we transfer them with covenants in that
21 say that they have to be protected by the transferee.

22 And right now, we're protecting it
23 through the control of the gates and whatnot. When it

1 does get turned over to the JPA, it will fall in their
2 responsibility to do whatever is necessary to protect
3 it at that point.

4 MR. MONTY CLENDENIN: But isn't it
5 outside the --

6 MR. RON LEVY: Outside the
7 Fish & Wildlife area.

8 MR. CLENDENIN: -- Fish & Wildlife?

9 MR. RON LEVY: Yes. And it's an
10 area that right now, that is slated again to go to the
11 JPA.

12 MR. MONTY CLENDENIN: But there are
13 protections built in to protect --

14 MR. RON LEVY: Yeah, particularly
15 through the gates and the patrolling that we're doing
16 out there. And we -- any work that's done by the
17 contractors have to be cleared in the area.

18 MR. GLYNN RYAN: Did you receive the
19 report we forwarded to you?

20 MR. MONTY CLENDENIN: Yes, I did.

21 MR. GLYNN RYAN: Okay.

22 MR. JOE DOYLE: Any other questions
23 for myself or Mr. Hoyle?

1 MR. CONROY: One question relates
2 to -- a tough one, and it's the opening of Bains Gap.
3 It's been determined that that is the evacuation route
4 identified by Mike Burney's shop. And wanted to know
5 what the ramifications were regarding keeping it
6 closed.

7 And then on the other end of the
8 spectrum, from the Fish & Wildlife Service's point of
9 view, folks have been calling me an awful lot saying,
10 hey, we live out in Choccolocco Valley, we want access
11 to this road some day.

12 And so two different reasons -- can
13 you comment on opening Bains Gap Gate some day?

14 MR. JOE DOYLE: I can start from the
15 first perspective is is my understanding is it's no
16 longer an evacuation route, has not been since our
17 closure date, and the maps have never been changed to
18 reflect that. And we've sent countless letters to
19 Mr. Burney's office with regard to that.

20 MR. CONROY: I think there has been
21 a letter written recently -- Miki, what's the date on
22 that letter we have from Burney?

23 MS. MIKI SCHNEIDER: February. We

1 called Mike Burney's office because we've got twelve
2 hundred people working out there now every day and a
3 hundred people living out at McClellan and asked what
4 is the evacuation route, and they said you follow the
5 Fort McClellan plan. And then we said, well,
6 Fort McClellan is gone. You know, there is no
7 Fort McClellan Army plan.

8 And they said, well, you would go
9 out Bains Gap, the way they did. And I said, well, we
10 can't get out Bains Gap. So, they said, well, let us
11 check into it.

12 So, I know they wrote a letter --
13 we've got a copy of it in the office, which we shared
14 with the board -- but we've not heard a response.

15 MR. PETE CONROY: What can we expect
16 from you, Joe, in terms of resolving that issue?

17 MR. JOE DOYLE: Well --

18 MR. GLYNN RYAN: We responded, that
19 we needed to meet with the EMA because we haven't seen
20 their evacuation plan that takes the place of the
21 Fort McClellan one. And we provided Dan Cleckler, I
22 believe, a copy of that letter, a copy furnished to
23 him when we sent it to EMA.

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1 I have not heard back from them,
2 saying when they would sit down with us and discuss
3 their plan.

4 MR. PETE CONROY: So, from your
5 point of view, the ball is in their court right now --

6 MR. GLYNN RYAN: Right.

7 MR. PETE CONROY: -- you're waiting
8 to hear back?

9 MR. GLYNN RYAN: Well, we still have
10 a safety issue with opening that gate full-time.

11 MR. PETE CONROY: Sure.

12 MR. GLYNN RYAN: So, that -- that's
13 where we're at. We're still in the protection because
14 of the unexploded ordnance. I can't speak for
15 Fish & Wildlife, so, wouldn't pretend to.

16 MR. EMERY HOYLE: Well, we haven't
17 really developed a long-term answer to that question,
18 yet. We know that in the interim, until remediation
19 is complete, we'll probably keep the road closed just
20 because that will help us to control access into that
21 area a lot better.

22 I believe in the legislation, we're
23 required to come up with a comprehensive management

1 plan for the refuge a lot quicker than most refuges
2 would normally have to come up with a management plan.

3 So, we're going to have our work cut
4 out for us in developing that plan. And a major
5 component of that plan is public input and public
6 meetings. And so, the community will have an
7 opportunity to voice any opinions, any of their wants
8 and desires on how the refuge should be managed. So,
9 there will be opportunity for folks to do that.

10 And I can't really say at this point
11 in time whether the road will be open or the road will
12 be closed in four or five years down the road when all
13 remediation is complete and the refuge is up and
14 running, fully staffed.

15 Obviously, there are some advantages
16 to having one road in and one road out. But, you
17 know, then again, there's also advantages to the
18 community in having a thoroughfare.

19 So, we're open to all suggestions.
20 And when that time comes, we'll let you know it.
21 We'll provide notice that input is being sought.

22 MS. MIKI SCHNEIDER: I will just add
23 that when I had the conversation with Mike Burney's

1 office, they said, well, the Army and JPA are working
2 on that, and they didn't know who -- and I didn't say
3 what my name was.

4 And I said, excuse me, I'm the JPA,
5 I work for them, and we're not working on anything.
6 So, at that point, they said, well, we'll get back to
7 you. So, they think that the JPA and the Army are
8 doing something about it, and if we're not, then we
9 need to get the word out that we're not.

10 DR. MARY HARRINGTON: Thank you.
11 Was a good report. But now, I think it opens a new
12 ball for us to be concerned as RAB members, concerning
13 the opening of Bains Gap. Thank you.

14 MR. JOE DOYLE: Thank you.

15 DR. MARY HARRINGTON: Very good. Do
16 we have another one?

17 MR. GLYNN RYAN: Yes, we do. And,
18 Ron, if you would --

19 MR. RON LEVY: Yeah. Before I
20 introduce the gentleman from Foster Wheeler, allow me
21 just to say a few things. This particular map over
22 here -- so everybody understands, we're in a process.
23 The process of investigating and coming to a decision

1 falls under the NCP.

2 And as part of that process, there's
3 a public period to it, and we are in the midst of that
4 public period. We have made no decision. We have
5 completed the field work, we have produced a report.
6 We are working with the regulatory agencies, in this
7 case, ADEM, comments and comment resolutions. Those
8 have not been resolved. And you've seen the Alpha
9 EE/CA comments and some of our responses.

10 So, it's an ongoing process.
11 There's no decision been made. I want to make sure
12 that's fully understood by everybody so -- and we're
13 still taking in comments.

14 So, tomorrow there is a public
15 meeting, starting at 5:00 o'clock, running 'till 7:00.
16 It is at the RAB meeting room at Fort McClellan.
17 They'll be a poster presentation out there, there'll
18 be officials from the Corps and from the contractor to
19 take questions. They'll be sheets to write your
20 comments on.

21 And if anybody doesn't want to
22 attend that, they're here, too. So, if you want to
23 take one home and write comments on it, you can do

1 that, as well.

2 But again, we have not -- far be it
3 we've completed this process and made a decision. And
4 that's truly down -- further down the road.

5 One of the questions may come up as
6 to why we're briefing the Alpha area EE/CA, and you
7 know, why is it shaped the way it is. A couple of
8 things that I want to tell you about. One, is that
9 this yellow area is the Alpha area EE/CA -- is that
10 early on in the process, when we asked the JPA for
11 priorities, one of the first ones they told us was,
12 well, the eastern bypass is number one priority.

13 And then they said, because of
14 industrial development up in
15 here -- (demonstrating) -- this was a priority. And
16 also, as the Army looked at it, we had looked at our
17 history, we thought -- we believed from the ability to
18 get in and either characterize it and clean it up, it
19 would be one of the easiest areas to get to, as well.

20 And then there is a Bravo area,
21 which is also JPA property, also slated to go to the
22 JPA property -- that was next in the que because of --
23 just because of the way they (inaudible) out their

1 priorities and because the difficulty of the terrain
2 and the ordnance down there.

3 And then the third, really was the
4 Fish & Wildlife area, because, although it enhanced
5 the community, it really wasn't a community -- it
6 wasn't a community priority from getting -- from a
7 development standpoint.

8 Although you'll see that a lot of
9 what's going on right now, in terms of tracking, Bravo
10 and Charlie are tracking fairly close, so the
11 documents in the process are probably going to show up
12 around the same time.

13 With that said, I'm going to let
14 Todd Biggs here from Foster Wheeler talk about what we
15 did in investigating and characterizing and our
16 recommended response actions for this site. Todd.

17 MR. TODD BIGGS: How is everybody
18 tonight? As Ron said, my name is Todd Biggs, and I'm
19 a project manager with Foster Wheeler Environmental.
20 And I'm going to brief you on the Alpha area EE/CA.

21 Okay. What is an EE/CA? It's an
22 engineering evaluation and cost analysis. Basically,
23 it's analysis of removal action alternatives for a

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1 site. In other words, it's us, coming up with a plan
2 for removal alternatives for the Alpha area.

3 What were the objectives? They were
4 to evaluate the presence of ordnance and explosives on
5 the site, they were to evaluate the risk. And what I
6 mean by, "evaluate the risk," is the likelihood of
7 encountering OE in the area.

8 Develop response action
9 alternatives. And by that I mean, come up with an
10 idea to identify the possible response actions, which
11 will allow us to reduce or eliminate risks in those
12 areas. And then based on all of that information, to
13 recommend the best response action.

14 What we did. The first thing we did
15 was we sampled to characterize the type and extent of
16 the OE in the area. The next thing we did was we
17 identified the risk and looked at what's out there,
18 what kind of risk is actually in those areas. And
19 then we identified ways to reduce those risks based on
20 the risks that we believe are out there.

21 We analyzed the response action
22 alternatives, without getting into detail of what
23 those are for the different areas, and came up with an

1 idea and made those recommendations.

2 The first process was the sampling
3 program that we came up with. The first step in that
4 process was to do a historical record search and field
5 reconnaissance, where we went through the archive
6 search report and we actually sent guys out in the
7 field to take a look around. And through that we were
8 able to divide the area up into, as you can see, three
9 original areas, which I'll point those out on the map.
10 It's across the board there. Where --

11 This area was known as the M-5 area,
12 this northern half was the M-6M area, and then this
13 very top edge area was the M-6L area, believed that it
14 had the lowest possible -- this was a little bit
15 higher being the MV (phonetic) area. And the M-5 down
16 here, again, was expected to be a low area.

17 Later on in the process, after the
18 CWM EE/CA was in process, the smoke range was added,
19 which is the -- my pointer just died on me --

20 MR. JIM MILLER: It was nice while
21 it lasted.

22 MR. TED BIGGS: -- is the area
23 labeled, smoke ranges and T-38. And that was based on

1 some of the things that were found in that chem EE/CA
2 that led them to believe we should look for UXO in
3 those areas, also.

4 With all of that said, looking at
5 the size of the area, it was determined that we needed
6 a hundred and twenty-nine sampling grids spread
7 throughout the area. They were -- 80 percent of the
8 grids that we put into the area were randomly
9 selected, based using the random number generator to
10 put where they were at. And 20 percent were selected
11 to keep them from getting clumped up if they were
12 randomly chosen that way, to make sure there is a good
13 spread and to put them in areas where we know we
14 wanted to do some research.

15 The way we did that sampling was
16 using geophysics and going out and digging the
17 geophysical data.

18 DR. BARRY COX: Just to get an idea,
19 roughly, the sampling grids, how did they compare to
20 the total size of the project?

21 MR. TODD BIGGS: The total size of
22 the area is nine hundred and thirty acres and we
23 geophysically surveyed seventy-two acres.

1 DR. BARRY COX: Seventy-two.

2 MR. JIM MILLER: So, less than
3 10 percent. Is that statistically significant?

4 DR. BARRY COX: Did the sampling
5 grids cover the entire seventy-two acres?

6 MR. TODD BIGGS: Yes, they did. And
7 they were -- like I said, they were -- 80 percent of
8 them were randomly spread throughout the entire area,
9 with 20 percent, again, we -- to make sure that they
10 weren't clumped in any given area and were spread.

11 MR. JIM MILLER: How is that sample
12 size determined, just out of curiosity? I know, it's
13 a statistical method --

14 MR. TODD BIGGS: It's a --

15 MR. JIM MILLER: -- but in laymen's
16 terms, how do you arrive at seventy-two acres out of
17 nine hundred and something (phonetic)?

18 MR. TODD BIGGS: There is a -- one
19 module of the OE calculator that was used to determine
20 that.

21 DR. BARRY COX: What is the OE
22 calculator?

23 MR. TODD BIGGS: What is the OE

1 calculator?

2 MR. JIM MILLER: We're new at this.

3 DR. BARRY COX: Yeah, what -- what

4 is it.

5 MR. DAN COPELAND: Yeah --

6 MR. ART HOLCOMB: A lot of your

7 questions are going to be answered, if you'll let him

8 get through it.

9 DR. BARRY COX: Okay.

10 MR. ART HOLCOMB: He has it later

11 on --

12 MR. JIM MILLER: If he promises to

13 tell us what an OE calculator is.

14 MR. ART HOLCOMB: An OE calculator

15 is just a statistical --

16 MR. RON LEVY: It's a little bigger

17 than a hand-held one.

18 MR. ART HOLCOMB: It blows up if you

19 don't do what it wants you to.

20 (UNIDENTIFIED MALE): That's what

21 worries me.

22 MS. SUZANNE MURDOCK: It's just a

23 statistical model that uses level of confidence and

1 sector size, sampling size, and tells you -- it gives
2 you a number of approximately how many acres you need
3 to sample to give you a confidence level that what you
4 found there is -- would be indicative of the area --
5 that size --

6 MR. JIM MILLER: What is the
7 confidence level that you're looking for?

8 MS. SUZANNE MURDOCK: Wasn't it 90
9 percent?

10 (UNIDENTIFIED MALE): Statistically,
11 there's 90 percent.

12 DR. MARY HARRINGTON: Usually 90
13 percent in statistics.

14 MR. TED BIGGS: And to just give an
15 idea on that, for the size of the area, with 90
16 percent confidence level, we only needed to do
17 sixty-four point five acres is what the OE calculator
18 states.

19 Okay. We use the OERIA methodology,
20 which is the ordnance and explosive risk impact
21 assessment, to do the risk assessment for this area.
22 It's used to qualitatively evaluate the risk of
23 exposure. Meaning that it doesn't use hard numbers,

1 it doesn't say if there's one of these, then this
2 happens.

3 It takes everything into account.
4 As it says, it considers the nature of OE known or
5 expected to be present, what we found, what was out
6 there. It uses the site characteristics, and by that
7 we mean the topography, the stability of the soil,
8 access to those areas. It takes into account the human
9 factor, i.e., will it be used daily, will it be used
10 sparingly, intermittent.

11 And then it was tailored
12 specifically for Fort McClellan. And in that, some of
13 the things that were tailored, I have a list of those
14 that were specifically tailored.

15 We specifically tailored it to the
16 type of OE that's known to be here, to the sensitivity
17 of that ordnance, some of it being very old, some of
18 it being newer. We tailored it to the depth
19 distribution, and how much was found, the density for
20 this area, and activities, by what's currently used,
21 what was used, and what's planned to be used in the
22 future. Those are just a few of the things, how it
23 was tailored to specifically meet our needs here at

1 Fort McClellan.

2 MAYOR WILLIAM KIMBROUGH: Again, are
3 we still using the '97 reuse plan on all of this?

4 MR. ART HOLCOMB: That will be
5 covered later, sir.

6 MS. SUZANNE MURDOCK: But, yes.

7 MR. GLYNN RYAN: But, yes, the
8 answer is, yes.

9 MAYOR WILLIAM KIMBROUGH: Thank you.

10 MR. TODD BIGGS: And the OERIA does
11 provide a relative protectiveness, a ranking, based on
12 those alternatives.

13 For the Alpha area, there were the
14 four sectors that we started with that I mentioned.
15 And after everything was done through the risk
16 assessment, after the sampling, we subdivided the area
17 into thirteen smaller sectors.

18 The overall rankings were the key
19 input into the analysis of the different response
20 alternatives. Which I'll get to the response
21 alternatives as we go into the six alternatives that
22 we have. And the recommended response actions are
23 based on the future land use, play a major role in

1 what the alternative is going to be.

2 The evaluation of those response
3 actions are the effectiveness, and that's the ability
4 to reduce the risk, as we talked about, as it
5 incorporates those results. The implementability is
6 the technical, administrative, the feasibility, based
7 on the terrain and technology that's available and the
8 cost, the cost to implement those different
9 alternatives.

10 As you asked, the reuse plan is the
11 1997 comprehensive reuse plan as amended in 2000. And
12 the proposed -- as it says, the proposed alternatives
13 use this plan to help determine what's needed in those
14 areas.

15 The three land uses that are in the
16 Alpha area or -- I'll go ahead and tell you what the
17 three are -- they're active recreation, passive
18 recreation, and industrial. And I'll cover those
19 three very briefly.

20 The active recreation, as it says,
21 intensely developed in the form of ball fields, tennis
22 courts, those sort of things.

23 With recreation, you expect to have

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1 contact with the surface, near surface soils. And if
2 you're going to do construction out there, if you're
3 going to make restroom facilities, you know, stand
4 facilities for sporting events, you are going to have
5 subsurface soil contact.

6 With passive recreation, which is
7 the next one, it's less intensely developed. It's you
8 know, walking and hiking, very intermittently used and
9 has very minimal interaction with the surface and near
10 surface soils.

11 And the last is the industrial area,
12 which as it says, it's industrial. It's very
13 intensively used, going to build buildings, going to
14 put in roads, that sort of thing.

15 Okay, the six response action
16 alternatives that we considered were no further
17 action, that being the baseline is what's out there is
18 how it's staying.

19 The next one is land use controls.
20 Which there's two types; there's the physical, putting
21 up signs, putting up gates, putting up berms to, you
22 know, keep people out of the roads, and institutional,
23 which are deed restrictions and those type of things.

1 Construction support, which means
2 that in an area that has construction support is one
3 of the alternatives. Means that if construction is
4 going to happen in that area, you have to UXO support
5 to be there to ensure the safety of the people working
6 at that site.

7 Surface clearance, which is where
8 teams of UXO technicians go out and clear the surface
9 of OE and UXO. Clearance to one foot is where you
10 clear from the surface down to one foot below grade,
11 and then clearance to depth, where you go and clear as
12 deep as you can with the technology that's available
13 at the time.

14 The thirteen areas that we have. An
15 easy way to look at them on the map is the NFA areas
16 or the green areas. The clearance to one foot areas
17 are the ones that are in yellow, and the clearance to
18 depth areas are the ones that are in orange at the
19 very top and bottom.

20 And the first one I'm going to talk
21 about are the no further action areas. The M-5-1L
22 north is in the middle, beside the smoke ranges, right
23 there to the left of where it says Alpha area. There

1 were no OE or UXO items found in that area, and it's
2 been recommended for no further action.

3 And I'll just make a note that I can
4 say all the areas that were listed for no further
5 action, we found no OE or UXO in any of those areas.

6 The M6-1L remainder area, again,
7 approximately fifty acres. It's at the very top of
8 the screen of the map. As you can see, it does not
9 include the area in orange, it is the green areas
10 beside it, though, and it's approximately fifty acres.
11 And again, there was no OE or UXO found in that area.

12 The two areas on this map, the first
13 one is the M6-1M remainder IAR, which for everyone's
14 knowledge, I forgot to say, the I and the AR stands
15 for what the land use is in those areas; I, being
16 industrial, AR, being active recreation.

17 And if you can see the purple line
18 where it dots, that's the land use line above that in
19 that little square is the active rec portion, the
20 purple line that cuts up through -- sorry, my pointer
21 died on me -- this purple line right here that cuts
22 through, is the --

23 MR. GLYNN RYAN: Right here?

1 MR. TODD BIGGS: Yes, sir. That is
2 the line for the land use for industrial. And again,
3 there were no OE or UXO items found.

4 Now, the rest of the green on that
5 map is the M6-1M remainder PR, and it the one that's
6 around the four yellow areas that you can see. And
7 that's approximately two hundred and ninety-one acres.
8 And within that area, again, there were no OE or UXO.

9 And the last one is the smoke range.
10 And one point that we want to make is that I am
11 speaking strictly of the UXO EE/CA that was performed.
12 This is not the -- not anything else, just the UXO.
13 In this one, we found no OE or UXO in the area.

14 Okay. The clearance to one foot
15 areas. Again, the areas in yellow. This one being
16 the one map, because they're all right here. The burn
17 pit area, the three acre one is the little yellow to
18 the far right side. It's approximately three acres.
19 We surveyed one grid right in the middle of that
20 sector.

21 We found -- the reason that we named
22 it burn pit was it had the outward appearance of a
23 burn pit. It was a hole approximately three and a

1 half to four feet across, it was full of burned items,
2 charcoal, old wood pieces, metal pieces, but there
3 were some practice hand grenades and some smoke
4 grenades down to approximately a foot in that area.

5 The next area is the transact area
6 two north, which is the major round circle, M6-1M
7 transect, that one right there. Thanks, Mr. Ryan.

8 The area is approximately
9 sixty-three acres. This was one of the two areas
10 within the Alpha area EE/CA that had the appearance of
11 an impact range.

12 The UXO found in this area was two
13 point three six inch rockets, some sixty millimeter
14 mortars, and some rifle grenades, and we found stuff
15 in that area down to about fourteen inches.

16 The next area is the transect area
17 south, which is the major circle right there. This
18 was the second area that had the outward appearance of
19 an impact range. We found three point five inch
20 rockets, we found three inch stokes mortars, and some
21 sixty millimeter mortars in that area down to a foot.

22 MAYOR WILLIAM KIMBROUGH: A foot?

23 MR. TODD BIGGS: Yes, sir.

1 MAYOR WILLIAM KIMBROUGH: Let me ask
2 you a question. You said on the other one you found
3 it down to fourteen inches?

4 MR. TODD BIGGS: Yes, sir.

5 MAYOR WILLIAM KIMBROUGH: And your
6 recommendation is clearance to one foot?

7 MR. TODD BIGGS: Yes, sir.

8 MAYOR WILLIAM KIMBROUGH: Okay.

9 MS. DONNA FATHKE: Then you're going
10 to miss some stuff.

11 MS. SUZANNE MURDOCK: And the
12 recommendation is based on the land use being passive
13 recreation, understanding that there would not be
14 any -- much interaction with the soils in a passive
15 recreation area. So, it is based on what we expect
16 the use to be in the future.

17 MAYOR WILLIAM KIMBROUGH: Is there
18 any criteria that --

19 MS. SUZANNE MURDOCK: Can I mention
20 the other part of this remedy would be a digging
21 restriction. It would be a one foot clearance with no
22 digging allowed in these areas.

23 MR. DAN COPELAND: Without

1 construction support.

2 MAYOR WILLIAM KIMBROUGH: Is there
3 anything in the regulations that establish, as far as
4 passive recreation that the depth that you can go?
5 Can you go over one foot in passive recreation?

6 MS. SUZANNE MURDOCK: I don't think
7 there is anything that says what you -- what depth we
8 have to go to. It's part of our risk evaluation is
9 what are the risks -- and the big portion of that is
10 what is the use of that land going to be. That's a
11 big portion of the risk assessment. And we look at
12 what the end land use is, which is passive recreation.

13 And as it's been defined, we don't
14 expect there to be much of any intersection with the
15 soils. So, it's not -- it would be overkill to clear
16 to depth in these areas --

17 MAYOR WILLIAM KIMBROUGH: Okay.

18 MS. SUZANNE MURDOCK: -- based on
19 what we expect to happen there.

20 MAYOR WILLIAM KIMBROUGH: As passive
21 recreation defined by the JPA, is that what you're
22 saying?

23 MS. SUZANNE MURDOCK: Did we ever

1 get a definition from JPA?

2 MR. GLYNN RYAN: No, JPA didn't
3 define it in the reuse plan.

4 MAYOR WILLIAM KIMBROUGH: Okay.
5 So --

6 MR. GLYNN RYAN: This is based on
7 what the reuse plan said that area was going to be
8 used for.

9 MAYOR WILLIAM KIMBROUGH: Okay.

10 MR. GLYNN RYAN: Which was trails
11 for hiking and walking from one area to another in the
12 reuse plan, itself. No clear definition was listed in
13 there.

14 MR. RON LEVY: I want to point out,
15 too, that it doesn't -- that there would be a
16 restriction on the property for no digging, but it
17 does not mean that the property could not be used in
18 the future if somebody were to, either through
19 construction support or some other means, clear it
20 prior to whatever activity was going to go beyond a
21 foot.

22 MR. JIM MILLER: So, let me take a
23 hypothetical here and make sure I understand what

1 you're saying. If for some reason we needed to put a
2 pipeline across that area --

3 MR. RON LEVY: You could.

4 MR. MILLER: -- we could, but with
5 construction support. Who does that come from ten
6 years from now?

7 MR. GLYNN RYAN: Whoever -- we will
8 put a restriction on the deed that says, if you dig,
9 you would require construction support, and it would
10 be up to whoever digs. It's not a good answer, but --
11 the Army would not come back and do the construction
12 support.

13 MR. JIM MILLER: My question
14 exactly. We're stuck with it.

15 MR. GLYNN RYAN: Yes.

16 MR. JIM MILLER: Sure you couldn't
17 do that other two inches?

18 MS. SUZANNE MURDOCK: There's a
19 significant cost difference in doing --

20 MR. JIM MILLER: Y'all got plenty of
21 money.

22 MR. GLYNN RYAN: Again, these are
23 only the recommendations coming from the contractor

1 based on the report. This is the type information
2 that needs to be in your response, your comments, and
3 we'll respond to. Suzanne is trying to respond before
4 you give us the comments, but --

5 MR. TODD BIGGS: Anymore questions?
6 Okay. The next area that I'd like to talk about is
7 the M6-1M suspect area north, which is the little
8 yellow -- thank you, Mr. Ryan.

9 The reason there is -- that is a
10 suspect area -- and there's one more that I'll cover
11 next. The reason they're called suspect is because
12 they didn't have the outward range of an impact area,
13 but they was OE found in those areas. In this case,
14 there were three, three point five inch rockets found
15 on the surface. And so we're recommending it for a
16 one foot clearance. And like I said, they were on the
17 surface.

18 And the next area is the M6-1M
19 suspect area south, which is that little yellow one
20 right down there. And again, this one had a
21 seventy-five millimeter shrapnel round and a three
22 inch stokes mortar.

23 MAYOR WILLIAM KIMBROUGH: When you

1 talk about -- what size an area would you find that
2 in? I mean --

3 MR. TODD BIGGS: Okay. These --
4 both of those areas were -- are around a sampling
5 grid, where there are grids around them --

6 MAYOR WILLIAM KIMBROUGH: Right.

7 MR. TODD BIGGS: -- that we found
8 nothing, but we did find those items in that one grid.
9 So, what that is is basically a two hundred foot
10 buffer all the way around that grid.

11 MAYOR WILLIAM KIMBROUGH: And a grid
12 is --

13 MR. TODD BIGGS: In this case,
14 they're one hundred feet by two hundred feet.

15 MAYOR WILLIAM KIMBROUGH: Okay.

16 DR. BARRY COX: How do you know you
17 didn't -- by only sampling seventy something acres you
18 didn't miss another one of these little pockets like
19 those, that you have a lot in it?

20 MR. JIM MILLER: He's only
21 (inaudible) percent confident of that.

22 MR. GLYNN RYAN: We started out with
23 the archive search report, which really gave us where

1 the ranges were, and those are where we moved grids to
2 check those. And we also took a random sample.

3 DR. BARRY COX: Okay.

4 MR. ART HOLCOMB: Glynn, could I
5 add, that one up there was on the hill, that looked
6 like the backdrop that could have been used. And
7 that's why that grid was placed on that hill. And
8 there were some on either side of it, and there was
9 nothing in those.

10 MR. GLYNN RYAN: The other thing
11 that we did was do a terrain recon before we actually
12 put in and tried to find -- those terrain features are
13 otherwise that might indicate that there was something
14 that we -- were unreported (phonetic).

15 MR. MONTY CLENDENIN: When you talk
16 about clearance to one foot, are you talking about
17 scraping that whole area off, level? I mean, cleaning
18 it up? What do you mean by that?

19 MR. TODD BIGGS: No, sir. On a one
20 foot clearance, we would go in with hand-held metal
21 detectors and we would dig a hole, if we thought there
22 was an item there, based on, you know, what the metal
23 detector was telling us. And at that point, once

1 that's done, then the hole gets filled back in level
2 grade.

3 MR. MONTY CLENDENIN: So, you're not
4 grading off that whole --

5 MR. TODD BIGGS: No, sir.

6 MS. DONNA FATHKE: And what does
7 clearance to depth mean?

8 MR. TODD BIGGS: Basically, the same
9 thing, using a different instrument. Where we go in
10 geophysically and we map the area, a geophysicist
11 looks at it and makes target selections based on what
12 the electromagnetic feild has told him that he's
13 looked at on his computer.

14 He gives us a coordinate. We go
15 back out and we find that item with a metal detector,
16 we do the same thing, we dig that hole, we clear that
17 hole of that item, and then we fill it back to grade.

18 MS. DONNA FATHKE: And then how deep
19 does that instrumentation go, normally?

20 MR. TODD BIGGS: It depends on what
21 the item you're looking for. In other words, the
22 smaller the item, the shallower it has to be, the
23 bigger the item, the deeper it'll see them. So, it

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1 really is dependant on the item that you're looking
2 for.

3 MS. DONNA FATHKE: About how deep
4 would you go --

5 MR. TODD BIGGS: From the --

6 MS. DONNA FATHKE: -- (inaudible)
7 six feet, ten feet --

8 MR. TODD BIGGS: Usually, four feet.

9 MR. GLYNN RYAN: One of the things
10 that we look at is what the most probable munition is
11 that's being used, which has an impact of truly how
12 deep we're going to find it or how deep we expect to
13 find it. So, that's one of the things, as Todd talked
14 about, what conditions we cranked in specific to
15 McClellan, we looked at all of the munitions that have
16 been used out there.

17 If this was a big artillery range,
18 we would look at ten foot in depth.

19 MS. DONNA FATHKE: Miki, what is the
20 land use that is projected on this area?

21 MS. MIKI SCHNEIDER: Which one? I
22 mean, which area are you talking about?

23 MS. DONNA FATHKE: Is there a

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1 variety of --

2 MS. MIKI SCHNEIDER: Yes, there are
3 three. There is recreation, industrial, active and
4 passive rec.

5 MR. GLYNN RYAN: Each one of these,
6 when you look at the number M6-1M remainder, I,
7 industrial and active recreation are the lands uses
8 that go with that sector.

9 MS. DONNA FATHKE: But active
10 recreation and passive recreation aren't normal urban
11 zones that you use, right?

12 MS. MIKI SCHNEIDER: No.

13 MS. DONNA FATHKE: So, why have we
14 termed those?

15 MS. MIKI SCHNEIDER: Well, we have
16 tried to go back and divide and look at the area
17 titled, recreation, based on topography and look and
18 see if there are areas that we could divide into
19 active and passive.

20 But the City of Anniston, now that
21 it's been annexed into the City, only has a recreation
22 zoning district, which is what you're referring to,
23 Donna.

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1 MS. DONNA FATHKE: Uh-huh.

2 MS. MIKI SCHNEIDER: So, they don't
3 have something called passive recreation, theirs is
4 just a recreation zoning. And that's what, if this
5 reuse plan was taken to the City and they would adopt,
6 they would put on here, that's the type of district it
7 would -- they would have.

8 We would have to revise that to go
9 to -- ask them to create another district to go to a
10 passive recreation.

11 MS. DONNA FATHKE: So, I guess
12 I'm -- what I'm asking for is what impact is this
13 going to be on the City? I mean, is the City going to
14 be okay with having these doughnut holes being treated
15 specially, where certain activities can occur that can
16 happen everywhere around it? I mean, isn't that kind
17 of a nightmare to control?

18 MS. MIKI SCHNEIDER: Yes. I'm not
19 sure -- we're working on that with the Army right now,
20 how to handle that situation through early transfer,
21 and working with the City. But I don't know how they
22 would handle that. That would be up to the City
23 planning department.

1 MR. GLYNN RYAN: Again, those are
2 really the type comments we need on this EE/CA report.
3 I mean, this is the report based on the reuse plan,
4 1997 as amended. Understand, there is other reuses
5 out there. You know, these are the type comments that
6 need to be addressed.

7 MR. PHILIP STROUD: The questions
8 I'm hearing being fielded here, we're challenging the
9 Army right now and they've responded back. We're
10 going to see what their response to comments are.

11 I can tell you, y'all are hitting
12 right on the questions we're asking. And we asked the
13 same questions, you know, when -- it's not a lot of
14 area out there in yellow, you know. There's just not.
15 And, you know, we're asking the hard questions y'all
16 are asking, too.

17 DR. BARRY COX: Did you say you have
18 the comments back from the Army or --

19 MR. PHILIP STROUD: Well, we're
20 going to get response back to the comments.

21 DR. BARRY COX: Okay. But you don't
22 have those as of yet, though?

23 MR. PHILIP STROUD: Yes.

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1 MR. GLYNN RYAN: Yeah, we provided
2 them to the RAB. Didn't we, Ron?

3 MR. RON LEVY: Yeah, last time we
4 advised you their comments and our responses.

5 MR. PHILIP STROUD: And you'll see
6 some of these questions y'all are asking.

7 MR. RON LEVY: What you're hearing
8 though, is there's two tracks going here. We're
9 moving along, we the Army, at this point, are moving
10 along with the reuse plan, the '97 reuse plan as
11 amended in 2000, with these reuses. And then on the
12 privatization side, there is another track where
13 they're looking at the '97 plan and a mixture of that
14 and another plan and this final reuse plan as part of
15 negotiations on cleanup.

16 So, there is other things going on
17 out there. But what I am limited to evaluate is
18 the -- what I am limited to, at this point, is to
19 evaluate the '97 plan, although we're still taking
20 comments, and all this could potentially change,
21 potentially change.

22 MS. MIKI SCHNEIDER: Ron, '97 or '97
23 as amended?

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1 MR. RON LEVY: '97 as amended.

2 MS. MIKI SCHNEIDER: Okay. And I
3 think it's fair the RAB ought to understand -- to be
4 fair to the Army, in 1997, when the reuse plan was
5 adopted by the then Fort McClellan FMDC -- whatever
6 that acronym stood for -- this property was in the
7 county. County doesn't have zoning.

8 In 2000, when the property was
9 annexed to the City of Anniston, zoning then became an
10 issue, as far as cleanup and redevelopment.

11 DR. MARY HARRINGTON: Carry on.

12 MR. RON LEVY: Can I go back to a
13 question that, I think it was either Barry or Jim
14 made, about the no further action area and the fact
15 that -- the amount of sampling that was done on there
16 and what happens if you find something. I think that
17 was the gist of the question.

18 Well, if we transfer the property --
19 not an early transfer -- if we transfer the property
20 with this cleanup, there will be a covenant in the
21 deed that says if you find something, it's the Army's
22 responsibility and we have to come back and clean it
23 up.

1 So, for a no further action area, if
2 we said it's clean, and for some reason something were
3 discovered, we'd be on the hook or we'd be responsible
4 for cleaning it up.

5 Now, that doesn't apply on the early
6 transfer piece. When we early transfer property, we
7 early transfer it with no cleanup, and there is no
8 covenant. In fact there is what's called a covenant
9 deferral package that goes in there. It goes in with
10 no covenant whatsoever, and it assumes that when the
11 cleanup is done, that's when the covenant comes.

12 DR. BARRY COX: I understand that.
13 Why did we pick 90 percent confidence level, as far as
14 opposed to 95 or 99 or something else?

15 MS. SUZANNE MURDOCK: That's pretty
16 much the industry standard.

17 DR. BARRY COX: Okay.

18 MS. SUZANNE MURDOCK: I mean, that's
19 pretty much what we do on all of our projects is 90
20 percent confidence level.

21 MAYOR WILLIAM KIMBROUGH: When you
22 do that, don't most things have margins of error?
23 Does this have a margin of error?

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1 DR. BARRY COX: It's 10 percent.

2 MR. RON LEVY: I think it's
3 considered in the confidence level.

4 DR. MARY HARRINGTON: It's 3 to 5,
5 usually.

6 MR. PHILIP STROUD: Spencer, he's my
7 contractor here. What does that look like nationwide?
8 You've been out there a lot in the UXO world.

9 MR. SPENCER NELSON: The Army's used
10 it extensively. The Navy typically doesn't, the
11 Air Force doesn't, the Marine Corps doesn't. But it's
12 an Army tool, and it has been used in other sites and
13 with some debate.

14 MR. GLYNN RYAN: Is this the OE
15 calculator that you're speaking of?

16 MR. SPENCER NELSON: (Nods head.)

17 MR. GLYNN RYAN: Just wanted to make
18 sure --

19 MR. PETE CONROY: Spencer, what do
20 the other branches of the service use?

21 MR. SPENCER NELSON: Well, they
22 typically take a different investigative approach,
23 it's more of an RIFS, and there is a little bit of

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1 proving the negative involved with that. And
2 typically the numbers are boosted, and they'll come up
3 with a higher than 10 percent investigative rate.

4 MAYOR WILLIAM KIMBROUGH: Margin of
5 error, is there a calculated margin of error?

6 MR. GLYNN RYAN: I don't know of
7 any.

8 MR. RON LEVY: I'm aware of --

9 DR. MARY HARRINGTON: There always
10 is.

11 MR. GLYNN RYAN: You might want to
12 ask Suzanne or Porter, if there's actually a
13 calculated. That's --

14 UNIDENTIFIED MALE: In the 90
15 percent confidence level.

16 MR. RON LEVY: I think that takes
17 into account the margin of error.

18 MS. SUZANNE MURDOCK: I think it
19 does, too. But I'm not a statistician so --

20 MR. JIM MILLER: That's what the 90
21 percent means.

22 MR. GLYNN RYAN: Yeah, I mean,
23 that's the way we take it, but I'm not sure if you go

1 beyond that.

2 MR. JIM MILLER: Statistically,
3 that's what it is.

4 MR. GLYNN RYAN: Yeah.

5 DR. BARRY COX: Philip, a follow-up
6 to that, why do the other branches of the service --

7 MR. JIM MILLER: If you do it ten
8 times, nine times --

9 MAYOR WILLIAM KIMBROUGH: If you're
10 doing 10 percent of the property, then there's a 2
11 percent margin of error.

12 DR. BARRY COX: Just as a follow-up
13 on that, why do the other branches of the service use
14 a different method than the Army? Is it --

15 MR. PORTER MORGAN: They develop
16 their own. Each service develops its own process,
17 because there's no national standard set of rules.

18 DR. BARRY COX: Okay. Now, is the
19 Navy and the Air Force using the same standard is that
20 it, when the Army is using a different one? Is
21 that --

22 MR. GLYNN RYAN: Well, I mean, one
23 of the things is they do different types of training,

1 and so that's a big -- I mean, that's a bigger issue
2 that makes it much easier. A Navy bombing range or a
3 Navy gunnery fire range or an Air Force bombing range
4 is a lot different than the small ranges we're talking
5 about here.

6 And that's part of the reason there
7 is a different method each service uses. So --

8 MR. SPENCER NELSON: There are Army
9 ranges that are under Navy control that are --

10 MR. GLYNN RYAN: Exactly. We share
11 a lot, too. But I mean, the size and the make-up of
12 the munitions is so much different, the -- that's one
13 of the reasons there is a different method for
14 investigation.

15 MAYOR WILLIAM KIMBROUGH: Isn't
16 Fort McClellan the first or one of the first BRAC
17 closures that is dealing with UXO?

18 MR. GLYNN RYAN: No.

19 MS. SUZANNE MURDOCK: Fort Ord.

20 MR. GLYNN RYAN: No, there is many
21 of them out there dealing --

22 MAYOR WILLIAM KIMBROUGH: Has there
23 any property been transferred at this point that was

1 UXO property then, if there were others?

2 MR. GLYNN RYAN: I'm not sure if Ord
3 actually has transferred some. I know they had some
4 originally that was being looked at. I don't know if
5 it's transferred, I couldn't answer that.

6 MR. PORTER MORGAN: I don't think
7 they've transferred any of the UXO pieces. They have
8 done any cleanup, yet, have not finished.

9 MAYOR WILLIAM KIMBROUGH: Oh, they
10 haven't gotten that far?

11 MR. GLYNN RYAN: Well, Fort
12 McClellan actually has transferred the parcel to the
13 Anniston Star. And you've seen the nice building they
14 built without finding anymore UXO.

15 MR. TODD BIGGS: Okay. The last of
16 the clearance to one foot areas is the M5-1L south PR,
17 which is the yellow area all the way to the south end
18 of the map.

19 That area is a hundred and thirteen
20 acres. We did find some OE and UXO in that area in
21 the form of three point eight inch shrapnel rounds and
22 two white phosphorous four inch stokes mortars down to
23 a depth of five inches.

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1 Okay. The last two areas that I
2 have to talk about are the two clearance to depth
3 areas. The first one is the M6-1L suspect area, IAR,
4 which is the orange circle at the very top of the map.
5 We've found some practice grenades and smoke grenades
6 down to fourteen inches in that area.

7 MR. GLYNN RYAN: That's a clearance
8 for industrial is the --

9 MR. TODD BIGGS: Correct, and a lot
10 of that had to do with based on the land use being
11 industrial.

12 And the last clearance to depth area
13 is the other industrial area is the M5-1L area to the
14 south. Based on what was located in the PR area
15 around it and the fact that we did find OE and UXO in
16 that area led to this. The item that we found in
17 there was a Liverns (phonetic) projector, an old
18 World War I munition, and it's approximately nineteen
19 acres.

20 In summary, as I've said earlier,
21 the entire area is nine hundred and thirty acres. The
22 recommended response actions for the different areas,
23 there are thirty-three acres we've recommended for

1 clearance to depth, two hundred and fifty-six acres we
2 recommended for clearance to one foot, and the
3 remaining six hundred and forty-one acres we
4 recommended for no further action.

5 MS. DONNA FATHKE: I have a
6 question.

7 MR. TODD BIGGS: Perfect slide.

8 MS. DONNA FATHKE: When you do the
9 original surveys, just your random spots --

10 MR. TODD BIGGS: Yes --

11 MS. DONNA FATHKE: -- etcetera, how
12 deep do you scan on those spots to determine if there
13 is something there?

14 MR. TODD BIGGS: We scan as deep as
15 the instrument will go. In the case of this one, the
16 deepest we found any items were twenty-four inches.
17 And we're looking as deep as the instrument will look
18 based on what you're -- and again, it's based on what
19 you're going to find. If it's a hand grenade at seven
20 feet, you're realistically not going to find it with
21 anything. Where if it's a one five five mortar, you
22 can probably find it at six or seven feet.

23 So, in this area, we found nothing

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1 deeper than twenty-four inches in the entire area.

2 MAYOR WILLIAM KIMBROUGH: If you
3 find -- if you find something in that grid, do you
4 expand that? Do you do any -- expand it, research in
5 that area?

6 MR. TODD BIGGS: Not the EE/CA, no,
7 we did not. The only two areas that we did any
8 expansion on were the two impact areas, the two
9 transect areas. And in those areas we did what were
10 called transects, which were basically straight lines
11 up and down, north and south and east and west, to
12 help us figure out where the area ended, to help
13 figure the borders of the area.

14 MR. GLYNN RYAN: Let me go -- I
15 think, Mayor, to better answer your question, what
16 Todd is talking about, in the actual EE/CA what we
17 did, when we started a removal action, if we went into
18 what we suspect to be a one hundred by one hundred
19 grid, and we continued to find something, we would
20 continue to expand outward until we cleaned it up. I
21 mean that's --

22 MAYOR WILLIAM KIMBROUGH: That's my
23 question.

1 MR. GLYNN RYAN: Okay.

2 DR. MARY HARRINGTON: Go ahead.

3 MR. EMERY HOYLE: I have a question.

4 When you're doing your analysis of the area and you
5 survey, do you typically get a certain percentage of
6 what amount of UXO lies beneath, say, that one foot
7 level?

8 MR. TODD BIGGS: Yes, we do, and we
9 can look at it on the data base. And I'm sorry, I
10 don't have that kind of information.

11 MR. EMERY HOYLE: Well, that's fine.
12 So, you can actually look at it, and feasibly, it
13 wouldn't be more expensive to go ahead and dig down,
14 providing you had a small percentage less than your
15 one foot, you could dig down deeper than your one foot
16 because you're already in the spot?

17 MS. SUZANNE MURDOCK: The difference
18 is we use a different technology to find the ordnance,
19 whether we do a one foot clearance or clearance to
20 depth, we use a totally different technology.

21 MR. EMERY HOYLE: So, you
22 predetermine your clearance level before you actually
23 go into it?

1 MS. SUZANNE MURDOCK: And we choose
2 the technology based on what level we're clearing to.

3 MR. EMERY HOYLE: Okay.

4 MS. SUZANNE MURDOCK: What I'm
5 saying is, that the type of instrumentation we use for
6 one foot clearance wouldn't see much past one foot.
7 So, it's a difference on how we find the ordnance.

8 MR. EMERY HOYLE: Is that technology
9 much more expensive --

10 MS. SUZANNE MURDOCK: Yes --

11 MR. EMERY HOYLE: -- to go down two
12 foot?

13 MS. SUZANNE MURDOCK: Yes.

14 MR. EMERY HOYLE: I mean, do you
15 have it on hand? Is it more expensive to use?

16 MS. SUZANNE MURDOCK: It's more
17 expensive to use.

18 MR. PETE CONROY: Ron had started
19 off by saying that this is a process, and I just
20 wanted to ask Philip, Doyle, and maybe Spencer, while
21 you're here, what do you think of this process, and
22 what do you think of the OERIA methodology?

23 And you said we were going to learn

1 all about the OE calculator. I don't know if I feel
2 any smarter about that a bit.

3 But what do you think about the use
4 of the OE calculator, and what are the contractors
5 saying? I just want to get a sense of what other
6 folks are thinking, and I know we'll read later on
7 what you're thinking, but we want to know now.

8 MR. PHILIP STROUD: Again, I want to
9 see what we've got with the response to comments first
10 of all from the Army.

11 I've questioned the OERIA on the
12 qualitiveness of it verses the quantitiveness of
13 it. And they, I notice on the OERIA here, they're
14 still saying qualitative underlined.

15 And one of my questions was toward
16 the quantitative aspects -- and one of the questions I
17 really have been asking toward the OERIA is: Is it
18 adapted and modified to -- explicitly to
19 Fort McClellan? And what I'm hearing is is, yes, it
20 has.

21 But the way the initial report was
22 written, it's very hard to get that out of that. And
23 so we're asking a clear clarification of exactly what

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1 the OERIA is and to see how it is -- how is it adopted
2 here and how they've modified it. So, that's what I'm
3 going to look for in -- to the response to comments.

4 Now, what was the other question? I
5 think Spencer could speak to that. Maybe the one --
6 what was that --

7 MR. SPENCER NELSON: Well, again, I
8 think in fairness to the Army there is a lot of these
9 issues we've already raised, and we've submitted
10 questions or comments on, we're waiting for the result
11 some of those.

12 There are -- one of our major
13 comments were the approach with the EE/CA, the
14 percentage being sampled, the number of grids that
15 were sampled, and the cleanup level at one foot, you
16 know. And that's just our opinion, as far as the one
17 foot clearance, as well as the end land usage. These
18 are all things we have addressed (inaudible) --

19 I would feel better if it were a
20 more conservative approach and there was more --
21 probably the JPA land use involved in that, and I
22 might have taken a different approach than the EE/CA.

23 That being said, the EE/CA has been

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1 done, so -- and we need to take the information we've
2 got with that and go forward and try to craft the best
3 product the we can for the people that are going to be
4 utilizing that land.

5 And so, a lot of these comments are,
6 they're global, and they're very serious affairs when
7 you're talking about clearances (inaudible). If we
8 disagree, and it turns out that that is the
9 appropriate measure, there is obviously a lot of work
10 left in that area for the Army to do.

11 And so, those are all things that
12 need to be cleared up. I mean, we may just agree
13 (phonetic) to disagree and hope that the removal
14 action will encompass that. And, you know, that
15 remains to be seen.

16 So, I really can't comment further
17 than that. It would not have been the approach I
18 would have taken, but that's neither here nor there.
19 The Army has their plan and their contract, and I know
20 their contractor does good work, and that's not what
21 we're questioning. It's more the methodology employed
22 when we went out to gather this data.

23 MR. RON LEVY: Well, to be fair to

1 the argument, Spencer, is that the work plan that was
2 developed was developed in conjunction with
3 (inaudible) -- and realizing you weren't there at the
4 time.

5 MR. SPENCER NELSON: Sure.

6 MR. RON LEVY: We went forward with
7 the work plan that had been concurred with on the part
8 of ADEM. So, understanding, you know, you can second
9 guess at this point, but we went forward, where we
10 worked a work plan out with the State, and we went to
11 the field that way.

12 MR. PETE CONROY: So, there is a
13 work plan. And can we get a copy of that?

14 MR. RON LEVY: Certainly. In fact,
15 it's in the repository. It's -- the work plan and the
16 letters are there from the State, as well.

17 DR. MARY HARRINGTON:

18 Mayor Kimbrough has a --

19 MAYOR WILLIAM KIMBROUGH: You might
20 not be -- let me ask you first. Have y'all -- you're
21 in the business. So, have y'all done any cleanup on
22 another post in which operated under different
23 criteria? Have y'all done any Navy or Air Force

1 cleanup bases .

2 MR. TODD BIGGS: Yes, we have.

3 MAYOR WILLIAM KIMBROUGH: Okay. You
4 might not want to answer this, and I understand. Do
5 you feel comfortable with this in comparison to the
6 others that you have done?

7 MR. TODD BIGGS: Do I personally?

8 MAYOR WILLIAM KIMBROUGH: Yes.

9 MR. TODD BIGGS: Yes.

10 MR. PHILIP STROUD: The work plan
11 was -- came out and then we've done work since then.
12 And I think Spencer was alluding to it, but we're
13 still in the process of getting information from the
14 Army on validation. And that's been a point, and
15 y'all have heard it from me from the last RAB or two
16 or three about validation. That's still a question.
17 And that is also another issue we're resolving, at
18 this point.

19 MR. RON LEVY: We acknowledge that
20 these are issues that we're working with them on, and
21 it may just continue to take more work on our part to
22 gather the data that they're looking for to make them
23 comfortable.

1 DR. BARRY COX: But to be clear now,
2 you are awaiting some comments back from the Army; is
3 that correct?

4 MR. GLYNN RYAN: We've provided
5 those comments.

6 DR. BARRY COX: I just thought
7 Spencer -- I thought he said they were waiting on
8 some --

9 MR. RON LEVY: I think he was trying
10 to imply that we're working -- we're still working
11 through them. I don't know that he --

12 MR. SPENCER NELSON: Yeah, they're
13 still --

14 MR. GLYNN RYAN: Yeah, we're still
15 working some --

16 MR. SPENCER NELSON: -- working on
17 responses. There hasn't been agreement amongst the
18 group to the responses.

19 MR. GLYNN RYAN: Yeah, I think
20 that's it. We've responded to their comments.

21 DR. BARRY COX: Okay.

22 MR. RON LEVY: And I want to say
23 there have been some successes, although, I don't

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1 think we're there, yet. I know we're not there, that
2 and I know that ADEM -- but we have answered some of
3 their questions, so -- and we continue to work with
4 them. And it may require us to provide them more
5 data, and we'll continue to do that.

6 DR. BARRY COX: Roughly, how many
7 questions are we looking at that you aren't satisfied
8 with, Philip?

9 MR. PHILIP STROUD: I don't have an
10 answer to that right now. I wish I could answer that.
11 Some are interrelated with each other and some of
12 them, you can resolve one answer and knock off thirty
13 of them. And -- but there are -- the relation
14 (phonetic) of some of the answers, I just -- that's
15 why I won't put a number on it. But I think I spoke
16 to the main issues.

17 MR. RON LEVY: One of the things
18 that we're unable to do for ADEM is to solve this land
19 use issue that they bring up in the community. I
20 think it's working through other tracts, but we are
21 really working off of the '97 as amended and 2000 land
22 use plan and those definitions.

23 DR. MARY HARRINGTON: Okay, does

1 that conclude this aspect? Thank you. Thank you.

2 MR. PETE CONROY: Just one quick
3 question. How many -- there's a public hearing
4 tomorrow night?

5 DR. MARY HARRINGTON: Yes, that's
6 what I'm fixing to announce. Public hearing tomorrow
7 where we used to meet -- I read it in the paper today
8 just before I came -- from 5:00 to 7:00.

9 I don't take the paper, so I don't
10 know how often it's been in there. Just happened to
11 have picked it up today, trying to find out the time
12 of a funeral tomorrow.

13 MS. MIKI SCHNEIDER: It's in the
14 legal section of today's paper.

15 MR. PETE CONROY: I'm sure there
16 will be a big crowd tomorrow tonight.

17 DR. MARY HARRINGTON: It's in a
18 little block like this. (Demonstrating.)

19 MR. RON LEVY: Yeah, there's also a
20 display ad in there.

21 MS. MIKI SCHNEIDER: In the legals.

22 DR. MARY HARRINGTON: I didn't see it
23 in the legal. I saw it in a little block about this

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1 size. (Demonstrating.)

2 MR. RON LEVY: It's in a display ad,
3 it's in the legal section, it's also in the community
4 piece, and we also sent it through the normal E-mails
5 to you all at --

6 MS. BRENDA CUNNINGHAM: It's on
7 Channel 2.

8 MR. RON LEVY: It's on Channel 2.

9 MR. JIM GRASSIANO: Ron, is that a
10 public hearing or is that a public participation
11 meeting or what's --

12 MR. RON LEVY: It's a public
13 meeting. It's a public meeting.

14 MS. DONNA FATHKE: What's the
15 purpose of it?

16 MR. PETE CONROY: To get public
17 comments relative to this Alpha area EE/CA. And I
18 guess my question would be: What do we, you know,
19 realistically expect tomorrow night? You know, my
20 hunch is that, you know, it's not going to be really a
21 standing-room-only sort of, but your obligation will
22 have passed, you know, I guess.

23 And will there be other public

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1 meetings? You know what I mean? I'm just, from a
2 pragmatic point of view, just kind of wondering, what
3 we do expect? I'll probably show up just to kind of
4 see what's going to happen tomorrow night.

5 MR. GLYNN RYAN: We also have the
6 comment forms back here, and we have requested
7 comments.

8 MR. RON LEVY: In a sense this is
9 also a public meeting --

10 MR. PETE CONROY: Sure.

11 MR. RON LEVY: -- so we take
12 comments from you.

13 MR. PETE CONROY: Yeah.

14 MR. RON LEVY: But, yeah, we've got
15 some facts sheets that are going to be handed out at
16 the public meeting, if y'all would like copies of
17 those, too. It just kind of summarizes what Todd
18 presented.

19 But as far as the public process is
20 concerned, Pete, prior to the Army making a decision,
21 that's where it comes in, we take public comments and
22 it's really -- you know, we will take up to that
23 point, but there really isn't another public period --

1 MR. PETE CONROY: There's not?

2 MR. RON LEVY: --you know, after the
3 decision is made that I'm aware of.

4 MR. PETE CONROY: It just -- I
5 guess, this is kind of an off-the-cuff comment, but it
6 seems somewhat premature as ADEM and EPA haven't had
7 the -- you know, commented in a public way where we
8 all can get a sense of, you know, who's thinking what
9 about these various issues.

10 It's kind of where the community is
11 going in cold in a very, very technical sort of arena.
12 And I just realistically can't imagine that we'll get
13 much out of it, other than fulfilling an obligation.
14 Just an observation.

15 MR. GLYNN RYAN: We have --
16 Mr. Grant, I believe, has a few things to comment on
17 that he actually -- what did you review, Ron? I'm
18 sorry, I'm skipping around on the program --

19 MR. RON GRANT: The M-101, M-3
20 site-specific final report. The comments that the --
21 the Army's response to the comments that ADEM has
22 made.

23 MR. GLYNN RYAN: So, the technical

1 review committee didn't ask you to comment on the
2 Alpha area EE/CA when we gave it to the RAB members?

3 DR. BARRY COX: But wait a minute.
4 You said, you couldn't comment on it.

5 MR. GLYNN RYAN: No, I mean, he
6 couldn't answer your questions on it? I'm not sure
7 what -- I thought --

8 MR. PETE CONROY: I think we're all
9 confused.

10 MAYOR WILLIAM KIMBROUGH: I think we
11 are, too.

12 MR. RON GRANT: I have that. That's
13 one of the documents that I have right now that Ron
14 has asked me to look at, but I have not --

15 MR. GLYNN RYAN: Okay.

16 MR. RON GRANT: -- (inaudible)
17 completed that.

18 MR. GLYNN RYAN: As far as providing
19 written comments, I understand, but you haven't
20 provided any input to the technical review committee
21 on --

22 MR. RON GRANT: (Shakes head.)

23 MR. GLYNN RYAN: I'm sorry. I

1 thought they had asked that.

2 DR. MARY HARRINGTON: All right.

3 We're going to move right on to new business so we can
4 get a few things done action wise.

5 Let me know -- you know we have two
6 resignations from Mr. Freeman and Mr. Cunningham. We
7 do have three applications on file that's in the
8 persons of Steffy, Howland, and McCary. Tell me if
9 you want to vote tonight or if you want to go out and
10 get additional applications?

11 What is the wishes of this RAB
12 board?

13 MS. DONNA FATHKE: Which are the
14 three that we have?

15 Dr. MARY HARRINGTON: Steffy,
16 Howland, and McCary.

17 MS. BRENDA CUNNINGHAM: You have
18 their applications in your packets.

19 DR. MARY HARRINGTON: Yes, we had
20 the last packet we got. You know, we've reviewed
21 those.

22 MS. BRENDA CUNNINGHAM: Those are
23 applications that are on file from the last vote that

1 you had.

2 MR. RON LEVY: David Steffy is an
3 assistant professor in environmental science at JSU,
4 Joe McCary is a teacher at Jacksonville --

5 DR. MARY HARRINGTON: That is
6 present tonight.

7 MR. GLYNN RYAN: He's in the back
8 right here, he's present.

9 MR. RON LEVY: And, Keith Howland,
10 most of you know Keith Howland from his talk show,
11 Enviroman, those are the three.

12 DR. MARY HARRINGTON: What is the
13 wishes of this board?

14 MAYOR WILLIAM KIMBROUGH: I make a
15 motion we solicit -- see if we can get some other
16 applications and vote at the next meeting for the two
17 slots.

18 MR. RON HOOD: I second that.

19 DR. MARY HARRINGTON: It's been
20 properly motioned and seconded that we take
21 applications, which you have in your packet, and
22 solicit to be turned in and we cover this at the next
23 meeting.

1 You've heard that -- are you ready
2 for the question? All in favor of said motion?
3 Opposers, same opportunity. Go to work members.

4 Okay. Our next new business, it
5 talks about the renewal of the contract. Let me say
6 before we get there, or suggest that hopefully we get
7 the comments that you all are talking about as soon as
8 possible, that may give you some additional comments
9 or things that you need from Mr. Grant.

10 As you know, his contract is up in
11 May. This is March. So, if you don't get something
12 or we don't get something soon, when we get it, time
13 will be up, unless it's renewed.

14 MR. GLYNN RYAN: And the procedure
15 we have to do, since this is something we have to
16 handle through the Army, is slow and cumbersome, as
17 everything else we do. I ask that you let us know.

18 We would -- if you want that
19 contract extended, we need to work that action
20 immediately to make it happen.

21 I'm losing my contracting ability at
22 the end of this year, and I'm going to have to go to
23 Atlanta to get that contract done. We can do it here.

1 We'll have to turn it over later. But if we don't do
2 something right away, we're going to lose that.

3 Now, please, if you think about what
4 you want, we need to do this as soon as possible.

5 MR. PETE CONROY: What do you mean
6 you're losing your contracting ability, running out of
7 money?

8 MR. GLYNN RYAN: No. I have one
9 person who doesn't have enough contracts to
10 administer, so it will be rolled up into a larger
11 contracting office. A part of the downsizing of the
12 Army for the closure of Fort McClellan.

13 MAYOR WILLIAM KIMBROUGH: What do
14 you mean the end of the year.

15 MR. RON LEVY: You have to have a
16 contracting person --

17 MR. GLYNN RYAN: September.

18 MR. RON LEVY: -- with a warrant and
19 we're losing our -- to do that.

20 MAYOR WILLIAM KIMBROUGH: So --

21 MR. GLYNN RYAN: But the contract
22 expires in May, and if we don't do something this
23 month, we may not be able to keep it going seamlessly.

1 MR. JOE DOYLE: Can I --

2 MR. GLYNN RYAN: Joe actually --

3 MR. JOE DOYLE: I may be speaking
4 out of turn here, but I heard your conversation
5 earlier this evening that perhaps you want to go in a
6 different direction.

7 I don't know the EPA's rules if you
8 have the same flexibility in recommending a potential
9 contractor just like you did with regard to this one.
10 I don't know, under their grants program, if it's a
11 sole source and they go with your suggestion or if
12 they have to compete it.

13 But if I hear you correctly, I think
14 you want some flexibility out here, perhaps you do --
15 may want to change direction. Doyle, help me out
16 here, but I assume that your organization can
17 sometimes be a little bit slow, too.

18 I may offer this as a suggestion:
19 That if we could award a contract for a three month
20 period of time with three three-month options in lieu
21 of a one year contract, we can go ahead and do it that
22 way. Then in the event that you do switch directions
23 at some later date and you want an alternative method

1 to respond to it, then you're not tied -- you're not
2 locked into the one year contract period.

3 MAYOR WILLIAM KIMBROUGH: I think
4 our concern or lots of the concern is that we have
5 some questions that we would like answered sometimes
6 about maybe a different technology or something like
7 this.

8 And what we have been told is that
9 he can only respond to what's in the document, and he
10 can't give us an opinion, well, this might serve
11 better or this might serve better or, you know, some
12 of the questions that we asked today, from what I
13 understand, that we can't refer to him if we ask the
14 question, well, why not -- don't you go four foot deep
15 instead of one foot deep, because that's not part of
16 the document, then our understanding is that we
17 couldn't refer that to him.

18 All he could respond to is why
19 they're going one foot deep.

20 MR. GLYNN RYAN: No.

21 MAYOR WILLIAM KIMBROUGH: Am I
22 wrong?

23 MR. RON LEVY: No, you can do that.

1 MR. GLYNN RYAN: Yeah, you can do --
2 you can ask for his -- look at a document and give you
3 his opinion of it.

4 MR. RON LEVY: But I mean, if you
5 had a specific question like, you know, why would the
6 Army -- why would the Army go to one foot as opposed
7 to four foot and why could the Army not go to four
8 foot, that certainly is a technical question that
9 should be able to be answered by Ron. He should be
10 able to look into --

11 MAYOR WILLIAM KIMBROUGH: Well, see,
12 our understanding was that he could only offer an
13 opinion --

14 DR. MARY HARRINGTON: From material
15 that was already in the document.

16 DR. BARRY COX: Let's try another one
17 then, let's say -- let's go back to your -- the
18 Mayor's favorite subject is the landfills over there.
19 Could we say ask Ron to investigate why -- should they
20 have drilled six wells as opposed to four?

21 MR. RON LEVY: That sounds to me
22 like a technical question. Yes, I don't see why you
23 couldn't ask that question.

1 DR. BARRY COX: Okay. So, we could
2 ask him is: Should the Army have drilled six instead
3 of four wells?

4 MR. RON LEVY: Absolutely.

5 MR. GLYNN RYAN: Yeah.

6 MR. RON LEVY: You know, he -- we'd
7 have to go back and do some research on it and look
8 into it, but that -- what I understood you telling me
9 was that you wanted him to go through the document and
10 start commenting on the document, and that's not the
11 intent.

12 DR. BARRY COX: Well, it's kind of
13 the same thing, though, isn't it? I mean it's a --

14 MR. RON LEVY: No, because you
15 raised the issue, you want to know from a technical
16 aspect why you can't do that. It came from the RAB.

17 DR. BARRY COX: Okay. Well, let's
18 say again, Ron, go through this and tell us if you
19 think they had the appropriate process to -- when they
20 drilled these wells, did they go through the right
21 process? Should they have sampled more often? Is
22 that --

23 MR. RON LEVY: I think that's -- to

1 me, you know, that's a different question, Barry, it
2 is, as opposed to going through and, okay, let's find
3 the problems with it. You're identifying an issue
4 that you want him to look into from a technical aspect
5 and address back to the RAB.

6 MR. RON GRANT: The only thing I see
7 where you could run into real problems with that,
8 you're talking about enlarging what I -- the scope of
9 the contract as I see it right now. And you're
10 talking about asking one person, who has got a year
11 long, twenty-five thousand dollar contract, to second
12 guess a contractor who has probably got a contract
13 that's worth millions and a staff of dozens of people
14 with multi disciplines, to second guess that person.

15 I don't -- you know, I could give
16 you an answer, but now, when you think about it from
17 those terms, you know, the resources that I have
18 compared to theirs, you know, my answer may not be
19 worth the paper it's written on.

20 I know I'm belittling myself in that
21 regard, but keep in mind, you know, what I've got
22 available to do all that work.

23 MR. PETE CONROY: Ron, how would you

1 just rate yourself in terms of expertise, relative to
2 UXO?

3 MR. RON GRANT: On a scale of --

4 MR. PETE CONROY: Whatever, one to
5 ten.

6 MR. RON GRANT: One to ten.

7 MR. CONROY: Ten being really smart.

8 MR. RON GRANT: Probably a four or
9 five, maybe, and my ego may be coming into play there.

10 MR. PETE CONROY: Thanks.

11 MAYOR WILLIAM KIMBROUGH: You dealt
12 mostly with groundwater, didn't you?

13 MR. RON GRANT: Beg your pardon?

14 MAYOR WILLIAM KIMBROUGH: Haven't
15 you had lots of experience in groundwater
16 contamination?

17 MR. RON GRANT: Yeah, at
18 Anniston Army Depot and managing people that were
19 doing the studies. But, you know, the Depot does the
20 same thing that Fort McClellan is doing. The Depot
21 uses contractors, and the contractors hire people with
22 expertise in all these various disciplines.

23 MR. RON LEVY: Right. Well, the

1 limitations on the dollars keep you from really buying
2 a really high (phonetic) --

3 MR. RON GRANT: You're not going to
4 find a single person. And if you do --

5 MR. PETE CONROY: I can't agree
6 more.

7 MR. RON GRANT -- you're not going to
8 be able to afford him for twenty-five thousand
9 dollars, you know, that can do all the things and have
10 all the expertise you'd like to have.

11 MAYOR WILLIAM KIMBROUGH: Well, my
12 question, I think, was that his expertise is
13 centralized around groundwater contamination and all.
14 So, through the EPA then, could we apply for a grant
15 to find somebody that might be an expert in the UXO to
16 give us advice in that area, if he --

17 MR. GLYNN RYAN: I can't answer,
18 obviously.

19 DR. BARRY COX: But that would be an
20 EPA question, though. But we could go to fill out the
21 document and see what happens. The way the system --

22 MR. JOE DOYLE: I don't believe
23 there are any constraints to you putting X -- whatever

1 our -- the dollars are we put on the contract that
2 you're limited to one contract with X amount of
3 outpours only (phonetic) -- I mean, that could be
4 split.

5 MR. RON LEVY: No, there is limits
6 on that, Joe, there is a dollar amount.

7 MR. JOE DOYLE: No, no, no, what I'm
8 saying -- I mean, if it takes two different types of
9 experts --

10 MAYOR WILLIAM KIMBROUGH: Twelve
11 five for each one of them, is what you're saying.

12 MR. JOE DOYLE: I don't think you're
13 constrained by --

14 MR. RON LEVY: I guess the answer
15 would be --

16 DR. BARRY COX: Would be, you know,
17 (phonetic) on both of them, though, really.

18 MR. RON LEVY: That would have to be
19 answered (inaudible) EPA.

20 DR. BARRY COX: That's the reason I
21 suggest we look at the --

22 MR. JIM MILLER: My understanding,
23 though, from this gentleman was, that EPA possibly had

1 grant funds available separate and apart from what the
2 Army (inaudible).

3 MR. RON LEVY: And if that's the
4 case -- because I don't know. I don't know anything
5 about that.

6 MR. PETE CONROY: You going to run
7 that rabbit?

8 MR. DOYLE BRITTAIN: Yeah, if you
9 want me to.

10 MR. PETE CONROY: Yes, sir. In a --

11 MAYOR WILLIAM KIMBROUGH: Do we need
12 to make a motion?

13 DR. BARRY COX: You need me to get
14 you a letter before you can go after the --

15 MR. DOYLE BRITTAIN: If you tell me
16 you want it, I can go start it. That's not a problem.

17 DR. BARRY COX: Okay. I make a
18 motion --

19 MR. DOYLE BRITTAIN: If I know
20 that's what you want.

21 DR. BARRY COX: Sure. Okay. I make
22 a motion that we ask Mr. Brittain to look into it.

23 MR. PETE CONROY: Second it.

1 DR. MARY HARRINGTON: It has been
2 properly motioned and seconded that we would ask
3 Mr. Brittain for, I think it's referred to a TAG --

4 DR. BARRY COX: T-A-G.

5 DR. MARY HARRINGTON: Okay. All in
6 favor of said motion? Opposers? Okay.

7 Now, you've still left me hanging,
8 the last thing I asked you was, the renewal of the
9 TAPP contract that expires May 2003. And I think
10 Mr. Doyle down on this end made the comment that you
11 may want to break it down in increments or whatever so
12 that -- as to not be left hanging.

13 What is the wishes of the board?

14 MR. PETE CONROY: And your sense is
15 that if we don't do something tonight there is a
16 chance we'll lose the contract?

17 DR. MARY HARRINGTON: When we come
18 back, it will be April.

19 DR. BARRY COX: Sure.

20 DR. MARY HARRINGTON: It will be two
21 weeks before May.

22 MR. GLYNN RYAN: We may not be able
23 to keep it going seamlessly; That's my concern.

1 MAYOR WILLIAM KIMBROUGH: I make a
2 motion we extend the contract.

3 MR. JIM MILLER: Second.

4 DR. MARY HARRINGTON: Okay. It has
5 been properly motioned and seconded that we ask
6 Mr. Ryan -- did I get that right --

7 MR. GLYNN RYAN: Yes.

8 Dr. MARY HARRINGTON: -- to make
9 arrangements or to try and extend the contract with
10 the TAPP. All in fair of said motion let it be known
11 by I. Opposers? There being none, carries.

12 MR. JOE DOYLE: May I ask a
13 question?

14 DR. MARY HARRINGTON: Okay.

15 MR. GLYNN RYAN: Let me clarify.
16 Joe, I was going to clarify, that is for one year?

17 MR. JOE DOYLE: Or was that, as I
18 suggested, a three year period with three --

19 MR. GLYNN RYAN: Can we ask for a
20 vote?

21 MR. JOE DOYLE: We can do those
22 seamlessly.

23 DR. MARY HARRINGTON: May I have --

1 MAYOR WILLIAM KIMBROUGH: If this
2 goes away and we're moving toward privatization then,
3 would that not be up to the JPA after that?

4 MR. JOE DOYLE: The RAB continues.
5 The RAB would continue, no matter what happens with
6 regard to privatization, the RAB continues.

7 MR. JIM MILLER: So, it's really
8 just a question of whether we take that money that's
9 available or however Ron or we can use it?

10 MR. PETE CONROY: Take the money.

11 MR. JIM MILLER: Take the money.

12 DR. BARRY COX: Take the money.

13 MR. RON LEVY: I think there is a
14 total of three year limitation on it, though. And
15 we've already --

16 MAYOR WILLIAM KIMBROUGH: Is that
17 counting this past year?

18 MR. RON LEVY: -- our first year.
19 Yeah.

20 MAYOR WILLIAM KIMBROUGH: So, we
21 have two left?

22 MR. RON LEVY: Karen, do you
23 remember? Where is Karen at?

1 DR. MARY HARRINGTON: We need to get
2 all -- you know Alabama has a serious history of
3 sending back money. We don't need to if we can help
4 it.

5 MR. RON LEVY: Absolutely. I
6 agree.

7 MR. JIM MILLER: Well, this group
8 won't make that mistake.

9 MR. GLYNN RYAN: We understand that
10 we are to attempt to extend the contract for a one
11 year period.

12 DR. BARRY COX: Exactly right.

13 MR. GLYNN RYAN: And we can do that.

14 MR. PETE CONROY: That's right.

15 MR. GLYNN RYAN: No problem.

16 DR. MARY HARRINGTON: Okay. Now,
17 we -- you know, y'all are breaking my heart. You
18 know, I don't do this.

19 So, we're down to our agency
20 reports. We'll have what we haven't gotten from Miki
21 with the JPA, the technical review committee, our
22 action summary sheet, and I think we've pretty much
23 taken care of the TAPP hours, but we'll see.

1 And the upcoming programs, you need
2 to be letting us know what you want to have for your
3 programs.

4 MAYOR WILLIAM KIMBROUGH: I'd like
5 for the response on the Army on the landfills to be
6 presented next meeting, please.

7 DR. MARY HARRINGTON: Okay. Is
8 there a response on the -- okay. That's next program.
9 Is there a problem with that?

10 MR. GLYNN RYAN: No.

11 DR. MARY HARRINGTON: Okay. Is that
12 all right?

13 Rolling right along. We've taken
14 care of the upcoming program, because chances are that
15 might be the next meeting and the next meeting, too,
16 because we're not going to do many more of these two
17 hour meetings, so it might be the next meeting and the
18 next meeting, too. All right? We're ready.

19 MS. MIKI SCHNEIDER: Are you
20 skipping ADEM and EPA, Madam Chairman?

21 DR. MARY HARRINGTON: No, no, I'm
22 sorry. I'm ready for you because I called -- who is
23 going first?

1 MR. PHILIP STROUD: I'll go first.
2 I'm not going to have a hand-out, but I can tell you
3 that we have been extraordinarily busy with comments
4 and resolving comments back from the Army with the
5 Alpha area tract two and tract three area, M-101, M-3.
6 And it's been -- that's been real consuming this last
7 month.

8 We have been to several meetings,
9 including we had a tier one, tier two, tier three
10 meeting a week or two ago. And then we've -- we have
11 some more people coming in to help me out. Brandi
12 Little here tonight, and we have a guy named Mark
13 Harrison, he's not here tonight. We do have some more
14 support from the groundwater at ADEM.

15 We're trying to do our part. And
16 I've been working with them real hard. They're
17 getting up to speed. It's a real joy to work with
18 them so far, and they've been real responsive. And
19 I'm going to be bringing them here and work with them.

20 They'll be going to the feild with
21 us on a regular basis. And they're working on several
22 reports right now. And next time we come around,
23 you'll get to see quite a few reports that we're going

1 to be able to write off.

2 Now, tomorrow, we're going to be
3 going on a site visit, 247-Q. I have a
4 recommendation, if any -- you know, I'm not inviting a
5 whole crowd, but I would like somebody maybe from the
6 RAB, if they would like to come along with us. I have
7 Spencer and John going with me tomorrow. And we're
8 going to have -- of course, I'm not sure who from
9 Foster Wheeler, but it ought to be a pretty good field
10 trip tomorrow.

11 DR. BARRY COX: What is this site?

12 MR. PHILIP STROUD: 247-Q?

13 MS. SUZANNE MURDOCK: That little
14 pink area down there.

15 MR. RON LEVY: Can you point to it,
16 Todd?

17 MR. COPELAND: Southern part of the
18 bypass, it's right there on the map.

19 MR. ART HOLCOMB: It's right there.

20 DR. BARRY COX: So, what's the
21 interest in that?

22 MR. PHILIP STROUD: We're posing
23 some questions back to the Army on these simulator

1 atomic bombs, and these were devices that were
2 detonated at one time during training to simulate an
3 atomic bomb. I don't know all the details of how far
4 they were from this thing and -- I think it's just
5 kind of to watch what weather patterns do and how this
6 thing blows up and that -- what I've read on it.

7 And we're going to look over the
8 hill and we're -- some of our questions are -- some of
9 the things that I have physically seen there, myself,
10 that are above and beyond the atomic bomb simulators,
11 and then try to get a handle on the amount of scrap up
12 there and maybe pose the question after -- do we need
13 to look at it further.

14 So, you know, these things had a lot
15 of components to it and when they blew up, is there
16 anything remaining after that. We don't know these
17 questions, so -- but we're asking good, hard
18 questions. The Army has been real responsive so far.
19 We're going to go back to the feild and look at this
20 tomorrow.

21 MAYOR WILLIAM KIMBROUGH: Is this
22 the same area that's around the museum that there's
23 some radioactive materials?

1 MR. ART HOLCOMB: No.

2 MS. MIKI SCHNEIDER: No.

3 MAYOR WILLIAM KIMBROUGH: But they
4 have found something that is radioactive around the
5 museum, correct?

6 MS. SUZANNE MURDOCK: These atomic
7 simulators have no -- no radioactive materials, at
8 all.

9 MAYOR WILLIAM KIMBROUGH: No, I'm
10 not asking that. I'm asking is -- I understand there
11 is an area where why there is some question about some
12 radioactive material.

13 MR. GLYNN RYAN: Yes, and I believe
14 that's --

15 MR. RON LEVY: It's being handled on
16 the FUDs program.

17 MR. GLYNN RYAN: I don't think the
18 Corps -- -

19 MR. JIM GRASSIANO: That's
20 Lagarde Park, right?

21 MR. GLYNN RYAN: Yeah, it's outside
22 the park.

23 MAYOR WILLIAM KIMBROUGH: Outside

1 the --

2 UNIDENTIFIED MALE: Former Fort
3 area.

4 MAYOR WILLIAM KIMBROUGH: Okay.

5 DR. MARY HARRINGTON: It's near
6 Lagarde.

7 MR. RON LEVY: Yeah, we won't ask
8 Cheryl to -- Cheryl has been out there eating the soil
9 to see if there is an effect.

10 MR. PHILIP STROUD: That's it in a
11 nutshell.

12 DR. MARY HARRINGTON: Now,
13 Mr. Doyle.

14 MR. DOYLE BRITTAIN: You have a copy
15 of my report, which I request be attached to the
16 minutes, incorporated by reference.

17 DR. BARRY COX: You talking about
18 the verbatim transcripts now?

19 MR. DOYLE BRITTAIN: Yes.

20 MR. GLYNN RYAN: They will be in the
21 transcript, whatever you say, Doyle.

22 MR. DOYLE BRITTAIN: As you can see,
23 there is seven reports that we reviewed this last

1 month. And these reports are becoming more complex as
2 we move through the process of doing the environmental
3 investigation out here. So, we're slowing down, not
4 moving as many through the process as we did at one
5 time.

6 But as you can see at the bottom of
7 page there, we have been busy, attending a lot of
8 meetings, also. And I think Philip mentioned the item
9 six there, which is where we had our managers all get
10 together and talk about some of the problems that
11 we're trying to work through.

12 And I will be going on the site tour
13 tomorrow, site 247-Q, so -- and to the meeting
14 tomorrow night. That's all I got.

15 MAYOR WILLIAM KIMBROUGH: I hate to
16 drag this on, but item number seven on here is the
17 sink holes on Pelham Range. Have we been -- are we
18 oversight for Pelham Range or is that through the
19 National Guard?

20 MR. RON LEVY: No, you get to hear
21 about those projects, too, if you want. I mean,
22 they're part of this RAB. It's all part of the
23 restoration effort. Those documents are also

1 available for anybody who wants to see them.

2 DR. MARY HARRINGTON: Okay.

3 Ms. Miki, finally got you.

4 MS. MIKI SCHNEIDER: Thank you,
5 ma'am. The JPA has been very busy working with the
6 Army on the early transfer process. We've had -- our
7 consultants have been in town this week and will be in
8 next week. We're having a meeting with the Army to
9 discuss the landfill EE/CAs and the comments.

10 We are still shooting for a
11 September, end of September transfer, and to have the
12 draft of the ESCA through in June.

13 We spent a lot of time in the last
14 month, working on the reuse issue that's been brought
15 up tonight here numerous times. And we're trying to
16 work through that. And are looking forward to moving
17 along towards the early transfer.

18 I would like to thank Philip and
19 whoever has organized this tour for tomorrow. This is
20 a particular site that we have had concerns about, not
21 because of the simulator work that took place there,
22 we feel comfortable with what's been said from the
23 Army there, but there is a lot of -- the barrel

1 site --

2 MR. RON LEVY: Strap metal.

3 MS. MIKI SCHNEIDER: There's a lot
4 of scrap metal on this site, and this site is --
5 downgradient from this site is an existing residential
6 neighborhood. And we just have some concerns from the
7 community standpoint about the impacts of children or
8 adults walking up in that area and coming in contact
9 with this.

10 So, I'm glad to hear y'all are
11 taking that site visit tomorrow.

12 DR. MARY HARRINGTON: Okay. All
13 right, I think maybe you told us, you have not
14 reviewed those?

15 MR. RON GRANT: I am -- you know, I
16 guess, I'm not sure where you are on the agenda.

17 DR. MARY HARRINGTON: Okay. I know
18 he asked that, but I see for TRC --

19 MR. RON GRANT: I can make some
20 remarks on a report that I sent in to Ron. It's on
21 the Army's response to ADEM's comments on the M-101,
22 M-3 property.

23 MR. RON LEVY: Do you want to --

1 DR. MARY HARRINGTON: Pete, you guys
2 from TRC, do y'all have anything that you want to
3 report?

4 MR. PETE CONROY: We probably need
5 to sit and over the next couple of days work on
6 something, but not right now.

7 MR. RON LEVY: Ron -- what's in the
8 package that's been handed out is Ron has gone back
9 and looked at the comments and our response to
10 comments to ADEM's letter. And he's reviewed that
11 letter. And I believe as part of that, you've also
12 looked at the document, too, Ron, the M-101
13 document --

14 MR. RON GRANT: Yeah.

15 MR. RON LEVY: -- you've also looked
16 at that, too? And he's reviewed the Army's responses,
17 so in your package there is copy of ADEM's comments
18 and where he's tried to break down the Army's response
19 to you to make you understand what was said. That's
20 what is available for your review.

21 He could either do that or you can
22 spend some time looking at it or getting together as
23 part of the TRC and discussing it or whatever you all

1 want.

2 MS. MIKI SCHNEIDER: What does his
3 look like?

4 MR. RON GRANT: The heading on it
5 starts off with the word, "reference."

6 DR. MARY HARRINGTON: Reference.
7 This is what it looks like, Pete. It looks like this.
8 (Demonstrating.)

9 MR. DOYLE BRITTAIN: I did not get a
10 copy of that. Could I get a copy?

11 MS. MIKI SCHNEIDER: I don't have a
12 copy, either.

13 MR. RON LEVY: Brenda, did --

14 MS. BRENDA CUNNINGHAM: I just put
15 it in the RAB members' packets. I didn't put it in
16 everybody's.

17 DR. MARY HARRINGTON: Pete, it looks
18 like this. (Demonstrating.)

19 MR. CONROY: Still looking.

20 MAYOR WILLIAM KIMBROUGH: Could
21 sometime we put on the agenda discussion of major
22 issues out on Pelham Range and Choccolocco --

23 MR. RON GRANT: Let me just point

1 out there is one typo in this.

2 DR. MARY HARRINGTON: She's ready.

3 MR. RON GRANT: There is one typo on
4 the third page, under the first complete paragraph on
5 the page where it says, "Army response," and the
6 paragraph starts off, "terms have been used". The
7 last sentence in that paragraph starts off
8 "interpretation that a" -- and you insert the word
9 practice, because that word is really a quote, anyway.
10 I left out the word, "practice."

11 MR. PETE CONROY: Page three?

12 MR. RON GRANT: Third page, first
13 full paragraph, like I say, the last sentence, it
14 starts "interpretation that a" -- instead of saying
15 mortar range, it should say practice mortar range.

16 DR. MARY HARRINGTON: Okay. Mayor,
17 you had a comment you were making.

18 MAYOR WILLIAM KIMBROUGH: I just
19 asked if we could -- I can't recollect, and I don't
20 recollect a lots of things -- but if we could discuss
21 some time major issues on Pelham Range. And I don't
22 remember ever discussing Choccolocco, but we might
23 have. But if there are any issues on Choccolocco,

1 what are those issues and on the agenda some time. We
2 probably won't next meeting, but --

3 MR. GLYNN RYAN: Okay. We'll figure
4 out when we can get it on the agenda.

5 DR. MARY HARRINGTON: Okay.

6 MR. DOYLE BRITTAIN: I have a
7 question about the way this is laid out. You have the
8 ADEM comment, general comment number whatever, and
9 then the Army response. Is this Army response from
10 the Army, Foster Wheeler, or Ron Grant?

11 MR. RON LEVY: Those are Army
12 responses. Army responses aren't Foster Wheeler's,
13 Army responses --

14 DR. BARRY COX: Where is Ron's --

15 MR. GLYNN RYAN: Yeah --

16 DR. BARRY COX: Yeah -- we're in --
17 I guess --

18 MR. GLYNN RYAN: I guess Ron was
19 directed by the RAB at the last meeting to review the
20 documents we handed out, which was these comments from
21 ADEM and the response; is that correct, Ron? I mean,
22 that's --

23 MR. RON GRANT: Right. Three

1 documents, I was told to go ahead and review the Alpha
2 area EE/CA, the -- a letter regarding the suitability
3 of -- finding of suitability to transfer, and that's
4 the letter dated February the 6th, 2003, and then the
5 one that we've been talking about here on the M-101
6 M3 property.

7 DR. BARRY COX: Ron, I guess the
8 question -- we've got the Army response, we've got
9 ADEM's comments. Do we have your comments on here or
10 where?

11 MR. RON GRANT: Well, no.

12 DR. BARRY COX: Which one is which,
13 I guess?

14 MR. RON GRANT: You don't have my
15 comment. You have my attempt to simplify the ADEM
16 comment and the Army response.

17 MAYOR WILLIAM KIMBROUGH: Is that
18 usually the last paragraph?

19 MR. RON GRANT: Say that again.

20 MAYOR WILLIAM KIMBROUGH: Is that
21 the last paragraph in the --

22 MR. RON GRANT: Well, you can't --
23 there is multiple comments by ADEM, so there is -- you

1 know, I tried to excerpt some things from ADEM's
2 comments, some of -- used some of my own language in
3 some places. But because this is so technical,
4 sometimes if you attempt to do that, you change the
5 meaning. So, I tried not to do too much of that.

6 And then the Army response, I do the
7 same sort of thing, I tried to simplify their response
8 or pick some key words out so that you don't have to
9 read through the entire document to get the gist of
10 what's going on.

11 MAYOR WILLIAM KIMBROUGH: Oh, okay.

12 MR. RON GRANT: But it took me
13 several hours to wade through all that.

14 DR. BARRY COX: Sure.

15 DR. MARY HARRINGTON: I bet.

16 Okay. All right, are we down to the
17 update of TAPP contract hours? And if I understand
18 this correct, there are four hundred and twenty-four
19 point seven five hours left.

20 MR. RON LEVY: Under this contract,
21 yes.

22 DR. MARY HARRINGTON: Okay. We've
23 already taken care of the upcoming program. The

1 action summary sheet. Y'all have to forgive me. I
2 had a little procedure today, and the pain is finally
3 coming back to me, if you notice the change in my
4 personality.

5 MR. GLYNN RYAN: No, ma'am.

6 DR. MARY HARRINGTON: So, forgive
7 me.

8 MR. RON LEVY: I'll try to go
9 through it quickly for you all. You should have
10 copies in your package of the action summary sheet.

11 The first one is landfill three
12 off-site groundwater monitoring. Without reading
13 through everything, where we're at now is we are in
14 the process of putting additional wells in.

15 We talked about ten wells in the
16 northern portion of landfill three, those are
17 currently ongoing. And we've also got an ongoing well
18 survey, springs and -- wells and springs survey in the
19 northern extent, too. Actually, going door to door
20 for those folks who did not reply back to us on
21 whether they had a well or a spring. That's being
22 done by Shaw Engineering right now.

23 MR. RON GRANT: Can I ask, what is

1 that producing? Are you getting much results from
2 that?

3 MR. RON LEVY: Yeah. In fact we've
4 gotten quite a few responses where people have said
5 they actually have a private well, and folks have
6 identified springs on their properties.

7 We will use that data to look at
8 whether we want to sample any of that to determine --
9 to look at groundwater flow, to look at possible
10 impacts.

11 Getting into the OE investigations,
12 of course, we talked to you about Alpha tonight and
13 what's going on. You know there is a public meeting
14 tomorrow from 5:00 to 7:00.

15 And the Bravo area, we're working on
16 preparing a report for that. We're finished with the
17 field work. And we also talked to you about the Y
18 area -- Y area removal. I'll point those out on the
19 map over here so everybody knows what areas those are.

20 This area in orange here was
21 actually when it was -- this was all divided as a part
22 of the Bravo area. We pulled this out separately to
23 go in there and do a removal action to accommodate

1 developments of this roadway
2 here -- (demonstrating) -- for the JPA. This is a
3 rerouting of Summerall Gate Road. So, one of the
4 areas that would have impacted on that is this Y area.
5 So, that's been moved out to do a removal action.

6 We provided work plans to ADEM.
7 They're looking at those now. We do have approval
8 already on the explosive safety submission from the
9 ESB on that. And we're hoping to hit the field in the
10 month of April, but weather has slowed us down on
11 completion of the eastern bypass on this mechanical
12 removal, which is one of the last things that we do on
13 the additional acreage to the north.

14 So, that's impacting on it, but
15 we're still projecting to get to the field in April.

16 THE COURT REPORTER: Hang on, Ron.
17 Y'all ran me out of paper. Hold on just a second.

18 MR. RON LEVY: Go right ahead.
19 (Whereupon, there was a discussion off the record.)

20 MR. RON LEVY: Okay. Within the
21 Charlie area, there has been an EE/CA produced. It
22 has not gone to the regulatory agencies. It's in
23 draft, and it's being reviewed internally by the Army.

1 As we promised, when we present it
2 to the regulatory agencies, we'll also give it to the
3 RAB, as well. So, we'll open it up as a draft
4 document, as we said all the draft documents would go
5 out.

6 MR. PETE CONROY: When do you expect
7 that?

8 MR. RON LEVY: Actually, I'm not
9 sure. I'll have to go back and look at my schedules.
10 I want to say the month of April, but I'm not sure.
11 Towards the end, April, May time frame is what I'm
12 thinking. Pete, I don't want anybody to hold me to
13 that because I really need to look at my schedules.

14 MR. JOE DOYLE: Ron, why don't you
15 just send an E mail out of the actual date.

16 MR. RON LEVY: Certainly, we can do
17 that. You heard some discussion about the M-101. Ron
18 has done a review of our -- of our response back to
19 ADEM. ADEM, I know is still looking at that response.
20 So, we're in the process of working through comments
21 and resolution with ADEM on the M-101 piece.

22 And I just mentioned to you about
23 the eastern bypass.

1 Landfill EE/CA investigation, about
2 the comments, Philip mentioned this as the last tier
3 two, three -- where we had a tier two, three meeting
4 and the Army agreed to release the draft comments.
5 There is going to be a meeting between EPA, ADEM and
6 it's inclusive of the JPA and their contractor, to go
7 through and review those comments.

8 Part of our mission on those is to
9 try to find those sites that can carry through on the
10 EE/CA. And those that we can't agree to that will
11 move into an RI phase.

12 So, that's what the BCT with the JPA
13 are going to be looking at, and that's the 24th
14 through the 26th, next week, beginning of next week,
15 during AEA week.

16 There was a listing in there of our
17 status on FOSTs. We deed -- one for tract two eastern
18 bypass, that is still being responded to, going
19 through the comment response pro- -- I stand
20 corrected, that is being worked up through channels
21 right now. We've submitted that FOST up to -- through
22 the Army, and we provided to comments to ADEM on that.

23 Draft Super FOST 3, about sixty-four

1 acres where -- we've gotten comments from EPA on that
2 and we're still awaiting ADEM comments.

3 GSA warehouse area, the Army has
4 produced that, and we're trying to internally review
5 that. We have not sent that out to any of the
6 regulators, at this point.

7 And then the ECOP, Joe Doyle talked
8 to you about earlier and the status of that. There is
9 some discussion there about property transfers. I
10 won't go into that.

11 I will mention to you about the
12 train walk we're going to have tomorrow. We did
13 provide to ADEM discussion -- actually, we provided
14 them the actual documentation on the atomic simulator.
15 And I want to mention that an atomic simulator is a
16 pyrotechnic device. It's not a piece of ordnance. It
17 only had like point seven grams of black powder, as
18 far as explosive. There were other components to it.

19 MR. PHILIP STROUD: Point seven
20 pounds.

21 MR. RON LEVY: Excuse me. Point
22 seven pounds of black powder. And we'll go through
23 discussing that further with ADEM, which I'm sure --

1 and we'll walk the ground up there. Part of the
2 walking the ground up there is they wanted to see what
3 the Army saw.

4 This our position. We've done a
5 reconnaissance up there. There isn't any UXO items to
6 be found up there.

7 MR. PHILIP STROUD: This site is
8 affecting Super FOST 3.

9 MR. RON LEVY: It is in Super FOST
10 3. In fact, at this point, the Army is considering
11 removing these sites, sites such as this one, from the
12 document, putting it into the early transfer.

13 You can see there the folks that are
14 still on post from our contractor standpoint.

15 Safety is always an issue. If there
16 any specific comments about the work that's going on
17 at McClellan, I can answer them.

18 In your packet is a copy of the
19 documents and the tracking system. Those documents
20 are available to the RAB upon request. The
21 highlighted ones are -- the ones highlighted in yellow
22 are complete, in terms of our work with ADEM and EPA
23 on them. So, those are actually good news stories on

1 them.

2 DR. MARY HARRINGTON: Okay. Any
3 comments?

4 I think we've taken care of our
5 upcoming programs. Do we have any comments from the
6 audience?

7 Sam has asked that we be sure we
8 sign in if you're not on the board so that they will
9 have the correct spelling of your names of the persons
10 that attended.

11 As Chair, I want to apologize for
12 the length of this meeting, because sometimes we have
13 to do that, and I think it's been a worthwhile effort.

14 If there is nothing else for the
15 good or not for the good of the board, we are
16 adjourned.

17 (Whereupon, the meeting was adjourned.)

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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.

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IN WITNESS WHEREOF, I have hereunto
set my hand and affixed my seal at Anniston, Alabama,
on this the 23rd of March, 2003.

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

MY COMMISSION EXPIRES: 11-19-2005.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 4
ATLANTA FEDERAL CENTER
61 FORSYTH STREET
ATLANTA, GEORGIA 30303-8960

March 17, 2003

4WD-FFB

MEMORANDUM

FROM: Doyle T. Brit in
Senior Remedial Project Manager

TO: Fort McClellan Restoration Advisory Board

SUBJ: EPA Report; 02/10/03 - 03/17/03

REPORTS REVIEWED

- 1) Final Site-Specific Field Sampling Plan for the Small Arms Impact Area, South of the Former Prisoner of War Training Facility, Former Rifle/Machine Gun Ranges, Parcels 100Q and 1 O 1 Q
- 2) Draft Site Investigation Report Area North of Military Operations in Urban Terrain (MOUT) Site
- 3) Draft Environmental Condition of Property (ECOP); US Fish and Wildlife Service Mountain Long Leaf National Wildlife Refuge
- 4) Draft Remedial Investigation Site-Specific Field Sampling Plan, Site-Specific Safety and Health Plan, and Site-Specific Unexploded Ordnance Safety Plan, Former Large Caliber Weapons Range, Parcel 114Q-X
- 5) Draft Remedial Investigation Site-Specific Field Sampling Plan, Site-Specific Safety and Health Plan, and Site-Specific Unexploded Ordnance Safety Plan Impact Area for Range 30, Parcel 88Q and Former Rifle/Machine Gun Range, Parcel 103Q
- 6) Draft Focused Feasibility Study Former Chemical Laundry and Motor Pool Area 1500, Parcel 94(7)
- 7) Draft Site Investigation Report Sinkholes at Pelham Range

MEETINGS ATTENDED

- 1) Attended February RAB Meeting
- 2) Attended February Project Team Meeting
- 3) Toured firing ranges in Choccoloco Corridor with State Forestry personnel
- 4) Toured firing ranges in US Fish and Wildlife Service Mountain Long Leaf National Wildlife Refuge with US Fish and Wildlife personnel
- 5) Attended special Project Team Meeting to resolve ecological risk assessment issues
- 6) Attended special Project Team Meeting with Project Team's managers to resolve issues regarding the method of environmental investigation and cleanup of some complex sites, e.g., the landfills and fill areas, and the firing ranges